
(1985) 10 KAR CK 0001
In the Karnataka High Court
Case No : Writ Petition No. 15458 of 1985

Shashikala

APPELLANT

Vs

Chairman, Selection Committee

RESPONDENT

Date of Decision : 04-10-1985

Acts Referred:

Karnataka Medical Colleges (Selection of Candidates for Admission) Rules, 1983 —
Rule 4

Citation : (1985) 10 KAR CK 0001

Hon'ble Judges : Chandrakantaraj Urs, J

Bench : Single Bench

Advocate : V.H. Upadhyaya, for the Appellant;

Final Decision : Dismissed

Judgement

Chandrakantaraj Urs, J.—The petitioner is the daughter of an alleged political sufferer. She applied for a seat in the Government Medical Colleges or seats available to Government in private Medical Colleges, in accordance with the provisions of the Karnataka Medical Colleges (Selection of Candidates for Admission) Rules, 1983. The Rules came into force in the academic year 1983 - 84. The petitioner sought a seat in the category reserved for political sufferers under Rule 4 thereof. A political sufferer for the purpose of that rule is defined to include a person who in the course of the freedom struggle has suffered imprisonment for not less than three months. Petitioner's father suffered imprisonment for 2 months and 9 days as admitted by her. He was convicted, for political offence and the Magistrate punished him with imprisonment of 3 months and a fine of Rs. 300/- on failure to pay the fine to suffer further three months imprisonment. That sentence was reduced by the District Judge to two months and 9 days by modifying the sentence of imprisonment for the period already undergone. In that view, he was released at the end of 2 months 9 days. In the result, prima facie, the petitioner has not qualified to be a political sufferer.

2. In this Court, it has been contended that the definition provides for remission

also being taken into account whether the remission was for good conduct or otherwise. The case of the petitioner's father is not a case of remission, but it is a case of reduction in sentence. In other words, once the sentence is reduced by the appellate authority it dates back to the date of conviction and the sentence imposed will be for a period of less than three months. Therefore, the question of remission does not arise whether by virtue of good conduct or otherwise. If the petitioner's father does not answer to the description of political sufferer, then she (petitioner) cannot lay claim for a seat in that category of reserved seats.

3. The next contention was that it is discriminatory. In *D.N. Chanchala Ors. Vs. The State of Mysore and Others*, the Division Bench has taken the view that political sufferers and their children stand on a different footing for the disadvantage of the neglect they had suffered during their childhood when their father was suffering imprisonment and therefore, cannot be treated equally on par with children who did not suffer such disadvantage. If it is a valid classification competently made by the Government, the question of discrimination does not arise.

4. The petitioner has been correctly denied the seat in the reserved category. There is no merit in this Writ Petition.

The Writ Petition is therefore dismissed.