
(2002) 05 JH CK 0030
In the Jharkhand High Court
Case No : Writ Petition (C) No. 2989 of 2002

Smriti Sinha

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-05-2002

Acts Referred:

Citation : (2002) 05 JH CK 0030

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : A.K. Das, for the Appellant; Shamim Akhtar, SC II and Arbind Kr. Mehta and Arun Kr. Shah, JCs to SC II, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred by the petitioner for a direction upon the Principal, M.G.M., Medical College, Jamshedpur, to admit her in the 1st Year MBBS Course. She having selected and her name having already recommended.

2. The case of the petitioner is that she appeared in the Jharkhand Combined Entrance Competitive Examination, 2001 ("JCECE 2001", for short) and was declared successful in the written test. Thereafter, she was asked to appear before the Interview Board on 19.11.2001 and having come out successful in the interview/counselling she was allotted a seat or admission in MBBS course in M.G.M. Medical College, Jamshedpur, vide Seat Allotment Order dated 19.11.2001 issued by the Controller of Examination, J.C.E.C.E. 2001 (Annexure 4 to the writ application). Her grievance is that the Principal, M.G.M. Medical College, Jamshedpur has not yet admitted her on the ground that she is not a resident/ domicile of the State.

3. Similar question fell for consideration before this Court in the case of Dinesh Kumar Agrawal v. State of Jharkhand & Anr., reported in 2002 (1) JLJR 629. That was also a case for admission in MBBS course in pursuance of J.C.E.C.E. 2001. In spite of recommendation the petitioner Dinesh Kumar Agrawal was refused

admission by the Principal, Rajendra Medical College, Ranchi, on the ground of non-domicile and non-resident of the State. This Court held that the word "domicile" used in the rules regulating admissions to medical colleges framed by some of the States should be used in loose sense of permanent residence.

4. In the case of *Ajit Kumar v. State of Jharkhand & Ors.*, W.P. (PIL) No. 2475 of 2001, disposed of vide judgment dated 10.5.2002 a Division Bench of this Court held that there is only one domicile of a person in the territory of India. There cannot be domicile of a State in view of Article 5 of the Constitution of India.

5. In view of aforesaid decision and constitutional provision, if any, provision is made debarring any person from admission on the ground of resident one may doubt such provision being violative of Article 14 of the Constitution of India.

6. In the facts and circumstances of the case and for the reasons aforesaid, the case is remitted with direction to the Principal, M.G.M. Medical College, Jamshedpur for consideration of case of petitioner for admission. If the petitioner has been declared successful in the written test and her name has been recommended by the Controller of Examination, J.C.E.C.E. 2001, for her admission in 1st Year MBBS course, the Principal, M.G.M. Medical College, Jamshedpur, will admit the petitioner on production of relevant documents, as per Annexure 4 to the writ application. On the other hand, if the Principal, M.G.M. Medical College, Jamshedpur, takes any adverse decision in the matter of admission of the petitioner in the MBBS course, he will communicate the ground to the petitioner within a week from the date of her appearance and production of relevant document with a copy of this order by the petitioner.

7. The writ petition stands disposed of.