

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 2269 (MS) of 2008

Hari Pal.

...Petitioner.

Versus

State of Uttarakhand and two others.

...Respondents

Mr. D.S. Patni, Advocate for the petitioner,
Mr. K.P. Uppadhyay, Addl. C.S.C. for the State/respondent no.1,
Mr. Rajendra Dobhal, Sr. Adv. assisted by Mr. G.D. Joshi, Advocate for
respondent nos. 2 & 3.

Dated: September 25, 2009:

Hon'ble V.K. Bist, J.

Heard learned counsel for the parties.

2. Present writ petition has been filed by the petitioner for quashing of the impugned order dated 16.12.2008 (contained as annexure no.7 to the writ petition) passed by respondent no.3 by which admission of the petitioner in M.B.B.S. Course was cancelled.

3. Learned counsel for the petitioner submitted that before passing of the impugned order no opportunity of hearing was provided to the petitioner, thus action of respondent is against the principle of natural justice and order passed against the petitioner deserves to be set-aside.

4. Learned counsel appearing for respondents on the other hand submitted before the Court that in compliance of the order of this Court dated 16th February, 2009 in Writ Petition no. 94/2009 (Mohd. Tauseef Khan vs. State of Uttarakhand and ors.), Writ Petition no. 2269/2008

(Haripal vs. State of Uttarakhand and ors.) and Writ Petition no. 2047/2008 (Archit Prashar vs. State of Uttarakhand and ors.) a committee was constituted vide Office Memorandum dated 12th March, 2009 to inquire and examine into the matter of domicile certificate of the concerned writ petitioners including the petitioner whose MBBS admission were cancelled by the Uttarakhand Forest Hospital Trust Medical College, Haldwani. The Committee, after hearing all concerned including the petitioner found that domicile certificate submitted by the petitioner at the time of admission in MBBS Course was fake. The Committee desired from the District Magistrate to make enquiry through Addl. District Magistrate in respect of the certificate issued by the Tehsildar-Rishikesh.

5. In view of the aforesaid statement of learned counsel for the respondents the order dated 16.12.2008 passed by respondent no.3 cannot be set-aside and prayer 'A' & 'B' in the writ petition cannot be allowed.

6. Mr. D.S. Patni, learned counsel for the petitioner then submitted that no final decision has yet been taken by the District Magistrate, Dehradun as no inquiry has yet been concluded as desired by the Committee in its meeting dated 16.03.2009. He prayed that the petitioner may be permitted to move a fresh representation before respondent no.1 and the same may be decided at the earliest by a speaking and reasoned order.

7. Since further inquiry as desired by the Committee in its meeting dated 16.03.2009 had not been completed, the petitioner is permitted to move fresh representation

before respondent no.1. The respondent no.1 shall decide the same expeditiously by speaking and reasoned order, after obtaining report from the District Magistrate, Dehradun.

8. With these directions, the writ petition is disposed of finally. No order as to costs.

(V.K. Bist, J.)
25.09.2009

NCM: