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## **KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION TO DEGREE COURSE IN PHARMACY AND NURSING RULES, 1994**

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## **KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION TO DEGREE COURSE IN PHARMACY AND NURSING RULES, 1994**

In exercise of the powers conferred by sub-section (1) of Section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby makes the following rules, namely:

### **1. Title, commencement and application :-**

(1) These rules may be called the Karnataka Selection of Candidates for Admission to <sup>1</sup> [Degree Course in Pharmacy and Nursing] Rules, 1994.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) These rules shall apply to the selection of candidates for admission to the following courses of Education, namely.

(a) Bachelor of Pharmacy and

(b) Bachelor of Nursing

(4) These rules shall not apply to candidates including foreign candidates sponsored by the Government of India, Ministry of Human Resource Development.

1. Substituted for the words "Pharmacy and Nursing Courses" by GSR 99, dated 26-7-1995, w.e.f. 17-8-1995.

## **2. Definitions :-**

In these rules, unless the context otherwise requires.

(a) "Aided Institution" means any institution which receives Grant-in-Aid from the Government;

(b) "Allotment Centre" means a centre at which the allotment of candidates to various institutions are made;

(c) "Committee" means a committee constituted by the Government by order for determination of ceiling on the "fee for free seats and payment seats" in accordance with the decision of the Supreme Court in Unnikrishnan's case;

(d) "Director" means the Director of Medical Education in Karnataka;

(e) "Ex-Serviceman" means a person who.

(i) has served in any rank (whether as a combatant or as a non-combatant) in the Armed Forces of the Union including the Armed Forces of the former Indian States and Border Roads organisational personnel, but excluding the Assam Rifles, Defence Security Corps, General Reserve Engineering force, Lok Shayak Sena and the Territorial Army, for a continuous period of not less than six months at a station;

(ii) has been released otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency or has been transferred to the reserve pending such release; or

(iii) has to serve for not more than six months for completing the period of service requisite for becoming entitled to be released or transferred to the reserve as aforesaid; or

(iv) has been released at his own request after completing five years of service in the Armed forces of the Union;

(f) "Freedom Fighter or Political Sufferer" shall have the same meaning as defined in G.O. No. ED 73 TEC 85, dated 27th November, 1985;

(g) "Free Seats" means the seats specified as "free seats" in such institutions as may be notified by the Government.

(h) "Gadinadu Kannadiga" means a Kannadiga whose mother tongue is Kannada and who resides in the disputed Kannada speaking areas for a period of not less than five years as on first July of the year of application for admission to Bachelor of Pharmacy or Bachelor of Nursing course vide this rule.

Explanation. For the purpose of this clause, disputed Kannada speaking areas means the taluks of South Sholapur, Akkalkot, Jath and Gandinglaj of Maharashtra State and the Kasargod Taluk of Kerala State.

(i) "Horanadu Kannadiga" means a Kannadiga whose mother tongue is Kannada and who is residing outside Karnataka State for a period of five years as on first July of the year in which the application of admission to the respective courses is called for and who has passed the qualifying examination from a University or Board or any other institution located outside Karnataka;

(j) "Institution" means any educational institution carrying on the activity of imparting education in B. Pharma and B.Sc. (Nursing) leading to a degree conferred by the University;

(k) "Intake" means the sanctioned strength of a course fixed by the affiliating authority;

**1**[(1) "Karnataka student" means a student who has studied in one or more Government or Government recognised Educational Institutions located within the State of Karnataka for a minimum period of ten academic years (commencing from first standard to twelfth standard, both standards inclusive or qualifying examination, either continuously or in broken periods) as on first July of the year in which Entrance Test is held and has studied, appeared and passed the Secondary Leaving Certificate Examination or Tenth Standard Examination and the Second Year Pre-University Course Examination or the 12th Standard Examination in a Government or Government recognised educational institutions located within the State of Karnataka;]

Provided that the requirement specified at clause (1) above shall not apply to.

