



THE J&K BOARD OF PROFESSIONAL ENTRANCE EXAMINATIONS(BOPEE)

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Subject:- **WP (c) No. 2664/2019 titled Tanya Khan Afridi Vs JKBOPEE & Ors – reg.**

Reference:- Interim Order dated 18-07-2019 of Hon'ble High Court at Jammu.

Office Order No. 147-BOPEE of 2019

Dated 19-07-2019

Whereas, J&K BOPEE vide Notice No. 60-BOPEE of 2019 dated 15-06-2019 invited applications from the candidates, who qualified NEET UG Examination, 2019 and intend to compete for HMQ/NRI/Management Quota seats under ASCOMS/IDS, Jammu, with the last date of submission of documents as 07-07-2019 upto 4.00 p.m; and

Whereas, the said Notice did not provide for receipt of applications/documents through post as the same had to be deposited in the Board Office at Jammu/Srinagar; and

Whereas, in response to the said Notice, 21 applications were received in the J&K BOPEE Office at Jammu as well as in Srinagar upto the cut off date; and

Whereas, a Committee was constituted on 02-07-2019 comprising Principal, ASCOMS, Ex-Controller of Examinations, JKBOPEE, Principal, GMC, Jammu and Secretary, JKBOPEE through video conferencing in Srinagar for scrutinizing the documents submitted by the candidates under NRI/HMQ and to determine their eligibility under rules; and

Whereas, the Committee submitted its recommendations on 09-07-2019 whereby some deficiencies were found in the applications submitted under said quota and accordingly vide Notice No. 67-BOPEE of 2019 dated 10-07-2019, the candidates were advised to clear the same by or before 17-07-2019 upto 2.00 p.m.; and

Whereas, the application of one of the candidates namely Tanya Khan Afridi under NRI Quota was received through post in the Board office at Srinagar on 11-07-2019 i.e. after the cut off date fixed by the Board for receiving the same when the Board had not asked for submitting the application through post, which was posted on 05-07-2019 from the post office situated at Railway Station, Jammu, which is hardly half a kilometer away from the Board Office at Jammu and the candidate could have easily deposited the same in the Board Office on the very same day; and

Whereas, on the same day i.e. 11-07-2019, her application was returned through post, vide communication No. BOPEE/Exam-NEET-UG/29(III)/2019/116-117 dated 11-07-2019 as being received after cut off date; and

Whereas, the candidate approached the Hon'ble Court of J&K at Jammu through medium of WP (c) No. 2664/2019 titled Tanya Khan Afridi Vs JKBOPEE & Ors praying therein for directing the respondents to treat her application form to have been submitted within time and for allowing her to participate in the counselling on 19-07-2019 under NRI Quota in ASCOMS, Jammu;

Whereas, the Hon'ble Court while considering the writ petition vide order dated 18-07-2019 directed as under:-

"In the meantime, subject to objections, the petitioner is permitted to appear in the counselling to be held on 19.7.2019 under Non Resident Indian (NRI) quota subject to eligibility and verification of the documents on her own risk and responsibility

Bagnet-1-Barzulla, Opposite J&K Bank, Srinagar-190005 (May - Oct.) & 4th Floor, South Block, Banu Plaza, Jammu-180012 (Nov. - April)

and shall remain outcome of the writ petition. Mere participation in the counseling shall not create any right or equity in favour of the petitioner.”

Whereas, in pursuance of the said direction of the Hon'ble Court, the petitioner was communicated through e-mail as well as on phone to submit the application along with requisite documents in the morning on the date of counselling i.e. 19-07-2019; and

Whereas, after conducting preliminary scrutiny of the application of the petitioner on 19-07-2019 by the counselling committee comprising officers of the Board, representatives of the Medical Colleges including the ASCOMS and other co-opted members, it was found to be deficient in some documents viz NRI certificate, pedigree sheet and employment certificate of sponsor and accordingly the petitioner was asked to clear the deficiency by 2.00 p.m. so that she may be considered in the ongoing counselling in compliance of the directions of the Hon'ble Court, along with other eligible candidates. However the candidate failed to produce most of the documents, the committee accordingly observed as under:-

- (i) The applicant has not furnished any proof of the sponsor being an NRI as is required under such situations.
- (ii) Sponsor does not possess even UAE passport or a certificate issued by the embassy of the country with regard to being NRI as has been submitted by all other competing candidates.
- (iii) Employment agreement with the employer is dated 18-11-2018, which even does not indicate the period of employment/contract. The agreement is not, therefore, valid as on date.
- (iv) Further this agreement is also not attested by the concerned embassy/legal authority of that country.

Whereas, despite giving an opportunity to the petitioner by the said committee to produce relevant documents, the petitioner produced only pedigree sheet and employment certificate of sponsor, which was also deficient.

Now therefore the claim of the petitioner has been considered with due deference to the interim order of the Hon'ble High Court of J&K dated 18-07-2019 and the petitioner has been found to be ineligible, as being deficient of requisite documents for being considered under NRI Quota in ASCOMS, Jammu. Hence, the claim of the petitioner stands rejected as being devoid of any merit.

By Order


Deputy Secretary (L)
JKBOPEE.

No. BOPEE/Exam/NEET-UG/29 (iii)/2019

Dated: 19-07-2019

Copy to the:-

1. Secretary, J&K BOPEE.
2. Deputy Secretary, Law, J&K BOPEE.
3. Under Secretary, J&K BOPEE, Jammu
4. Mr. F. A. Natnoo, Additional Advocate General, J&K High Court for information with the request to apprise the Hon'ble Court accordingly.
5. Miss Tanya Khan Afridi D/o Imran Khan R/o House No. 176, Mohalla Dalpatian, Jammu.
6. IT Section, for uploading the same on the website.