
(2007) 05 JH CK 0023
In the Jharkhand High Court

Dr. Sanjay Kumar and Another

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-05-2007

Acts Referred:

Citation : (2008) 1 JCR 115

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Final Decision : Allowed

Judgement

N.N. Tiwari, J.—In this writ petition the petitioners have prayed for a direction on the respondents to admit them in Post Graduate Medical Courses in the Session 2006-07 for which they have been declared successful in the written examination and also have been finally selected and were called for counseling. According to the petitioners, they are by caste pasi and are the members of the Scheduled Castes. The petitioners are thus eligible and entitled to be admitted in Post Graduate Medical Courses in Rajendra Institute of Medical Science, Ranchi in the quota of the Scheduled Castes which the respondents are arbitrarily and illegally denying by not recommending their names for the same.

2. Counter affidavit has been filed on behalf of the respondents No. 4 stating, inter alia, that the petitioners are not eligible for recommendation for admission in the Post Graduate Medical Courses as they are the permanent residents of Bihar and they have not produced the required certificates to show that they are the local residents which was one of the criteria for the said admissions.

3. Mr. Y.V. Giri, learned Sr. counsel appearing on behalf of the petitioners, submitted that the stand taken for denial of the petitioners' admission is wholly illegal and arbitrary. The petitioners have produced their caste certificates issued by the authorities of the then undivided State of Bihar as also issued by the authorities of the Jharkhand. The genuineness of the said certificates has not been disputed by the respondents. Learned Counsel submitted that the

respondents cannot deny the petitioners admission in the Post Graduate Medical Courses only on the ground that the petitioners are the permanent residents of Bihar.

4. Mr. Saurav Arun, learned Counsel appearing on behalf of the respondent No. 4, on the other hand, submitted that though there is no denial that the petitioners possessed the caste certificates, but admittedly they are the permanent residents of the State of Bihar and that they are not entitled for admission in Rajendra Institute of Medical Science, Ranchi which is in the State of Jharkhand. Learned Counsel submitted that the petitioners have shown their correspondence addresses in the State of Jharkhand which is not sufficient for giving them the benefit of the reservation quota.

5. Whether a person can be held disentitled for admissions in the professional courses on the basis of domicile is no longer *res integra*. It has been decided by the Apex Court and also by this Court in *Madan Prakash and Ors. v. State of Jharkhand and Ors.* WP(C) No. 4290/06 by order dated 20.9.2006. 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 certificates. In the instant case also the respondents could not bring on record any circular, rule or regulation 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.

6. I therefore, find no valid ground for denial of the petitioners' recommendation for admission in the Post Graduate Medical Courses.

7. Considering the above, this writ petition is allowed. The concerned respondent is directed to recommend the names of the petitioners, if they have been finally selected in the written examination and otherwise found eligible. On such recommendation, the respondent No. 3 shall take admission of the petitioners in the concerned Post Graduate Courses in the current academic session. The said respondents shall take decision without any delay so that the petitioners may be able to take their admissions and attend the classes. All the process must be completed within a period of three weeks from the date of receipt/production of copy of the order.