
(2010) 06 KAR CK 0038
In the Karnataka High Court
Case No : Writ Petition No. 16867 of 2010

Kum. Bhjoomika N.

APPELLANT

Vs

Karnataka Examinations Authority

RESPONDENT

Date of Decision : 01-06-2010

Acts Referred:

Citation : (2010) 06 KAR CK 0038

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : L. Mahesh, for Panchajanya Associates, for the Appellant;

Final Decision : Dismissed

Judgement

Mohan Shantanagoudar, J.—Heard the learned Counsel for the petitioner and perused the records.

2. Grievance of the petitioner is that the ranking is not assigned to her baaed on merit in respect of medical, course in the Common Entrance Test-2010 conducted by the respondent.

3. The records reveal that the petitioner completed her PUC II Year examination in the year 2010 by getting 50 marks in Physics, 40 marks in Chemistry and 58 marks in Biology, which means she got 148 marks in Physics, Chemistry and Biology put together. RJC II year is the qualifying examination to join medical course. The candidates will haw to appear for Common Entrance Test for getting themselves admitted to medical, engineering and dental course. Therefore, the petitioner appeared for Common Entrance Test held in the year 2010. She got 17 marks out of 60 marks in Physics, 18 marks out of 60 marks in Chemistry and 23 marks out of 60 marks in Biology, Thus it is cleat that she got about 32% of marks in Common. Entrance Test-2010 for the purpose of medical seat. As the got less than 40% marks in Common Entrance Test, her ranking is not declared and consequently the petitioner could not be admitted to medical college. Hence, this writ petition is filed.

4. It is relevant to note that the Regulations of Medical Council of India prescribing the eligibility to medical course, which reads thus:

In case of admission on the basis of Competitive entrance examination under Clause (2) to (4) of this regulation, a candidate must have passed in the subjects of physics, Chemistry, Biology and English individually and must have obtained a minimum of 50% of marks taken together in Physics, Chemistry and Biology at the qualifying examination as mentioned in Clause (2) of Regulation 4 and in addition must have come in the merit list prepared as a result of such competitive entrance examination by securing not less than 50% marks in Physics, Chemistry and Biology competitive examination. In respect of candidates belonging to Schedule Caste, Schedule Tribes or other Backward class the marks obtained in Physics, Chemistry, and Biology taken together in qualifying examination and competitive entrance examination be 40% instead of 50% as stated above.

From the above, it is clear that the student coming under General Merit Category has to score minimum 50% of marks together in Physics,, Chemistry and Biology at the qualifying examination and they will have to score not less than 50% of marks in Physics, Chemistry and Biology in competitive examination also. In respect of the candidates belonging to scheduled caste, scheduled tribe or other backward classes, the marks obtained in Physics, Chemistry and Biology taken together in qualifying examination as well as in competitive examination, is 40% instead of 50%. Thus it is amply clear that the students belonging to scheduled caste, scheduled tribe or other backward class have to obtain 40% marks in competitive examination in respect of the said subjects.

5. Learned advocate appearing on behalf of the petitioner submits that aggregate percentage of marks obtained by a student belonging to reserved category in qualifying examination and in the competitive examination should be 40%. In other words, he submits that the petitioner who belongs to reserved Category is required to obtain only 40% of aggregate marks in the above Subjects in qualifying examination and the competitive examination. And that it is not necessary for the petitioner to obtain 40% of the marks in the concerned subjects in competitive examination.

The said submission cannot be accepted. If such a submission is accepted then the candidates belonging to scheduled caste, scheduled tribe or other backward classes who obtain 80% of the marks and above in qualifying examination, need not appear for Common Entrance Test at all, because the aggregate percentage of these two examinations obtained by the petitioner would be 40%, which is not the intention of the Medical Council of India, The intention appears to be that the candidate belonging to scheduled caste, scheduled tribe or other backward classes should at least obtain 40% of the marks in Common Entrance Test also. In this view of the matter, this Court declines to entertain the writ petition.

Writ petition is dismissed accordingly.