
(2002) 09 JH CK 0097

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3819 of 2002

Md. Manooj Ahmad Khan

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-09-2002

Acts Referred:

Citation : (2002) 09 JH CK 0097

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : A.K. Das, for the Appellant; Saurabh Arun, for respondent Nos. 3 to 5 and Kundan Kumar Ambastha, JC to SC III for respondent Nos. 1 and 2, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—The petitioner in pursuance of combined competitive examination was not admitted in MBBS course rather he has been admitted in BVSc and AH course. The writ petition was preferred by petitioner for direction on respondents to show-cause as to why and under what authority the respondents have not allowed the petitioner to take admission in the course of MDBS in Patliputra Medical College, Dhanbad.

2. The main plea as was taken by petitioner that the candidates of general category below the rank of petitioner at Sl. Nos. 54, 55, 56, 58, 61 and 67 have been admitted in MBBS course but the petitioner whose name was appearing at Sl. No. 52 he was not granted admission in MBBS course but admitted in BVSc and AH course which was the second preference of the petitioner.

3. The respondents in their counter-affidavit denied the allegation at paragraph No. 7. It is stated that the persons named at serial number aforesaid all of them belonged to one or other reserved category. 73% of seats having reserved for admission from amongst backward class including SC and ST category.

4. The aforesaid stand taken by the respondents is now being challenged by the

petitioner on the ground that the 73% reservation for admission in colleges is not based on any guidelines. The Bihar Reservation Act, 1991 (Bihar Act, 1992) which has been adopted by the State of Jharkhand vide notification dated 3rd October, 2001 is applicable for "appointment" and not for admission in colleges of the State, including technical colleges.

5. However, as in the present case the Reservation Policy has not been challenged, the admissions have already been taken and closed and none of the person belonging to the reserved category, who may be affected, is party-respondent in the present case, I am not inclined to give any finding on the issue aforesaid.

6. The writ petition is dismissed.