

(2011) 09 KAR CK 0015
In the Karnataka High Court
Case No : Writ Petition No. 33004 of 2011

Manasa N.

APPELLANT

Vs

The Executive Director Karnataka Examinations Authority and
The State of Karnataka Department of Social Welfare

RESPONDENT

Date of Decision : 21-09-2011

Acts Referred:

Citation : (2011) 09 KAR CK 0015

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : J.D. Kashinath Janani Associates, for the Appellant; N.K. Ramesh, for R1 and M. Keshava Reddy, AGA for R2, for the Respondent

Judgement

Mohan Shantanagoudar, J.—The Petitioner, after passing PUC II Year examination, appeared for Common Entrance Test. At the time of filing an application to appear for Common Entrance Test, she had produced a Caste certificate issued by the Tahsildar, Chickballapura wherein her caste (Balija) was classified as 3A category. In the GET examination, the Petitioner's Medical ranking was declared as No. 3608. She was called for counselling. As she was interested in MBBS course, she appeared for counselling on 17.07.2011 for getting medical seat. However, she could not get the medical seat on 17.07.2011 under 3A category. Subsequently, the Petitioner's caste viz., "Balija community" is reclassified from 3A category to 2A category by virtue of a notification issued by the State Government on 16.07.2011. As such, the Petitioner once again obtained her Caste Certificate under 2A category on 4.08.2011 from the Tahsildar, Chickballapur. The second round of counselling for medical seat was fixed on 5.8.2011 in respect of the Petitioner's ranking. According to the Petitioner, though a Medical seat under 2A category was available on that day, the authorities of the Respondent No. 1 denied allotment of medical seat to the Petitioner in spite of the Petitioner's persuasions made to convince the Respondent No. 1 that due to change in the notification regarding re-classification of the Petitioner's caste her category has changed from 3A to 2A.

Petitioner's further case is, on the very day, that is on 5.8.2011, Respondent No. 1 had allotted medical seat in a Medical College at Mangalore to another candidate by name Kiran K whose ranking was 3780 under 2A category. The sum and substance of the case of the Petitioner is that the Petitioner has been denied seat though she is entitled to get seat under 2A category on 5.8.2011.

2. Sri N.K. Ramesh, learned Counsel appearing on behalf of the first Respondent opposes the writ petition on the ground that on 5.8.2011, none of the medical seats were available in any one of the Medical Colleges at Bangalore. However, the medical seats in respect of 2A category were available outside Bangalore, According to him, the Petitioner's case was considered under 2A category but she herself declined the seat outside Bangalore. On that day no seat was available at Bangalore. According to him, the Petitioner was very much particular in getting a medical seat at one of the Medical Colleges at Bangalore. The next round of counselling was held on 9.8.2011. On that day also, the Petitioner though appeared for counselling, did not opt for any seat as no seat was available at any of the Medical Colleges at bangalore.

3. It is not in dispute that the Petitioner appeared for counselling on 17.07.2011 5.08.2011 and 9.8.2011 before the first Respondent. On 17.07.2011, her request was considered under 3A category. Admittedly, the Petitioner could not get the medical seat under 3A category. On 5.8.2011 and 9.8.2011, the Petitioner appeared for counselling once again. According to the first Respondent, though the seats were available in the medical colleges outside Bangalore, the Petitioner did not opt for such seats and she was particular to have a seat only in Bangalore. There is no reason to disbelieve such a contention inasmuch as the Respondents cannot be said to be biased against the Petitioner for any reason.

4. It is for the Petitioner to choose the seat which is available as on the day of counselling. If none of the seats are available at. Bangalore at the time of counselling, the first Respondent cannot generate the seat and allot the same in favour of the Petitioner.

5. Be that, as it may, it is brought to the notice of the Court by the learned Advocate for Respondent No. 1 that the last round of counselling is fixed on 29.09.2011 and there are few more medical seats available to be distributed on that day. Learned Counsel for the Petitioner submits that the Petitioner is interested to enroll herself to the medical course in any of the Colleges in the State. If that is so, the interest of justice would be met if the Petitioner is directed to appear for counselling on 29.09.2011 and she may opt for her seat on that day. Her request shall be considered for allotment of seat as per rules. It is needless to observe that the Petitioner shall be considered under Category 2A. With these observations, the writ petition stands disposed of.