



Subject:- Admission to NEET UG, 2017.

Notification No. 087-BOPEE of 2017 Dated 06-08-2017

Whereas, vide Notification No. 083-BOPEE of 2017 dated 03-08-2017 provisional list of the candidates admitted to medical/dental courses in the State Colleges was notified; and

Whereas, candidates were given time up to 05-08-2017 6.00 p.m. to make representations, if they choose to do so to the position assigned to them/non inclusion in the list; and

Whereas, as consequence of the above, four representations were received with following:-

1. Mr. Adil Ahmad, NEET Roll No. 903307012 (NEET Score 405) stating that the sports ranking and not the NEET merit should be considered for selection/filing up of the seats under sports quota;
2. Ms. Bi-Bi Inabat, NEET Roll No. 903312305 and Bhavya Singh Chib NEET Rank 37566, State Rank 220 regarding Rule 17 of the Reservation Rules and resultant seats in the Open Merit/reserve category;
3. Mr. Farooq Ahmad Shah, NEET Roll No. 903307246, NEET Rank 34106, State Rank 193. Non inclusion in the admission list with higher score/rank/non consideration under P&B category;
4. Ms. Anchal Dogra, NEET Roll No. 80885102, NEET Rank 100175, State Rank 1085 has represented against some candidates, who according to her had not applied under sports category before the Board should not have been considered under sports category; and
5. Mr. Aabid Hussain Bhat, NEET Roll No. 903306197, State Rank 243, Category JKPM, stating that the seat matrix in respect of JKPM has not been reflected properly.

Whereas, these representations ad seriatim have been examined and considered by the Board and it has been observed as under:-

1. Sports rank is only for purposes of short listing the candidates and cannot be considered for allotment of seats/disciplines/colleges, which has to be purely on the basis of NEET score. This has been held by the Hon'ble High Court Division Bench in the case titled Karnav Mahajan in OWP No.537/2015 vide its order dated 07-11-2016 in somewhat similar case related to the PG course. Provision in the MCI Regulations for admission in the UG courses also prescribes the selection of candidate on the basis of merit obtained in the examination which in no case can be compromised.
2. Rule 17 of the Reservation Rules does not result in any seat or vacancy but only in the allotment of stream/college to a reserved category candidate falling in open merit on the basis of his/her merit and preference and the college/course left by the candidate is added to relevant reserved category quota. There is no increase or decrease in the overall intake capacity of the college which remains the same. This has been upheld by the Hon'ble Division Bench of the Jammu and Kashmir High Court in the case titled Ashok Sharma Vs State & Ors in its order dated 03-09-2015. Further, no Rule 17 has been applied to BDS candidates.
3. Allotment of the seats is based on merit of the candidates coupled with the order of preferences chosen by him/her during the online filling up of preference form. If a candidate with the highest merit opts for a dental college/stream as his first preference he will get so. Allocation of seats is done by the order of preferences shown in the online preference form copy of which is also available with the candidates. Therefore, a candidate who has not chosen a college of his/her preference or has shown the same in the lower order may not get that seat notwithstanding his merit. Further the candidates were given time to conduct mock exercise also to acquaint themselves with the filling up of online preference forms. Thus having opted for the preferences, the allotment has been made on the basis of merit and preferences alone.
4. Candidates under Sports category have to apply to the State Sports Council who determines their merit in the Sports category for being short listed. Para (4) of Notification No. 075-BOPEE of 2017 dated 19-07-2017 is reproduced as under:-

"4) The candidates under Sports, CDP, JKPM and P&B have been considered in accordance with the standards of eligibility for OM as already notified in the Information Brochure. Sports Merit/rank of the Sports candidates shall further be notified separately on the basis of the sports score as conveyed by the J&K Sports Council."

The Notification No. 076-BOPEE of 2017 dated 19-07-2017 clearly mentions that the sports rank of the candidates will be notified separately. This has been done by the Board vide subsequent Notification No. 077-BOPEE of 2017 dated 19-07-2017 wherein the sports rank as provided by the State Sports Council has been notified for information and candidates were also asked to make representation, if any. Mentioning in the application form under sports category does not carry any meaning under this category as that has not any authentication and cannot be considered unless the sports merit is provided by the State Sport Council. The list has been notified strictly in accordance with the rules and candidates against whom representation has been made have been rightly and duly considered in accordance with rules.

5. The seat matrix is in accordance with laid down procedures and there is no increase or decrease in the total intake capacity of the colleges under the category. However, fractions have been clubbed and seats allotted accordingly amongst the three medical colleges under JKPM category.

Now, therefore, having examined and considered the representations received in pursuance of Notification dated 03-08-2017 the same have been found without any merit whatsoever. The admission list notified vide Notification No. 083-BOPEE of 2017 dated 03-08-2017, therefore, shall and shall be deemed to be final.

DIP/J-1155-P/17
Dt: 7-8-2017

Sd/-
Controller of Examinations
J&K BOPEE