

(2004) 03 GAU CK 0031
In the Gauhati High Court
Case No : WP (C) No. 6313 of 2003

Amarjeet Kumar

APPELLANT

Vs

State of Assam and Others

RESPONDENT

Date of Decision : 30-03-2004

Acts Referred:

Citation : (2004) 3 GLR 605

Hon'ble Judges : P.G. Agarwal, J

Bench : Single Bench

Advocate : A.S. Choudhury, R. Majumdar, I. Hussain, A. Malique and R. Ali, for the Appellant; H. Ghani, for the Respondent

Final Decision : Dismissed

Judgement

P.G. Agarwal, J.—Heard Mr. A S Choudhury, learned senior counsel for the petitioner and Mr. Musahary, learned Govt. Advocate.

2. The petitioner before us Sri Amarjeet Kumar had participated in the selection test for admission into the MBBS course in the various medical colleges of Assam for the year 2002 - 2003. The name of the petitioner as claimed by him appeared at SI. No. 145 of the select list but the result was withheld and after enquiry the candidature of the petitioner was cancelled on the ground that he is not a permanent resident of Assam, as required.

3. The case of the petitioner is that petitioner's uncle is a permanent resident of and his father used to live with his brother at North Bongaigaon where the petitioner was born in the year 1979. The petitioner had his primary education up to class that Bongaigaon and thereafter he was shifted to Bihar where he completed his matriculation and higher secondary education. The petitioner was given permanent residential certificate for educational purpose by the Addl. Deputy Commissioner, Bongaigaon on 10.8.2001 and on the basis of the said permanent residential certificate the candidature of the petitioner was accepted.

4. The respondents have filed an affidavit-in-opposition wherein the broad facts

as alleged above are not in dispute. It is submitted that as some doubts arose regarding the PRC, the Deputy Commissioner was directed to hold fresh enquiry/ verification and thereafter report was received from the Deputy Commissioner, Bongaigaon Stating inter alia that neither the petitioner nor his father are permanent residents of the district of Bongaigaon and they are residents of Bihar only although petitioner's uncle is a permanent resident of the district of Bongaigaon. In view of the above the selection was cancelled and hence the present writ petition.

5. The mere fact that the petitioner was born in Assam in the year 1979 does not entitle him to be declared as a permanent resident of Assam. This is not a case of obtaining citizenship by birth. In this case, we find that the respondent authorities had taken required steps in accordance with the principles of natural justice and after making necessary verification and enquiry through the Deputy Commissioner, Bongaigaon cancelled the candidature of the petitioner and there is absolutely no illegality or infirmity in the above order. After reservation of certain seats for All India quotas, the balance seats are reserved for the permanent residents of Assam and there cannot be any dilution to that. The petitioner being a non-resident of Assam, could have applied under the All India quota on merit but he cannot be allowed to enter through back door by obtaining PRC on the ground of his uncle's residency.

6. In view of what has been stated above, there is no merit in this writ petition and it is accordingly dismissed.

No order as to costs.