

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1633 of 2007 (M/S)

Km. Ratnanjali Mishra,
D/o Dr. Anand Prakash Mishra
R/o Mohall Khalil Garvi
Shahjahanpur, U.P.

.....Petitioner.

Versus

- (1) The Uttaranchal Forest Hospital Trust
Medical College Rampur Road Haldwani,
District Nainital.
- (2) The State of Uttaranchal
through the Principal Secretary
Medical & Health Government of
Uttaranchal, Dehradun
- (3) Vinamra Mittal.
- (4) Piyush Mohan Agarwal.
- (5) Uday Gupta.
- (6) Shubhra Gupta
- (7) Aditya Deshwal
- (8) Nupur Garg
- (9) Isha Yadav
- (10) Pallavi Bhadana
- (11) Dev Raj
- (12) Vaibhav Gulati

.....Respondents.

Sri B.D. Upadhyay, Advocate for the appellant.
Sri K.P. Upadhyay, Additional Chief Standing Counsel, present
for the respondent no. 1.
Sri Rajendra Dobhal, Advocate, present for the respondent no.
2.
Sri Mohd. Azim, Advocate, holding brief of Sri Sandeep Tandon,
Advocate, present for the respondent–students.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the parties.

(2) By means of this writ petition, the petitioner has sought writ in the nature of certiorari quashing the category A & B mentioned in advertisement dated 28th August 2004 (copy of which is annexure 10 to the writ petition), relating to the admissions in the Medical College, run by respondent no. 1. A mandamus has also been sought by the petitioner commanding the respondents to admit the petitioner on the basis of merit as contemplated in T.M.A. Pai case. A further mandamus has been sought commanding the respondents to treat all the NRI seats as general seats and fill the seats on the basis of merit with fee applicable to general category.

(3) Having heard learned counsel for the parties, this Court finds that the admissions of the year 2004-05 in the Medical College are already over, as such the reliefs sought by the petitioner in this writ petition have become infructuous. It is pertinent to mention here that during the course of the argument learned counsel for the parties conceded that petitioner had got admission in the subsequent year 2005-06 under NRI quota. Learned counsel for the petitioner submitted that fee for the general candidates in the subsequent year 2005-06 was Rs.1,50,000/- per year, while the fee for the NRI was Rs.5,00,000/- per annum. It is further contended that the fee for the NRI quota cannot be charged at the rate of Rs.5,00,000/- per annum. The reliance is placed on behalf of petitioner on the Government Order dated 24th June 2004.

(4) I have gone through the aforesaid Government Order, which shows that it applies to the students of the batch 2004-05 in respect of which admissions are already over. Apart from this it is nowhere mentioned in said Government Order that the students admitted under NRI quota would be charged fee applicable to the general candidates. Clause 4 of said Government Order, which was read over on behalf of petitioner, provides that in case the seats remains vacant in any of the categories, the steps would be taken to fill the seats through merit list of Uttaranchal P.M.T..

(5) In the opinion of this Court that clause also does not help the petitioner for the reason that the petitioner has taken the admission under NRI quota in the subsequent year and his case cannot be said to have been covered under clause 4 of the Government Order.

(6) For the reasons as discussed above, in the opinion of this Court, the writ petition is liable to be dismissed as infructuous. The same is dismissed as infructuous.

(Prafulla C. Pant, J.)

Dt.31.12.2008
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