
(2012) 04 UK CK 0091

In the Uttarakhand High Court

Case No : Writ Petition No. 598 (M/S) of 2012

Km. Geetika and Another

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 04-04-2012

Acts Referred:

Citation : (2012) 04 UK CK 0091

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Advocate : Manoj Tewari, assisted by Mr. Alok Mehra, for the Appellant; N.P. Sah for Respondents 1 to 4, for the Respondent

Judgement

Hon'ble B.S. Verma, J.

(Stay Application No. 2939/2012)

1. Heard Mr. Manoj Tewari, Senior Advocate assisted by Mr. Alok Mehra, Advocate for petitioners and Mr. N.P. Sah, Standing Counsel on behalf of respondents 1 to 4. Learned counsel for the petitioners has contended that similar controversy is there in writ petition No. 257 (M/S) of 2011, Ms. Subhra Gupta Versus State of Uttarakhand and others, which is pending for disposal and in that writ petition this court has granted interim relief in favour of the petitioner wherein relief sought was to withdraw the condition debarring the students appearing in Uttarakhand Post Graduate Medical Entrance Examination, 2011, who have passed M.B.B.S. through self finance/management quota.

2. By a perusal of the averment made in the writ petition the controversy appears to be of similar nature. In this writ petition the petitioners have also sought a writ in the nature of mandamus to declare condition No. (1)(a) and (1)(b) of the admission notice for Uttarakhand Post Graduate Medical Entrance Examination-2012 as illegal and arbitrary and further it is prayed to issue a writ in the nature of mandamus directing the respondents to grant admission to the petitioners in Post Graduate Medical Courses as per their merit secured in

Uttarakhand Post Graduate Medical Entrance Examination-2012.

3. At the time of admission in the M.B.B.S. Course the eligibility criteria was that the students who have qualified the Combined Pre Medical Test conducted by the State of Uttarakhand or the State of U.P. or any other States. Since the petitioners have passed their M.B.B.S. Examination from the Government Medical College, the matter requires scrutiny whether such condition can be imposed against those students who have qualified the M.B.B.S. in the first year and thereafter passed the examination of M.B.B.S.
4. Having considered the submissions of learned counsel for the parties and after going through the papers on record, as an interim measure, it is directed that the petitioners, who were admitted in the Forest Hospital Trust Medical College on the basis of C.P.M.T. shall not be denied to appear in the counseling to be held on 9th April 2012 as has been stated in the writ petition, since the respondents have allowed them to appear in the entrance test of U.P.G.M.E.E.
5. The petitioners shall be allowed provisionally to appear in the counseling to be held on 9th April 2012, subject to the final decision of the writ petition.
6. The interim relief application stands disposed of.
7. Counter affidavit shall be filed by the respondents in four weeks. Thereafter two weeks time is granted to petitioner for filing the rejoinder affidavit.
8. List immediately after six weeks for admission/orders. Let certified copy of this order be supplied to counsel for parties today itself on payment of requisite fee.