
(1994) 01 RAJ CK 0055
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2952/92

Mahipal Singh and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 18-01-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1995 Raj 1 : (1994) 1 WLN 89

Hon'ble Judges : A.K. Mathur, J

Bench : Single Bench

Advocate : Anand Purohit, for the Appellant; G.M. Bhandari, Additional Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

-ORDER

A.K. Mathur, J.—The petitioners by this writ petition have prayed that the respondents may be directed to allow the petitioners to join the training course of laboratory technician at the place opted by them.

2. This writ petition has been filed by three persons espousing the same cause. The Medical and Health Department advertised the training course of the laboratory technician and for that they invited applications from the candidates who have passed secondary examination in the Scheme of 10 + 2 as recognised by the Government of Rajasthan. The petitioners applied for this course. The petitioner No. 1 passed secondary examination with Mathematics and other subjects viz., Biology and two science subjects i.e. Physics and Chemistry. The petitioner No. 2 passed secondary examination in the desired subjects i.e. Biology, Physics and Chemistry. The petitioner No. 3 also passed secondary examination in Biology, Chemistry and Physics. All the three petitioners applied for the course but their applications were not entertained as these candidates belong to Alwar and Bharatpur Districts. Therefore, they approached this Court

by filing the present writ petition and prayed that they may be admitted to the course. The reasons for not entertaining their applications was that the petitioners belong to Bharatpur and Alwar districts, they cannot be admitted at Bikaner/Jaipur district. The petitioner No. 1 applied at Jaipur and the petitioners Nos. 2 and 3 applied at Bikaner. Though this kind of jumbling of the causes of action is not permissible and that is misconceived. However, since it is a matter of students, therefore, I don't propose to dismiss the petition on account of misjoinder of causes of action but it should not be taken to be precedent for future. The question is that whether these candidates can apply to the other district where they don't belong. In this connection it is submitted that the Annx. 1 which has been issued by the Director of Medical and Health, it lays down that the candidate should be of the particular district. But all these three persons are not of Jaipur or Bikaner district, therefore, they were not admitted to the course. It is contended that there is no basis or no justification for making a district to be basis for admission to the course when the candidates from Rajasthan submit application, they cannot be discriminated on the basis of district and denied admission to course.

3. A reply has been filed by the respondents and the respondents have submitted that so far as the petitioner No. 1 is concerned, he is not eligible because he has not passed both subjects i. e. Physics and Chemistry. In this connection the respondent has produced a mark-sheet (Annx. R-1) which does not disclose as to which science two subjects include, therefore, it is contended by the learned counsel for the respondents that the petitioner No. 1 is not eligible. No justification has been pointed out for making the admission districtwise and it has not been pointed out that what is the basis of the classification.

4. I have heard learned counsel for the parties and perused the record.

5. So far as the eligibility of the petitioner No. 1 is concerned, it has already been decided by the Jaipur Bench in the case of Purshottamlal Sharma v. State (SB Civil Writ Petition No. 5266/90, decided on 6-5-1991) that Science two subjects mean Physics and Chemistry. Therefore, petitioner No. 1 has already passed the Biology and Science two subjects mean Physics and Chemistry, therefore, he is eligible. Now next question is regarding the basis for admission to this training course on the basis of districtwise. No reply has been filed justifying this classification. It is for the State to have pointed out in the reply that what is the rational basis for keeping the admission districtwise but no factual averment has been pointed out to justify this classification.

6. In this view of the matter I am of the opinion that since there is no basis for classifying the districtwise admission to the training course and as such the petitioners are eligible to apply before any district where they choose. The petitioners were already admitted to the course by the order of this court passed on 29-5-1992 and they are prosecuting their studies, they may be permitted to do so.

7. In the result the writ petition is accordingly allowed.