
(2015) 07 TP CK 0030
In the Tripura High Court
Case No : WP(C) 248 of 2015

Karnajit Debroy

APPELLANT

Vs

The State of Tripura and Others

RESPONDENT

Date of Decision : 07-07-2015

Acts Referred:

Citation : (2016) AIR (Tripura) 12

Hon'ble Judges : Deepak Gupta, C.J.; S.C. Das, J

Bench : Division Bench

Advocate : A.K. Bhowmik, Senior Advocate and A. Banik, for the Appellant; S. Chakraborty, Addl. G.A., Advocates for the Respondent

Final Decision : Dismissed

Judgement

Deepak Gupta, C.J.

1. This writ petition has been filed by Dr. Karnajit Deb Roy praying that he may be granted PG seat in Ophthalmology.

2. Briefly stated, the facts are that the Government of Tripura, Directorate of Medical Education issued an advertisement on 27th December, 2014 inviting applications for 12 seats in various post graduate courses as under:

There are two categories under which the posts are filled up. Open category and sponsored category. Open category obviously means that any person who fulfills eligibility qualifications can apply whereas sponsored category refers to the in service candidates who are members of the Tripura Medical services. The in service candidates are called sponsored candidates.

3. The entrance examination for filling up the seats was held on 24th January, 2015. The petitioner and respondent No. 6 appeared as general category candidates in the sponsored category. The petitioner scored 63 marks and respondent No. 6, Dr. Siuli Das scored 55 marks. One Dr. Bidhan Bhowmik who belonged to the Scheduled Castes was meritorious on his own right since he had

obtained 71 marks. He opted for the seat in Ophthalmology which was meant for UR category. In the third counseling which took place on 4th June, 2015, Dr. Bidhan Bhowmik appeared but was not allotted a seat even though he was willing to give up his seat in Ophthalmology. Thereafter Dr. Bidhan Bhowmik filed a writ petition being WP(C) No. 208 of 2015 which was allowed by us. At that time, on behalf of the State of Tripura it was urged that we should pass an order in such a way that the seat of Ophthalmology does not lie vacant because that would harm the interest of the State. We had, therefore, passed the following directions.

"18. In this view of the matter we are of the considered view that the petitioner would be entitled to the seat in General Surgery under the scheduled caste category and the respondent No. 6 if he so chooses can take up the seat in Anesthesiology. As far as the seat in Ophthalmology is concerned that cannot be given to respondent No. 7 because that seat now has to go to a open category candidate from the sponsored category since the petitioner has exercised his right as a scheduled caste category candidate.

19. In this view of the matter, we further direct that after giving the petitioner a seat in General Surgery and in case respondent No. 6 takes a seat in Anesthesiology then the admission of respondent No. 7 shall be cancelled and the seat in Ophthalmology may be offered to the next candidate in merit in the unreserved sponsored category. This be done on or before 30th June, 2015 failing which the seat shall remain vacant. In case, respondent No. 6 does not accept the seat in Anesthesiology then respondent No. 7 may be offered that seat."

4. Now on behalf of the petitioner it is urged that since the petitioner is higher in merit, he must be offered the seat in Ophthalmology. We are unable to accept this contention. When we had passed the judgment in Dr. Bidhan Bhowmik's case, it was clearly with a view to ensure that the seat of Ophthalmology does not lie vacant and we had said that it will be offered to the next candidate in merit. We clearly meant the next candidate in the merit list and not in the order of merit. In case we permit this to go on, the counseling will never come to end.

5. Therefore, we find no merit in the writ petition and accordingly, the petition stands dismissed.