

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA**

DATED THIS THE 28TH DAY OF MARCH 2013

B E F O R E

THE HON'BLE MR.JUSTICE K.SREEDHAR RAO

WRIT PETITION NO. 84957/2012 (EDN-RES)

BETWEEN:

Kunwar Suraj Mal Talan
S/o Dharampal Singh
Age: 26 Years, Occ: Student persuing
MD in Ayurveda 1st Year in
Dr. Basawaraj Nagur Medical College, Bijapur
R/o College Hostel Bijapur.

(By Sri Chaitanya Kumar Chandriki & Sri Veeresh B. Patil,
Advs.)

AND:

1. Union of India
Rep. by its Secretary to the Government
Ministry of Health and Family Welfare
Department of Ayurvedic, Yoga and Naturopathy
Unani, Siddha and Homeopathy (AYUSH)
IRCS Building, New Delhi-110 001
2. State of Karnataka
By its Secretary to Government
Medical Education
Department of Health and Family Welfare Education
M.S. Building, Bangalore – 560 001

3. Rajiv Gandhi University of Health Sciences
Rep. by its Registrar, 4th "T" Block
Jaynagar, Bangalore – 560 041
4. Dr. Basawaraj Nagur Memorial
Rural Ayurvedic Medical College and Hospital
Smt. Sushila Devi Nagar Colony, Bijapur
Rep. by its Principal
Ramesh S/o Ningappa Gennur
Age about 51 years, R/o Bijapur- 586 101.

... Respondents

(Sri. R.S. Siddapurkar, Adv. for R1;
Sri. Manvendra Reddy, Govt. Adv. for R2;
Sri. Veeresh B. Patil, Adv. for R3 & R4 &
Sri. S.V. Biradar, Adv. for R5)

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This Writ Petition are filed under Articles 226 and 227 of the Constitution of India, praying to issue a writ of mandamus directing the 3rd respondent to transfer the petitioners from 4th respondent college to any other college offering MD in Ayurveda to prosecute his studies in MD in Ayurveda course and etc.

These petitions coming on for orders this day, the Court made the following:

ORDER

Sri Rajendra L. Desai is directed to take notice for

R-4.

2.This Court in W.P.Nos.82707-710/2012 and other batch cases has allowed the writ petitions and passed the following order:

- “i. *3rd respondent – University is hereby directed to transfer the petitioners from 5th respondent – Dr. Bsawaraj Nagur Memorial Rural Ayurvedic Medical College and Hospital, Bijapur to any other college/colleges in the State of Karnataka offering BAMS course to enable the petitioners to prosecute their further studies.*
- ii. *5th respondent-College is hereby directed to issue no objection certificate within one week and return the testimonial collected from the petitioners at the time of their admission to 1st phase BAMS Course.”*

3. In this case also the respondents are same. The grievance of the petitioners herein is similar. On the ground of parity, the writ petitions are **allowed**. The third respondent – University is directed to transfer the

petitioners from fourth respondent i.e. College to any other colleges in the State of Karnataka offering MD in Ayurveda Course to enable the petitioners to prosecute their further studies. Fourth respondent – College is directed to issue no objection certificate within one week and return the testimonials collected from the petitioners at the time of their admission to MD in Ayurveda Course

**Sd/-
JUDGE**

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