

(2012) 09 UK CK 0033

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1381 of 2012

Dr. Divya Singh

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 20-09-2012

Acts Referred:

Citation : (2012) 09 UK CK 0033

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/respondent Nos. 1 and 2, Mr. Parikshit Saini, Advocate, for respondent No. 3, Mr. Rajendra Dobhal assisted by Mr. G.D. Joshi, Advocate and Mr. V.K. Kohli assisted by Ms. Vandana Singh, Advocate, for the Respondent

Judgement

Hon'ble Sudhanshu Dhulia, J.—Present writ petition pertains to the students of MD/MS (Pathology) who have taken admission in Guru Ram Rai Medical College, Dehradun (respondent no. 5) under the management quota. All the same, the private college (respondent no. 5) which has two seats for M.D. Pathology has given admission to respondent nos. 6 and 7 under the management quota, and the conflict between the petitioner and respondent nos. 6 and 7. According to the petitioner since out of two seats, 50 per cent has to be filled by the State and 50 per cent has to be filled by the private college through its management quota. As such, only one seat of MD/MS (Pathology) had to be filled by the private college, but it has given admission to respondent nos. 6 and 7 on both seats under the management quota.

2. The main contention of the petitioner is that the State is authorized to fulfill the 50 per cent seats in the private college or 50 per cent seats of the MD/MS in that particular discipline. In other words, there are seven disciplines in M.D. with 2 seats in each discipline in which the approval was granted by respondent no. 3. Therefore there are a total number of 14 seats for M.D. The contention of the

petitioner is that the 50% would be of the total i.e. 50% of 14 which would be 7 seats.

3. No counter affidavit has been filed by respondent no. 3. However, since it is a student matter as a last opportunity, one week's and no more time is granted to respondent no. 3 to file its counter affidavit, inter alia, explaining the above conflict. Respondent no. 3 must explain as to whether 50% of division between State and management is 50% of the total seats i.e. 14 in the present case or 50% of each discipline. It is made clear that in case the counter affidavit is not filed by respondent no. 3 or no explanation is coming forward from its counsel Mr. Parikshit Saini, regarding the above query, the Secretary, Medical Council of India, New Delhi shall appear in person with entire records, on the next date of hearing.

4. Petitioner is also permitted to implead Secretary, Medical Education, State of Uttarakhand as respondent no. 8 during the course of the day.

5. Mr. Paresh Tripathi has taken notice on behalf of respondent no. 8 who shall get instructions in the matter to the above query.

6. State shall also file its counter affidavit in the meantime.

7. List this matter on 27.9.2012 in the daily cause list. Certified copy of this order be issued today itself on payment of usual charges.