
(2010) 07 JH CK 0085
In the Jharkhand High Court

Akshay Sidharth

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 16-07-2010

Acts Referred:

Citation : (2010) 4 JLJR 243

Hon'ble Judges : Ramesh Kumar Merathia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ramesh Kumar Merathia, J.—Mr. Baban Lal, learned senior Counsel, appearing for the petitioner submitted that by the impugned order dated 8.12.2009, petitioner's name has wrongly been struck off from the first year M.B.B.S. Course 2008-09 by Patliputra Medical College, Dhanbad. He submitted that petitioner was not at fault, if there was delay in his admission.

2. On the other hand, learned Counsel appearing for the respondents, supported the impugned order.

3. In my opinion, petitioner is not entitled to any relief for the following reasons.

4. In the case of Mridul Dhar (Minor) and Another Vs. Union of India (UOI) and Others, , it was observed as follows:

14. The academic session commences between 1st August and 31st August and the last date for joining MBBS/BDS courses is 30th August. However, students can be admitted against vacancies arising due to any reason by 30th September. The date 30th September is not for the normal admission but it is to give opportunity to grant admissions against stray vacancies. The adherence to the time schedule by every one is paramount for the timely grant of admissions, commencement of academic session and for closure of admissions after 30th September each year....

5. It has been held by the Supreme Court in several judgments including the

case of Mridul Dhar (supra) that the time schedule should be strictly followed by all concerned and non compliance would make them liable for requisite penal consequences.

6. Petitioner's nomination by Shree Shree Laxmi Narain Trust itself was made by letter dated 8th September, 2008 i.e. after the commencement of the academic session. Then the father of the petitioner filed a writ petition (WPC No. 5346 of 2009) after about 3 months and without making Medical Council of India as party respondent, which was a necessary party, and on concession of State Counsel, obtained a direction on the respondents therein to take decision in the matter of admission of petitioner on the basis of the said nomination. Then on the basis of opinion of Advocate General, petitioner's case was recommended on 3.2.2009 and ultimately he was admitted on 26.2.2009 i.e. after about 6 months of commencement of the academic session. Petitioner continued for about 10 months. When it came to the notice of the M.C.I. that the petitioner has been admitted against the orders and directions of Supreme Court, it directed Patliputra Medical College, Dhanbad to cancel his admission and accordingly it was cancelled on 8.12.2009, and petitioner discontinued the course.

It is also pertinent to note here that, it is stated in the counter affidavit filed on behalf of the State-respondents that due to non-availability of Caste Certificate, petitioner was treated as a general category student and the marks obtained by him was not as per eligibility criteria fixed by the Medical Council of India for general student and therefore he was not allowed admission on the basis of said nomination. But it appears that thereafter petitioner produced a backward class caste certificate and got his name nominated/recommended.

7. In the facts and circumstances of the case and the legal position noticed above, I find no merit in this writ petition, which is accordingly dismissed. However, no costs.