

(1995) 11 KAR CK 0018
In the Karnataka High Court
Case No : Writ Petition No. 25267 of 1995

Dr. P. Sashikala

APPELLANT

Vs

Director, Medical Education

RESPONDENT

Date of Decision : 16-11-1995

Acts Referred:

Karnataka Medical College and Dental Colleges (Selection and Admission to P.G. Course) Rules, 1987 — Rule 7, 9 (3)

Citation : (1995) ILR (Kar) 3571 : (1996) 2 KarLJ 140

Hon'ble Judges : G.C. Bharuka, J

Bench : Single Bench

Advocate : S.R. Raviprakash, for the Appellant; A.V. Srinivasa Reddy, A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

Bharuka, J.—The petitioner is presently studying in Post-Graduate Medical Course i.e., M.S. Ophthalmology at Karnataka Medical College (KMC), Hubli. She was admitted to the said course in K.M.C. on 29.6.1994 pursuant to an Entrance Test held in accordance with the Statutory Rules in that regard. Her prayer in the present Writ Petition is that since a seat in the said course has now fallen vacant in Bangalore Medical College at Bangalore, the respondents be directed to concede to the prayer of the petitioner for her transfer from K.M.C. Hubli to B.M.C. Bangalore.

2. Learned Counsel appearing for the petitioner in support of the prayer has relied on the Proviso to Rule 9(3) of the Karnataka Medical Colleges and Dental Colleges (Selection for Admission to Post-Graduate Courses) Rules, 1987 which reads as under:

"9(3) No request for change of course or college shall be entertained by the selection committee after the publication of the merit lists and modified lists prepared under Rule 7. Provided that the Chairman of Selection Committee, in exceptional cases, on the ground of hardship, may before the last date specified

by the Universities, allow change of college on mutual basis on a joint representation made by the concerned candidates."

3. Therefore, the conditions precedent for exercising the power to permit change of College are (i) that it can be given effect only before the last date specified by the Universities and (ii) on mutual basis on a joint representation made by two candidates.

4. In the present case, admittedly, the last date as specified by the University has lapsed long back and admittedly, there is no application for mutual change. Therefore, the said Proviso is of no avail to the petitioner. It has been conceded both by the learned Counsel for the petitioner as also Mr. Reddy, learned Additional Government Advocate, appearing for the respondents that except the said Rule, there is no other statutory provision under which the respondents can direct transfer of students from one College to another or from one University to another. In that view of the matter no relief, as claimed by the petitioner, can be granted.

5. Writ Petition is accordingly dismissed.