
(1995) 09 MP CK 0041
In the Madhya Pradesh High Court
Case No : Writ Petition No. 1178 of 1995

V. Shyla Nair

APPELLANT

Vs

State of Madhya Pradesh and Others

RESPONDENT

Date of Decision : 06-09-1995

Acts Referred:

Administrative Tribunals Act, 1985 — Section 14
Constitution of India, 1950 — Article 14, 226

Citation : AIR 1996 MP 91 : (1995) ILR (MP) 554

Hon'ble Judges : T.S. Doabia, J

Bench : Single Bench

Advocate : P.N. Kelkar, for the Appellant; K.N. Gupta, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

T.S. Doabia, J.—The petitioner seeks admission to the Nurses Training Schools located within the State of Madhya Pradesh. There are about fourteen institutions in the State of Madhya Pradesh. In all, there are 319 seats. The petitioner submits that in the joint merit list, she is high-up but she has been denied the admission to the Medical College Hospital, Gwalior on the ground that only out of 41 , seats our seven seats are meant for the district of Gwalior.

2. The learned counsel for the State, objected to the maintainability of the petition. According to him, this is a case which should go before the State Administrative Tribunal constituted under the Administrative Tribunals Act, 1985. He placed reliance on a Full Bench decision of this Court reported as Usha Narwariya (Dr.) v. State of M.P.1993 JLJ 663. In para 31 of the judgment, it was observed as under:

"In the view we have taken, we are also of the opinion that M.P. No. 1278/92 raising a dispute as to exclusion of the petitioner from consideration zone of and M.P. No. 1335/92 also raising a dispute as to exclusion from, and/or entitlement for, participation at the examination, both relate to "recruitment" stage. Both the

petitioners raised dispute and complaint with respect of "recruitment" within the meaning of the Preamble of the Act. They call for determination of "matters concerning recruitment" within the meaning of Section 15 of the Act. Both the petitions lie within the jurisdiction of the State Administrative Tribunal. The petitions do not lie before this Court."

3. I am of the view that the above decision is not attracted to the facts of the case. Merely because a candidate after obtaining instructions in a particular institution run by the State would become eligible for appointment to a Government service is no ground to hold that the provisions of the Central Act would be attracted. The preliminary objection is, as such, overruled.

4. On merits, the stand taken by the State is that the seats have been distributed district-wise. It is this districtwise classification which is being impugned in this petition. The petitioner is placing reliance on a Constitution Bench decision of the Supreme Court in the case of *Minor P. Rajendran Vs. State of Madras and Others*, . In para 11, the following observations were made:

"It is true that Article 14 does not forbid classification, but the classification has to be justified on the basis of the nexus between the classification and the object to be achieved, even assuming that territorial classification may be a reasonable classification. The fact however that the classification by itself is reasonable is not enough to support it unless there is nexus between the classification and the object to be achieved. Therefore, as the object to be achieved in a case of the kind with which we are concerned is to get the best talent for admission to professional colleges the allocation of seats districtwise has no reasonable relation with the object to be achieved. If anything such allocation will result in many cases in the object being destroyed and if that is so, the classification, even if reasonable, would result in discrimination, inasmuch as better qualified candidates from one district may be rejected while less qualified candidates from other districts may be admitted from either of the two sources."

After holding that the criteria adopted would permit less qualified candidates to be admitted, the Supreme Court proceeded to observe as under (Para 13):---

"We are also satisfied that such allocation results in discrimination and there is no nexus between this territorial distribution and the object to be achieved, namely, admission of the best talent from the two sources already indicated. We are therefore of opinion that allocation of seats on districtwise basis is violative of Article 14. We may add that we do not mean to say that territorial classification is always bad under all circumstances. But there is no doubt that districtwise classification which is being justified on a territorial basis in these cases is violative of Article 14, for no justification worth the name in support of the classification has been made out.

We therefore hold that p Rule 8 providing for districtwise allocation is bad, as it violates Article 14 and we hereby strike it down."

5. Following law laid down by the Supreme Court in the above referred case, I am of the view that the districtwise classification made this court has no nexus with the object sought to be achieved in the present case. This petition is accordingly allowed. It is held that the petitioner is entitled to admission on the basis of her merit in the joint merit list.