
(2012) 09 UK CK 0037

In the Uttarakhand High Court

Case No : Writ Petition No. (MS) 1381 of 2012

Dr. Divya Singh

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 27-09-2012

Acts Referred:

Citation : (2012) 09 UK CK 0037

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : J.P. Joshi, for the Appellant; Paresh Tripathi, Additional Chief Standing Counsel for the State of Uttarakhand, Mr. Parikshit Saini, Advocate for Respondent No. 3, Mr. Rajendra Dobhal assisted by Mr. G.D. Joshi, Advocate for Respondent No. 5 and Mr. V.K. Kohli assisted by Ms. Vandana Singh, Advocate for Respondent Nos. 6 and 7, for the Respondent

Judgement

Hon"ble Sudhanshu Dhulia, J.—Separate counter affidavits filed on behalf of respondent Nos. 1, 2 and 4 are taken on record. The matter pertains to admission of petitioner in M.D. (Pathology) course. The case of the petitioner is that out of two seats in Guru Ram Rai Medical College, Dehradun, 50 % quota i.e. one seat had to be filled by the State quota and one seat had to be filled by the Management quota. All the same, the management has exceeded its quota and filled both the seats from management quota. Consequently, when the petitioner who was to be admitted on State quota vide letter dated 26.6.2012 went to join the institute, she was not given admission. The petitioner though is presently doing MD (Pathology) course, as provisional admission has been granted to her, by orders of this Court.

2. What emerges from the arguments of the contesting counsels before this Court prima facie is that the respondent college has exceeded its quota which was "one" and has filled all the "two" seats through management quota. All the same, what is not clear is as to under what circumstances the petitioner was given admission vide letter dated 26.6.2012. The following aspects are not clear :

Both the seats i.e. of State quota or Management quota were to be filled by selection through separate examination - (a) conducted by the State and (b) conducted by the management. The State has held its own examination, however, it is not clear that when the examination was held and whether candidates who were above the petitioner in rank (the petitioner was at 58th rank) were also considered and as to under what circumstances the petitioner has been granted this admission and more particularly why the State has delayed the matter.

3. The State counsel Mr. Paresh Tripathi submits that as there was no such contention in the writ petition, the reply in the counter affidavit which has been filed by the State was limited to the averments made in the writ petition.

4. Be that as it may, since it is a student matter and has an urgency, purely in the interest of justice, it is hereby directed that the Director General, Medical Health and Family Welfare, Uttarakhand, Dehradun shall be present in person in this Court on the next date of listing which is 4.10.2012, with the entire records of the case. Preferably a synopsis in the form of affidavit shall also be filed on the above query in order to facilitate the proceedings. List this matter on 4.10.2012 in the daily cause list.