
(2012) 07 JH CK 0104
In the Jharkhand High Court
Case No : Writ Petition (C) No. 3798 of 2006

Dr. Ashish Kumar

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-07-2012

Acts Referred:

Citation : (2012) 07 JH CK 0104

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Sujit Narayan Prasad, for the Appellant;

Judgement

Aparesh Kumar Singh

1. Heard learned counsel for the parties. This writ petition has been filed for direction upon the respondent to admit the petitioner in Post Graduate Course for Academic Sessions 2006-07 against the seats reserved for Other Backward Communities as petitioner was denied admission to the said course, although he had valid caste certificate issued by the authorities of Bokaro District on 30.03.1993 which perhaps respondent failed to recognize due to bifurcation of the erstwhile State of Bihar and creation of State of Jharkhand.

2. It is Submitted by learned counsel for the petitioner that the same issue arose in the case of Dr. Sanjay Kumar & Another Vs. The State of Jharkhand, through the Chief Secretary, Government of Jharkhand, Ranchi & Others being W.P.(C) No. 3242 of 2006, in which this Court held in following terms:-

Whether a person can be held disentitled for admission in the professional courses on the basis of domicile is no longer re Integra. It has been decided by the Apex Court and also by this Court in Madan Prakash & Ors. Vs. State of Jharkhand & Ors. [W.P.(C) No. 4290/06] by order dated 20.09.06. This court had occasion to deal with and decide the said issue holding that the admissions in the professional courses on the basis of domicile and caste certificates issued by the competent authority cannot be denied in the State of Jharkhand on the ground

that the person is a permanent resident of State of Bihar. It has been clearly observed that no rule or regulation or even administrative circular was produced which disentitles a person from taking admission in the professional courses on the strength of domicile and caste Based on the aforesaid certificates. In the instant case also the respondents could not bring on record any circular rule or relation to show that the petitioners are not entitled for their admissions in Post Graduate Medical Courses only on the ground that they have shown their permanent residence in the State of Bihar. I, therefore, find no valid ground for denial of the petitioners' recommendation for admission in the Post Graduate Medical Courses.

3. Based on the aforesaid findings, the respondents were directed to take admission of the said candidate in the concerned Post Graduate Course in the current academic session. It is submitted on behalf of the petitioner that though session has expired way back, but the petitioner may still have benefit of aforesaid judgment in another course in which he may be eligible to apply for and get selected for obtaining higher qualification in his stream of medical education.

4. Be that as it may, the judgment referred by the writ petitioner dated 11.05.2007 in which the benefit of judgment was given to the concerned candidate for admission in the year 2007-11 sessions. Admittedly, in this writ petition there is no interim order in favour of the petitioner. The course concerned related to the academic session 2006-07, which has long been expired. The petitioner has also completed another alternative course, which was offered to him and no effective order or direction can be passed at this state specially in relation to the relief sought for in the present writ petition keeping in view the decision of the Hon''ble Supreme Court in the case of M.C.D. Vs. Veena and Others, .

5. However, as the issue raised in this writ petition has been clearly answered by the judgment of this Court in the decision referred in the case of Dr. Sanjay Kumar & Another (Supra), it is needless to say that if the petitioner is entitled to the benefit of principle laid down in the aforesaid judgment and in case he is found eligible for any other higher course of medical education for which he applies and selected, the same may be given to him. With the aforesaid observations, this writ petition stands disposed of.