

(2011) 09 RAJ CK 0075
In the Rajasthan High Court
Case No : Civil Writ Petition No. 11160 of 2011

Ms. Asha Tanwar

APPELLANT

Vs

Rajasthan University of Health Sciences and Another

RESPONDENT

Date of Decision : 05-09-2011

Acts Referred:

Citation : (2011) 09 RAJ CK 0075

Hon'ble Judges : N.K. Jain, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Narendra Kumar Jain-I, J.—Heard learned Counsel for Petitioner.

2. Petitioner has preferred this writ petition with a prayer that Respondents may be directed to treat Petitioner as a candidate of Special Backward Class (S.B.C.) and consequentially to allot the seat in the Medical College in the category of S.B.C. as per the reservation policy provided under Instructions for applying for RPMT 2011 (Annexure-2).

3. Learned Counsel for Petitioner submitted that Petitioner belongs to Special Backward Class, which is clear from certificate dated 30th May, 2011 (Annexure-1) issued by Competent Authority, but due to inadvertence, the Petitioner applied for RPMT under the category of "Other Backward Class". He further submitted that in the category of OBC, the rank of Petitioner is 154 and in case, she would have mentioned her category as "Special Backward Class" then her rank would have been at No. 2 in S.B.C. (Girl) Category. He also submitted that the above mistake was only bonafide, therefore, a representation was made by Petitioner to Respondent - Convener on 28th May, 2011 (Annexure-4) to change the category of the Petitioner and to lower down her rank for the purpose of admission, but the said representation has not been decided so far.

4. During the course of arguments, the learned Counsel submitted that he may

be permitted to withdraw this writ petition with a liberty to Petitioner to file a fresh representation in this regard and Respondent - Convener be directed to consider and decide the same in accordance with law within a reasonable period.

5. I have considered the submissions of learned Counsel for Petitioner and examined the documents enclosed with the writ petition including the caste certificate of Petitioner (Annexure-1) and representation dated 28th May, 2011 (Annexure-4) given by the Petitioner to the Convener, Rajasthan University of Health Sciences, Jaipur.

6. From the documents enclosed, it appears that Petitioner applied under the category of OBC, but since she could not get admission as per her merit in OBC Category and when she came to know that a less meritorious candidate in S.B.C. Category has been given admission then she filed a representation before Convener to change her category from OBC to SBC.

7. After considering all the facts and circumstances of the present case and the submissions of learned Counsel for Petitioner, I think it fit and proper in the interest of justice to permit the Petitioner to withdraw this writ petition with liberty to file fresh representation in this regard and direct the Respondents to consider and decide the same in accordance with law at the earliest and in case the representation is accepted then to pass consequential order regarding admission of the Petitioner in SBC Category.

8. In view of above, the writ petition is allowed to be withdrawn with liberty to Petitioner, as prayed for. In case, a representation is made by Petitioner along with copy of this order, within a period of fifteen days from today then Respondents are directed to consider and decide the same according to law within a period of seven days from the date of receipt thereof.