

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT GULBARGA

DATED THIS THE 11<sup>TH</sup> DAY OF JUNE 2009

PRESENT

THE HON'BLE MR. JUSTICE K.SREEDHAR RAO

AND

THE HON'BLE MR. JUSTICE ARAJI NAGARAJ

**WRIT APPEAL NO. 3472/2005 (EDN-RES)**

BETWEEN:

H.K.E. Society's  
Mahadevappa Ramapure  
Medical College,  
Gulbarga-585 105.

: Appellant


(By Sri. Ashok Kinagi, Advocate)

AND:

1. State of Karnataka,  
By its Secretary,  
Department of Medical Education,  
Vidhana Soudha,  
Bangalore-560 001.



2. Committee for Overseeing the Admission for Private Professional Colleges, C.E.T. Cell Premises, 1<sup>st</sup> Floor, 18<sup>th</sup> Cross, Sampige Road, Bangalore-560003, By its Secretary.
3. Consortium of Medical Engineering And Dental Colleges of Karnataka, (COMED-K) No.37, 1<sup>st</sup> Floor, Ramanashree Chambers, Lady Curzon Road, Bangalore-1 By its Secretary.
4. Adichunchunagiri Institute of Medical Sciences, Balagangadharanatha Nagar Nagamangala Taluk, Mandya District.
5. K.L.E. Society's Jawaharlal Nehru Medical College, Nehru Nagar, Belgaum-5900 10.
6. S. Nijalingappa Medical College, Bagalkot, By its Principal.
7. K.V.G. Medical College, Kurunjibag, Sullia, Dakshina Kannada-574 327.
8. Rajiv Gandhi University of Health Sciences, 4<sup>th</sup> 'T' Block, Jayanagar, Bangalore, By its Registrar.



9. B. Vijayalakshmi Reddy,  
D/o. Basarahalli Linga Reddy,  
Aged 20 years, R/at No. 39/1,  
Ward No.XXI, S.K.D. Colony,  
4<sup>th</sup> Road, Adoni Post,  
Kurnool District. : Respondents

(By Sri. S.S. Kumman, Government Advocate for R-1)

**NOTE:** R-3, R7 & R9 are deleted vide court order  
Dt.21.6.2006.

R-4, R5 & 6 are deleted vide court order Dt.22.12.06

This writ appeal is filed U/S. 4 of the Karnataka High Court Act praying to set aside the order passed in W.P.No. 39121/2004 dated 15.07.2005.

This writ appeal coming on for preliminary hearing, this day, K.SREEDHAR RAO J, delivered the following:-

### **J U D G M E N T**

The learned Single Judge, while disposing off the writ petition has made the following order:

“25. In the result I pass the following order.

- i) I direct the 9<sup>th</sup> respondent-college to admit the petitioner to First Year MBBS Course for the academic year 2005-2006 as undertaken by it on payment of fees as fixed by the competent authorities.

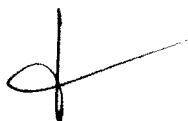


- ii) I direct the 10<sup>th</sup> respondent-University to initiate action against respondents-4, 5, 7, 8 & 9 in accordance with law and in the light of the observations made above.

Writ petition is disposed of accordingly. No costs."

2. The petitioner in the writ petition has been given admission to the Medical Course in accordance with direction of this Court. The respondent No.5 in the writ petition has filed this appeal, aggrieved by the direction No.2 in the order referred supra. The counsel for the appellant submits that they have not violated any norms for admission and that appellant is not liable to pay any penalty.

3. The direction No.2 does not give any blanket order to levy the penalty on the named respondents in the order. The direction is to the effect that action should be taken in accordance with law. The respondent-University, before taking any action, has to issue necessary notice to the concerned parties and upon hearing them, should pass



orders in accordance with law. If any notice is given by the respondent-University, the appellant is at liberty to give its explanation to show that it has not violated any norms and therefore, not liable for penalty.

Accordingly, the writ appeal is disposed of.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

VR