

(2013) 12 MP CK 0111
In the Madhya Pradesh High Court
Case No : Writ Petition No. 2518/13

Sumit Kumar and Others

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 13-12-2013

Acts Referred:

Citation : (2013) 12 MP CK 0111

Hon'ble Judges : S.K. Gangele, J;D.K. Paliwal, J

Bench : Division Bench

Advocate : R.B.S. Tomar, for the Appellant; R. Dixit, Govt. Advocate for Respondents No. 1 and 2/State, for the Respondent

Final Decision : Disposed Off

Judgement

1. Heard counsel. Grievance of the petitioners in this petition is that they were not permitted to participate in the third round of counselling for admission in B.Ed. course against 25 % quota reserved for all India students. It is further submitted that there is reservation of 25% quota for all India students in B.Ed. course and the quota was not filled up in spite of third round of counselling and the seats are lying vacant, hence, the petitioners be permitted to take admission in B.Ed. course against All India Quota.

2. This Court, vide its interim order directed the respondents to consider the claim of the petitioners in regard to their participation in the third round of counselling. As per counsel for the petitioners the petitioners have been given provisional admission.

3. Similar directions were issued by this Court in the case of Priyanka Gupta and ors Vs. State of M.P. and Ors. (WP 6348/2011 decided on 26/9/2011) at Gwalior, and this Court passed the following order:

As per the petitioners, they are residents of out side of the State of Madhya Pradesh. They have registered themselves with respondent No. 2 for counselling for the purpose of admission in B.Ed. Course. The petitioners have not been

permitted to participate in third counselling on the ground that if the seats reserved for the candidates who are residents of out of State of Madhya Pradesh be not filled up to third round of counselling then those seats be filled up by the candidates who are residents of Madhya Pradesh.

As per the petitioners the seats of 25% quota of B.Ed. Course reserved for the candidates who are residents of out side the State of Madhya Pradesh have still not been filled up. Hence, they have a right to participate in the counselling.

This Court in Writ Petition No. 1851/11, Smt. Rajni Awasthy and others Vs. State of Madhya Pradesh and another, decided on 28/7/2011 has considered the aforesaid aspect in detail and held as under:

Consequently, the petition of the petitioners is allowed. The respondents are directed to conduct counselling for the petitioners, if there are still B.Ed. Seats vacant in any institution in which the petitioners want to take admission against 25% quota reserved for the candidates of outside of Madhya Pradesh. This order be complied with within a period of two weeks from the date of receipt of the copy of the order.

No order as to costs.

Consequently, the petition of the petitioners is disposed of with a direction that the respondents shall conduct counselling for the petitioners, if there are still B.Ed. Seats vacant in any institution in which the petitioners want to take admission against 25% quota reserved for the candidates who are residents of outside the State of Madhya Pradesh. This order be complied with within a period of two weeks from the date of receipt of copy of the order. No order as to costs.

4. Against the aforesaid order, SLPs (c) 5539-5540/12 and SLP 5826/12 have been preferred by the State of Madhya Pradesh and the Hon"ble the Supreme Court has granted interim stay in the aforesaid SLPs.

5. Because the matter is pending before Hon"ble the Supreme Court on the same subject, hence, this Court could not pass any order in this writ petition.

6. Therefore, this writ petition is disposed of with a direction that the petitioners shall be eligible to the same relief that may be granted by Hon"ble the Supreme Court in SLPs (c) 5539-5540/12 and 5826/12. Petition is disposed of.