

**IN THE HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

(Through Video Conferencing)

EMG-WP(C) No. 20-A/2020
EMG-CM No. 06-A/2020

Dr. Showkat Ahmad Bhat

..... Petitioner(s)

Through: -

Mr M. Y. Bhat, Advocate (*On Video Conference from his residence*)

V/s

Union Territory of JK & Ors.

..... Respondent(s)

Through: -

Mr Shah Aamir, AAG (*On Voice Call from his residence*) with
Ms Sharaf Wani, Assisting Counsel (*On Voice Call from her residence*)

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge (*On Video Conference from Srinagar wing*)

ORDER

28.04.2020

01. While, Mr. M. Y. Bhat, learned counsel, appearing for the petitioner, has been provided the link and is on VidyoDesktop; Mr. Shah Aamir, learned Additional Advocate General, representing the respondents, is on Voice Call from his residence, assisted by Ms Sharaf Wani, learned Assisting Government counsel, on Voice Call from her residence.

02. The petitioner, a young doctor aspiring Post-Graduation studies, applied for and competed in the National Eligibility-cum-Entrance Test (NEET) for admission to Post-Graduate Course in the year 2019-20. The petitioner claims that on completion of the process of submission of documents, he was provisionally put in the merit list of NEET 2020 belonging

to the Union Territory of Jammu and Kashmir vide notification dated 10th of April, 2020 and was granted 4th rank having secured 887 points. It is stated that in between, the Jammu and Kashmir Board of Professional Entrance Examinations (BOPEE) issued public notice under No.19-BOPEE of 2020 dated 17th of April, 2020 to the effect that it had received representations from some NEET-2020 candidates complaining that some competing candidates were already undergoing Post-Graduation in difference colleges or had left the courses midway, and that they had sought disqualification of such candidates from the current process of selection for admission to various Post Graduate courses in accordance with SRO 48 of 2018 dated 30th of January, 2018. Accordingly, on the basis of the said representations, the BOPEE has declared the petitioner, alongwith others mentioned in the said notice, as ineligible for admission in PG courses. The petitioner challenges the said notice dated 17th of April, 2017 through the medium of the instant petition on the grounds detailed out in the petition.

03. Notice in the main petition as well as in the connected CM.

04. Notice waived by Mr Shah Aamir, learned Additional Advocate General, on behalf of the respondents. He shall file response/reply by Thursday, the 30th of April, 2020, with a copy in advance to the learned counsel for the petitioner through virtual mode.

05. List on Thursday, the 30th of April, 2020.

06. Meanwhile, the petitioner shall be provisionally allowed to compete in the process of counselling on his own risk and responsibility on the scheduled date and time, which, however, shall be subject to further orders from this

Court. In addition, the BOPEE shall also allow the counselling of the candidate who falls next to the petitioner in the order of merit, but shall not make any admissions until further orders from this Court.

07. Registry to send copy of this order to the learned appearing counsel for the parties through e-mail.

SD/-

(Ali Mohammad Magrey)
Judge

SRINAGAR

April 28th, 2020

"TAHIR"

