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**(1995) 12 BOM CK 0037**

**In the Bombay High Court**

**Case No : Writ Petition No. 5544 of 1995**

Mrs. Madhavi Satish Jadhav

APPELLANT

Vs

Government Ayurved College and Others

RESPONDENT

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**Date of Decision : 05-12-1995**

**Acts Referred:**

**Citation : (1997) 2 BomCR 479**

**Hon'ble Judges : S.S. Dani, J;N.P. Chapalgaonker, J**

**Bench : Division Bench**

**Advocate : V.J. Dixit, for the Appellant; A.H. Joshi, V.B. Ghatage, Assistant Government Pleader for Respondent Nos. 1, 2 and 4, for the Respondent**

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## **Judgement**

N.P. Chapalgaonker, J.—Heard Shri V.J. Dixit for the petitioner and Shri V.B. Ghatage for the respondents Nos. 1, 2 and 4.

2. Petitioner seeks admission to the post graduate courses in Ayurvedic science conducted at Government Ayurved College, Nanded. Petitioner challenges the reservation roster prepared by authorities on the ground that the 200 point roster which is applicable for direct recruitment in the Government service in the State of Maharashtra should be made applicable to the admissions in Ayurved College also. Shri Dixit, appearing on behalf of the petitioner, contends that if the Government has decided to have the reservation for backward classes in admissions to the post graduate classes, only course available is to implement 200 points roster which is annexed at page 35 in the compilation of this petition and it cannot prepare a different roster.

3. Post graduate teachers who are qualified to take the students for post graduation in Ayurved are available at Nanded College in subjects Ayurved Samhita, Sharir Rachana, Sharir Kriya, Drvyaguna, Prasuti Tantra, Kaumarbhritya, Vikrati Vidnyan, Manovidnyan, Shalaky Tantra, Shalya Tantra, Kayachikitsa, Swasthawrita, Rasashastra. In a previous writ petition procedure adopted for allocation of reserved seats was challenged before us and this Court

had given directions to the respondents in the following terms:-

"We, therefore, direct the authorities to maintain a proper roster, chalk out a spread-over programme like that of post graduation admission in Government Medical College and then advertise in accordance with the chalked out programme, bearing in mind the open category, reservations of seats in favour of Scheduled Castes and Tribes, Other Backward Communities, etc. and also bearing in mind further, the categories of seats in favour of students, teachers and in-service personnel categories."

To implement these directions dated 22-7-1993 in Writ Petition No. 25/92 and 310/92, the respondents have prepared new roster and implemented it from the year 1994-95.

4. Salient features of this roster are that this roster is to be made applicable for the period 1994-95 to 2000-2001 in 10 subjects presently available, two seats normally are available (subject to the availability of the post graduate teachers) and out of these two seats; one goes to the student and another to the teacher. The roster is so arranged that the reservation should be in the alternate year of each of these categories in each of the subjects. Therefore, teachers and students belonging to the reserved categories as well as open categories will have a fair chance to compete for that seat. A copy of the roster signed by Dean, Government Ayurved College, Nanded is supplied to us and the learned Counsel for the petitioner was unable to point out that there is any discrepancy so far as alternate reservation to each category is concerned. We do not think that 200 point roster which is applicable for the direct recruitment in the State service can be made applicable to the admission to the post graduate courses. Nature of the recruitment of clerks is totally different from admitting student to postgraduate studies. In post graduate studies, specialities matter and the students should have a fair chance to apply for the speciality of his liking as far as possible. Therefore, we have to examine whether in the exercise of the executive power State has acted reasonably and has not offended constitutional mandate. We think that the method of allotting one seat for student and one for the teacher and also keeping one seat open in each of the categories alternatively is the best choice which was available to the State Government. Therefore, we do not think any reason to interfere with the petition which is rejected summarily. However, we wish to give certain directions to the State Government so that there will not be any room for apprehensions in the mind of students who are competing to these courses.

5. We direct that the roster should be part of the prospectus which Ayurved College will give to every student. We direct that the roster should be operative till the year 2000-2001. It does not mean that if approved teacher is not available, authorities are not to make necessary changes. So also is the case of increase in number of teachers approved. Those changes are always permissible. But if a seat has gone to the open category as per the roster, it should not be in midway changed and reserved for any category and the vice-versa..To ensure

this, we direct the authorities that when they publish advertisement calling applications, the roster should also be published alongwith the said notification so that students should know future chance also. Petition rejected. Roster supplied to us should form part of the order of this Court. Interim relief stands vacated.