

(1980) 06 KAR CK 0016
In the Karnataka High Court
Case No : WP 13453/79

H. Seshadri

APPELLANT

Vs

State of Karnataka Ors.

RESPONDENT

Date of Decision : 02-06-1980

Acts Referred:

Karnataka Medical Colleges Selection for Post Graduate Rules, 1979 — Rule 4

Citation : (1980) 2 KarLJ 463

Hon'ble Judges : M. P. Chandrakantharaj Urs, J

Judgement

1. This petition is filed under Art. 226 of the Constitution by the petitioner having no other alternative remedy praying for a declaration that notification No. PGS 25/79-80 issued by the 2nd respondent-Selection Committee constituted under Rule 6 of the Karnataka Medical Colleges Selection for Post Graduate Rules, 1979, (hereinafter referred to as the Rules) is illegal and for further declaration that the petitioner is eligible for selection to Post Graduate Degree Course in M.S. (General Surgery) and consequently for a mandamus to the 2nd respondent-Selection Committee to select and admit him to the said course in General Surgery.

2. The petitioner has contended that in spite of his good performance at the interview, the Selection Committee has not awarded any marks to him in so far as the knowledge in the subject is concerned on account of the mala fides of the Chairman of the 3rd respondent-Selection Committee and therefore the selection of respondents 4, 5 and 6 is not in accordance with the Rules, as the petitioner would have scored higher marks had the Selection Committee awarded him some marks for the knowledge in the subject at the time of the interview. He has further contended that the selection of the respondents and failure to select him is in violation of Rule 4 of the Rules,

3. The Chairman of the Selection Committee is the 3rd respondent in this writ petition. He has denied the allegations made that he was actuated by any mala fides against the petitioner in awarding the marks The Court in numerous other

writ petitions as well as in this writ petition has had occasion to have a thorough look at the records maintained at the interview and the marks awarded at that time. It is seen therefrom that the petitioner is not the only one who has been given nil marks for the knowledge in the subject. In fact, the majority of the applicants for the course have been treated in the same manner as the petitioner in so far as the award of marks for the knowledge in the subject is concerned irrespective of the speciality or the faculty chosen by them for prosecuting their Post Graduate Studies. In the light of the denial of mala fides by the Chairman on oath (affidavit filed) and having regard to the general pattern of marks awarded at the interview, there is no substance in the contentions urged in the writ petition that he has been singled out for hostile treatment and discriminated violating his fundamental rights under Art. 14 of the Constitution.

4. The next contention is that the petitioner being a teacher should have been separately considered in the category specially reserved for them under Rule 4 of the Rules. Rule 4 of the Rules, as amended, provides for reservation of 25 percent of the seats reserved for teachers, out of 25 per cent reserved for in-service candidates from the total available seats for the Post Graduate Degree or Diploma Course. Shri G.R. Nataraj, learned High Court Government Pleader, has pointed out from the records that the total number of teachers selected for the Post Graduate Degree or Diploma Course is ten plus while the total number of seats available for the course was 163. Therefore, he, has pointed out that having regard to the language of Rule 4 of the Rules after deducting 4 seats to be specially reserved for extra meritorious candidates in selected group out of the 25 per cent reserved for Government service quota, the remaining seats are required to be divided by four to arrive at the reservation of 25 percent for the teaching cadre. If that is worked out, out of 36 seats available for the in-service candidates or applicants, 9 would be the quota which would be reserved under Rule 4 of the Rules for teaching cadre. As 10 have been selected in that quota and the two persons chosen for general surgery having secured higher marks than the petitioner, the petitioner could not make a grievance that his claim under that specially reserved category has been over-looked. Therefore, the petitioner has not made out a case for interference by this Court. Hence, the writ petition is rejected and the rule issued earlier, is discharged. There will be no order as to costs.