
(1993) 04 AHC CK 0076

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 14783 of 1993

Kumari Monica Dixit

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 27-04-1993

Acts Referred:

Uttar Pradesh State Universities Act, 1973 — Section 29

Citation : (1993) 3 AWC 1351

Hon'ble Judges : S.K. Mookerji, J

Bench : Single Bench

Advocate : Pankaj Mithal, for the Appellant; Daya Shanker, for the Respondent

Final Decision : Disposed Of

Judgement

S.K. Mookerji, J.—Heard learned Counsel for the Petitioner Sri Pankaj Mithal, learned Standing Counsel for Respondent no 1 and Dr. Daya Shanker for Respondent No. 2.

2. It appears that the Petitioner Km. Monica Dixit took her admission in M.B.B.S. course of J.S.S. Medical College, Mysore. Learned Counsel for the Petitioner has fairly conceded that the Petitioner did not take her admission in the aforesaid College at Mysore on the basis of any competition. He, however, stated that the said Medical College is duly recognised by the Medical Council of India. It is further stated that after passing her 1st professional M.B.B.S. examination, the result of which was declared on 16-3-93, she applied to the principal, G.S.V.M. Medical College, Kanpur to permit her to prosecute her further studies at Kanpur. It is also averred that the Petitioner also approached the Director, Medical and Health Education, U.P. but both of them expressed their inability in view of the government orders dated 31-12-86 and 25-8-91 which had placed a complete ban on transfer from one Medical College outside U.P. to another in IT. P. it is, however, asserted that both Principal and the Director, Medical & Health expressed that there should be some orders from Hon"ble High Court as has been done by some similarly placed students. The Petitioner has also made a

representation, a copy whereof is Annexure-5 to this writ petition. This representation is addressed to the Principal of the aforesaid College at Kanpur seeking transfer within 5% quota. By means of Supplementary affidavit the Petitioner has annexed a copy of latest government order dated April 13, 1993 which is Annexure to the supplementary affidavit, in supersession to all earlier existing orders in respect of transfer of students from one Medical College to other. This order is purported to have been issued u/s 29 of the U.P. State Universities Act, 1973 with a view to providing for policy and procedure to be followed in migration or transfer of students studying in M.B.B.S. Course to and from the Government Medical Colleges and the King George's Medical College, Lucknow. The above Government Order No. 2682/Section-14/Five -174/84, Lucknow, dated April 13, 1993 has been published in U. P Extra-ordinary Gazette. This writ petition was presented before this Court on 26-4-93 and has been taken up to-day (27-4-93) for orders.

3. By this writ petition, the Petitioner prayed that a writ of mandamus directing the Respondent Nos. 1 and 2 to admit and permit the Petitioner to prosecute her studies in IInd and final professional M.B.B.S. Course. However, the first prayer in the writ petition was for quashing the government orders dated 31-12-86 and 25-8-91 issued by Respondent No. 1. However, in view of the aforesaid government order dated 13-4-93 the prayer for quashing the impugned orders dated 31-12-86 and 25-8-91 has become redundant. Now the State Government has laid down a policy for admitting the students on transfer or migration. To expedite the matter, it is better to dispose of this writ petition finally at this stage by issuing some directions in the matter. The Petitioner is directed to make a representation before Respondent No. 2, Director, Medical & Health Education, U. P, Lucknow within a period of 10 days from to-day as prayed alongwith a certified copy of the order passed by this Court to-day praying therein for her transfer to G.S.V.M. Medical College, Kanpur from J.S.S. Medical College, Mysore within 5% migration transfer quota. In case such representation is made within the time prescribed above, the Respondent No. 2 is directed to decide the representation of the Petitioner expeditiously in accordance with law including the government order referred to above dated 13-4-93.

4. With the above observations, directions this writ petition is finally disposed of.

5. A certified copy of this order may be given to the counsel for the Petitioner within 48 hours on payment of usual charges.