

(2008) 05 MP CK 0006
In the Madhya Pradesh High Court

Ruchir Kumar Jain

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

Date of Decision : 16-05-2008

Acts Referred:

Citation : AIR 2009 MP 12 : (2008) ILR (MP) 2847

Hon'ble Judges : Prakash Shrivastava, J;Dipak Misra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Prakash Shrivastava, J.—This writ petition has been filed with a prayer to issue writ of mandamus to the respondents to admit the petitioner in M.D. Course in Medicine at MGM Medical College, Indore or in M.S. Course in General Surgery at S. S. Medical College, Rewa on the vacant seat of 2007 batch.

2. The material facts in brief, as stated in the writ petition are that the petitioner after passing MBBS Examination from S. S. Medical College, Rewa had appeared in Pre P. G. Test-2007 and secured 124.70 marks out of 200 and was placed at Serial No. 280 in waiting merit list of unreserved category. It is alleged that the programme for the second counselling was not advertised in the newspapers in terms of Rule 20(2) of Madhya Pradesh Medical and Dental Post Graduate Course Entrance Examination Rules, 2007 (in brief "the Rules") consequently, the petitioner could not appear in the second counselling which closed at rank No. 299 for unreserved category. Aggrieved, the petitioner has filed the present writ petition.

3. Learned Counsel appearing for the petitioner submitted that the petitioner during the relevant time was residing at Tikamgarh whereas the programme of counselling was advertised in the newspapers published from Rewa which is not proper compliance of Rule 20(2) of the Rules therefore the petitioner is entitled for the relief claimed in the writ petition. Learned Counsel for the petitioner in support of his submission has placed reliance upon the judgments in the matters

of Dolly Chhanda Vs. Chairman, JEE and Others, , Aman Deep Jaiswal v. State of Punjab 2006 SCC (L&S) 1893, Sunil Harioudh v. State of Madhya Pradesh 2006 (4) MPHT 426, Mridul Dhar (Minor) and Another Vs. Union of India (UOI) and Others, and Anshu Dubey v. State of M.P. 2007 (2) JLJ 78 : AIR 2007 MP 1205.

4. Learned Counsel appearing for the respondents submitted that the schedule form for P.G. counselling was approved by the Hon"ble Supreme Court in the order dated 16-3-2007 passed in the case of the Amit Gupta v. Union of India according to which the second round of counselling was to start from 26th May. He further submitted that information for holding second counselling between 25th to 28th May, 2007 at Gandhi Medical College, Bhopal was widely circulated. He further submitted that the petitioner had done MBBS from Rewa and his postal address throughout in the College as well as in the examination body was the address at Rewa, therefore, once it is admitted that the programme of counselling was published in daily newspapers published from Rewa, the petitioner cannot claim that he had no information about the counselling.

5. I have heard the learned Counsel for the parties and perused the record.

6. The controversy involved in the matter is confined to the question as to whether the respondents have complied with Rule 20(2) of the Rules. Rule 20(2) of the Rules provides that:

20 Counselling:

xxx

xxx

(1) xxx

(2) The programme for counselling will be advertised in the leading newspapers of the State. Separate call letters will not be sent to the candidates.

7. A perusal of the reply filed by the respondents and the documents annexed therewith show that the respondents had circulated the information with regard to the second counselling in all leading newspapers having the effective public circulation. Undisputedly the programme of counselling was also advertised in daily newspapers "Dainik Jagran" Rewa Edition which is stated to have the circulation in Tikamgarh District also. Annexure-R/2 shows that steps were taken for publication of intimation relating to second counselling in the popular Hind and English newspapers at Division and District level.

8. Thus, it is apparent that the respondents had advertised programme for counselling in the leading newspapers of the State and Rule 20(2) was substantially complied with. The information relating to the date of second counselling was also flashed on "Akashwani" in the radio and "Doordarshan" in the television. The respondents have placed on record Annexure-R/1 in support of their stand that the information relating to the second counselling was broadcast in "Akashwani" and "Doordarshan".

9. The reliance of the petitioner in the judgments reported in the matters of Dolly Chhanda, Aman Deep Jaiswal, Sunil Harioudh (supra) etc. does not take the petitioner's case any further since these are the pronouncements where the candidate in question was denied admission for wholly unjustified and unlawful reason ignoring his rightful claim. The petitioner also cannot get the benefit of judgment of this Court in the matter of Anshu Dubey v. State of M.P. (supra) since in the present case there is substantial compliance of Rule 20(2) of the Rules and in spite of wide publication of schedule of second counselling the petitioner had not participated in the counselling.

10. In view of the aforesaid, we do not find any merit in the writ petition and the same is accordingly dismissed. No orders as to costs.