

**(2004) 03 GAU CK 0096**  
**In the Gauhati High Court**  
**Case No : Writ Petition (C) No. 6516 of 2003**

Poonam Hansu

APPELLANT

Vs

State of Assam and Others

RESPONDENT

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**Date of Decision :** 29-03-2004

**Acts Referred:**

Constitution of India, 1950 — Article 226  
Medical College of Assam and Regional Dental College (Regulation of Admission of Under Graduate Students) Rules, 1996 — Rule 7(iv)

**Citation :** (2004) 3 GLT 113

**Hon'ble Judges :** I.A. Ansari, J

**Bench :** Single Bench

**Advocate :** S. Saikia, S. Chetia and K. Singha, for the Appellant; G.A., for the Respondent

**Final Decision :** Dismissed

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## Judgement

I.A. Ansari, J.—Pursuant to the advertisement dated 13th July, 2003, issued by the Respondent No. 2, namely Director of Technical Education, Assam inviting candidates for selection and admission into under-graduate courses in Gauhati Medical College, Guwahati, Assam. The Petitioner submitted application in the prescribed form. The form, in question, was required to be submitted along with a certificate of permanent residence in respect of the applicant. The Petitioner appeared before the Selection Board on 12.8.2003. The Selection Board rejected the application form of the Petitioner for not furnishing the permanent residential certificate, in original, and accordingly disqualified her. Challenging the rejection as arbitrary, the Petitioner has approached this Court under Article 226 of the constitution of India seeking, inter-alia, issuance of writ commanding the Respondents to offer another chance to the Petitioner to produce the permanent residential certificate, in original, before the authorities concerned and on the same being furnished, as sought for, the Respondents be further directed to take the same into consideration and allow the Petitioner to take admission in the MBBS course for the session 2002-2004. The Respondents have resisted the

prayer by filing affidavit-in-opposition, wherein it has been contended, inter-alia, that the Form-B, which the Petitioner submitted, was incomplete inasmuch as the permanent residence certificate, which was required to be furnished, in Form-B, by the Petitioner before the competent authority had not been furnished by the Petitioner and in this view of the matter, the form, in question, was liable to be rejected in terms of the advertisement, in question, as well as the provision of Rule 7(iv) of Medical Colleges of Assam and Regional Dental Colleges (Regulation of Admission of under-graduate Student Rules, 1996 (hereinafter referred as to the said Rules of 1996). The Respondents have prayed for rejecting the writ application.

2. I have heard Dr. A.K. Saraf, learned Senior Counsel assisted by Mr. S. Saikia, and Mr. P.K. Mushahari learned Senior Govt. Advocate, appearing on behalf of the Respondents.

3. While considering this writ application, it needs to be noted that if one looks carefully into the provisions of Rule 7(iv) of the said Rules of 1996, it transpires that if an application form is incomplete in any respect, for, the same having not been filled up as per the instructions given in the form, such an application shall not be eligible for consideration. A bare reading of the advertisement, in question, reveals that according to the advertisement "All candidates must bring with them Form "B" duly and properly filled in, original marksheets, three copies of recent passport size photographs and other relevant certificates including JAT "03 Admit Card for scrutiny by the Selection Board." When the advertisement is read, in the light of provisions of Rule 7(iv), it becomes clear that Form "B" has to be filled in by a candidate in all respect and on failure to fillup the same, the application ceases to be eligible for consideration.

4. Now, if one reads Form-"B", one finds that according to Form-"B", after the form is filled-up by the applicant, a declaration is required to be made and signed by the applicant and such a declaration has to be followed by another declaration by the parent guardian concerned. This Form also makes provisions for furnishing of a certificate from the head of the institution/college last attended by the applicant, a permanent residence certificate, certificate of caste and certificate of employment of the applicant. When the Rules, the advertisement and the Form-"B" are read together, it clearly follows that after the declarations are made as instructed, in the Form "B", all the certificates, for which provisions have been made in the Form-"B" have to be furnished by the applicant concerned in the Form itself. That the Petitioner understood such requirements of filling up of the Form in terms of the advertisement is evident from the fact that the Form-"B" which the Petitioner had to fill in, does contain certificate from the head of the institution, which the Petitioner attended last and also the certificate of caste issued by the Deputy Commissioner concerned. It is only the permanent residence certificate, which was not furnished by the Petitioner in Form-"B". Thus, the Form-"B" submitted by the Petitioner, was incomplete and in the face of the provisions of Rule 7(iv), the authorities concerned had no option but to

reject the same.

5. It has been very passionately submitted by Dr. Saraf, on behalf of the Petitioner, that the rejection of the Petitioner's candidature on the technical ground of not providing of the permanent residence certificate in Form-"B" itself was not just and proper. While dealing with this submission, it needs to be noted that when the Rules have prescribed a particular manner for filling up of the application Form, such a rule, in the case of an individual candidate, can not be relaxed, when no provision for such relaxation has been made in the Rules.

6. It also needs to be noted that in the present case, the Respondent No. 2 initiated the process for admission in Medical Colleges in the month of August, 2003. This was wholly contrary to the directions issued by the Apex Court in the case of Medical Council of India Vs. Madhu Singh and Others, Referred may also be made to (2003) 3 SCC 370, Ms. Neelu Arora and Another Vs. Union of India (UOI) and Others, In view of the fact that the Apex Court has deprecated the practice of allowing midterm admission in the Medical Colleges, it would not be in the fitness of things to direct the authorities concerned to, now, admit the writ Petitioner ignoring the fact that the Form-"B", filled up by the Petitioner, was defective and was liable to be rejected under the Rules of 1996.

7. Considering the facts and circumstances of the matter in their entirety, I do not find that the writ Petitioner is entitled to any relief This writ petition is, therefore, dismissed.

8. No order as to costs.