



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.33788/2024 (EDN-RES)

BETWEEN:

MRS. DEEPTHI H.R.
D/O RAJU H.T.
AGED ABOUT 25 YEARS
RESIDING AT OPP. KEB
MYSORE ROAD, DR. BR. AMBEDKAR NAGAR
HOLENARASIPURA, HASSAN 573 211.

...PETITIONER

(BY SRI. K.S. NARESH SANTHOSH, ADV.,)

AND:

1. STATE OF KARNATAKA
REP. BY PRINCIPAL SECRETARY
DEPARTMENT OF MEDICAL EDUCATION
VIKASA SOUDHA, BENGALURU 560 001.
2. KARNATAKA EXAMINATIONS AUTHORITY
REPRESENTED BY ITS DIRECTOR
NO.18, SAMPIGE ROAD, MALLESHWARAM
BENGALURU 560 012.

...RESPONDENTS

(BY SRI. M.N. SUDEV HEGDE, AGA FOR R1
SRI. N.K. RAMESH, ADV., FOR R2)





THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT OR DIRECTION DIRECTING THE RESPONDENTS TO CONSIDER THE REPRESENTATION DATED 26/11/2024 A COPY OF WHICH IS PRODUCED AT ANNEXURE-J AND ALLOT HER PG SEAT AS PRAYED FOR EXPEDITIOUSLY. ISSUE ANY OTHER WRIT OR DIRECTION AS THIS HON'BLE COURT MAY DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This writ petition is filed seeking following reliefs:

"i) Issue a writ of mandamus or any other writ or direction directing the respondents to consider the representation dated 26.11.2024 a copy of which is produced at Annexure-J and allot her PG seat as prayed for expeditiously to meet the ends of justice.

ii) Issue any other writ or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case."

2. It is contended by the learned counsel for the petitioner that the petitioner had acquired eligibility to participate in the PG-AYUSH 2024 selection by reducing of the cut off percentile by Annexure-F communication dated



12.11.2024. It is submitted that pursuant to the reduction of percentile, the petitioner, who is the SC candidate had registered for the allotment. It is submitted that she has submitted a representation dated 26.11.2024 before the respondents seeking the continuance of the reservation in favour of SC-ST candidates, so that she would be entitled to participate in the selection as an SC candidate. It is submitted that the KEA has de-categorized the available reserved seats for SC-ST candidates and had conducted counselling treating those seats as open merit seats and the petitioner's chance to get a PG seat was therefore, defeated. On these grounds she has approached this Court.

3. Respondent No.2 had filed statement of objections wherein it is stated that the petitioner had become eligible to apply for the PG course only after the NCISM has reduced the qualifying percentile by 15% vide notification dated 12.11.2024. It is submitted that the first round of counselling option entry was held between 06.11.2024 and 08.11.2024 and final results were announced on 12.11.2024. It is submitted that in the first round seats matrix there was only one seat in Unani reserved under the SC category in Government Unani



Medical College, Bengaluru. As no students belonging to SC category claimed the seat, the same was carried forward to the second round of counseling. Option entry for the second round was held between 16.11.2024 and 19.11.2024 and final results were published on 20.11.2024. In the second round of counselling the SC reserved seat was first offered to SC students. As there were no students from the SC category, the unfilled reserved seat was de-categorized and was offered to the eligible candidates on merit in the second round itself as contemplated in Section 9 of the Karnataka Selection of Candidates for Admission to Government Seats in Professional Educational Institutions (Regulations of Admission and Determination of Fee) Act, 2006. It is submitted that the petitioner had registered for the selection only on 27.11.2024 and she was eligible to appear only in the mop-up round of counselling. Since the PG seats in Unani Medicine already stood de-categorized and offered in the second round of counselling itself to general merit candidates, there was no seat available in PG Unani in the mop-up round. It is submitted that there are only 8 PG seats in Unani Medicine and all the 8 seats had already been allotted in the first and second round itself and



there were no seats remaining for allotment in the mop-up round and the petitioner was therefore, not able to get a seat.

4. Having considered the contentions advanced, we notice that the petitioner's eligibility to participate in the selection occurred only on account of Annexure-F and that she had registered for the allotment only in the mop-up round. By the time the petitioner registered for allotment, the seat in PG Unani had already been de-categorized and offered to general merit candidates in the second round itself and the seats stood filled up.

5. In the above facts and situation, we are of the opinion that the prayers as sought for in the writ petition cannot be granted. The Writ petition fails and accordingly ***dismissed.***

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

ABK
List No.: 1 Sl No.: 12