
(2014) 09 KAR CK 0016

In the Karnataka High Court

Case No : Writ Petition No. 43631 of 2014 (EDN-RES)

Sai Datta

APPELLANT

Vs

The Karnataka Religious

RESPONDENT

Date of Decision : 11-09-2014

Acts Referred:

Citation : (2014) 09 KAR CK 0016

Hon'ble Judges : D.H. Waghela, C.J.; Ashok B. Hinchigeri, J

Bench : Division Bench

Advocate : Rajadithya Sadasivan, Advocate for the Appellant; Shweta Krishnappa, HCGP, Advocate for the Respondent

Final Decision : Dismissed

Judgement

D.H. Waghela, C.J.—The petitioner is stated to be a social worker and a public-spirited person, working relentlessly for the under-privileged and is stated to have been espousing the cause of the public. It is further stated in the very first paragraph of the petition that petitioner is interested in ensuring that students are admitted to medical and other professional colleges based on their merit and not on any other consideration. It is alleged that the procedure followed by the 1st respondent is not fair and transparent, giving scope for large-scale manipulations. The main prayers made in the petition are for issuing a writ or direction to read the permission dated 18.07.2014 granted by 15th respondent to the 14th respondent as not valid for making admission of students for the academic year 2014-15 and issue a writ in the nature of certiorari to quash the notification issued by the first respondent by uploading it on the website, by which 1st respondent would conduct counselling for seat selection process for filling up 83 seats of the 14th respondent. The various other prayers made apparently in public interest, are: derecognizing the minority status conferred on respondent Nos. 5 to 13 as also to invalidate the procedure adopted by the 1st respondent in admitting the students for the academic year 2014-15.

2. Upon the query being made in respect of locus-standi and the status of the

petitioner in approaching this Court by way of public interest litigation, it was revealed that the petitioner is a practicing advocate and that there is no other social or public interest activity to his credit, on the record of the petition.

3. The impugned notification at Annexure-B declares at the outset that the Ministry of Health and Family Welfare, Government of India has sanctioned new Medical College, i.e., 14th respondent herein with an intake capacity of 150 seats in medicine; and in accordance with "UG MOU" for the year 2014-15, 25% of seats, i.e., 37 seats were offered to Government for filling up the seats through Karnataka Examination Authority. It is further declared that the Association of Religious and Linguistic Minorities Professional Colleges would conduct counselling for seat selection process for filling up of 83 seats at 55% of total intake as per MOU on 07.09.2014, commencing from 8.00 a.m. at St. Joseph PU College, Museum Road, Bangalore.

4. The present petition was filed on 05.09.2014 and came up for hearing for the first time on 10.09.2014 which are the dates subsequent to the date on which counselling was supposed to have been carried on. Learned counsel admitted that no enquiry or any application under the R.T.I. Act was made by the petitioner for collecting factual details about the admission process and the arrangement or agreement between Central Government and respondent No. 14 before or after the new medical seats being sanctioned. Learned counsel however straightaway referred to the directions issued by the Apex Court in Priya Gupta Vs. State of Chhatisgarh and Others, and submitted that the whole process undertaken by the respondents was clearly illegal. While submitting that, it was admitted that by now if the selection process is concluded, the parties worst affected would be the students who would have been admitted and none of such students who would be affected, are joined as parties herein.

5. Under the above circumstances, the petition has to be dismissed for want of proof of locus-standi of the petitioner and want of essential facts which ought to have been enquired and placed before the Court before cognizance of a public grievance could be taken at the instance of the present petitioner. Accordingly, dismissing the petition it is clarified that any person or institution having special interest in the matter or who is genuinely and bona fide aggrieved by any illegality in the process of admission to any of the medical colleges arraigned as respondents herein, would not be barred from approaching this Court on account of this order.