(1) Son or daughter of Defence personnel, Central Government - employees and employees of Central or State Government undertakings or Joint Sector (undertakings working at present continuously for a period of one year in Karnataka as on first July of the relevant year);

(2) Son or daughter of Members of Parliament, elected from Karnataka to the extent of the period of the child's study in Delhi from 1st standard to the qualifying examination during the tenure of such person as a Member of Parliament;

(3) Son or daughter of serving or retired employees of.

(i) All India service of Karnataka cadre; and

(ii) State Government who has served or are serving outside the State of Karnataka to the extent of the period of the child's study outside the State from first standard to the qualifying examination during the period of such service.

(4) Son or daughter of working or retired Central Government employees, employees of Central or State Government undertakings or Joint Sector undertakings where such employee.

(i) had declared to the Central Government at the time of joining service any place in Karnataka to be their home town; and

(ii) has studied in any educational institution in Karnataka run or recognised by the State Government for not less than <sup>2</sup>[ten years] at any time between the First Standard and <sup>3</sup> [Twelfth Standard or Second Year Pre-University Examination] or its equivalent examination.

(5) Son or daughter of serving Defence Personnel or Ex-servicemen whose home address at the time of joining the Defence Service was in Karnataka, proof of such domicile having been produced either by obtaining the extract from the records office of the Defence Unit or a certificate from the Rajya or Zilla Sainik Board.

(6) Son or daughter of any employee (other than Central Government) transferable in India to a post in a place outside the State of Karnataka under the terms and conditions governing his employment but at present working continuously for a period of

atleast twelve months in Karnataka as on First July of the relevant year, if.

(i) the candidate has passed the qualifying examination from an educational institution in Karnataka; and

(ii) either parent of the candidate has studied for a minimum period of ten years in educational institutions in Karnataka run or recognised by the Karnataka Government.

(7) Son or daughter of parents who are Kannadigas and who have resided in Karnataka State for a period of atleast ten years or having studied for a minimum period of ten years in educational institutions in Karnataka run or recognised by the State Government and the candidate having passed the Karnataka Pre-University first and second year examinations or equivalent examination conducted by recognised schools or institutions in Karnataka State.

(8) Son or daughter of Horanadu Kannadigas and Gadinadu Kannadigas.

(m) "Merit" means merit as determined under Rule 6;

(n) "Payment seats" means the seats specified as "payment seats" in such institutions as may be notified by the Government;

(o) "Pre-University Examination" means the second year examination of the Pre-University courses conducted by the Pre-University examination board of the State of Karnataka;

(p) "Qualifying examination" means the second year examination of the Pre-University course or the final year Diploma in Pharmacy course of the Board in Karnataka as the case may be or any other qualification declared as equivalent thereto by the Government;

(q) "Unaided Institution" means any privately managed institution which is not an Aided Institution;

(r) "University" means an University established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976);

Rajeev Gandhi University of Health Sciences Act, 1994 (Karnataka Act 44 of 1994) and includes an educational institution declared as deemed University by the Government of India under Section 3 of the U.G.C. Act, 1956 (Central Act 3 of 1956) and notified by the State Government under Section 2(c) of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984.

1. Clause (1) substituted by GSR 99, dated 26-7-1995, w.e.f. 17-8-1995.
2. Substituted for the words "five years" by GSR 99, dated 26-7-1995, w.e.f. 17-8-1995.
3. Substituted for the letters "S.S.L.C." by GSR 99, dated 26-7-1995, w.e.f. 17-8-1995.

### **3. Eligibility :-**

(1) No person shall be eligible for admission to any of the full time Degree courses specified in Rule 1 unless he.

(a) has passed the second year of Pre-University course with Physics, Chemistry and Mathematics or Physics, Chemistry and Biology in respect of admission to B. Pharma course and must have passed II year Pre-University course with Physics, Chemistry and Biology as Optional subjects in respect of admission to B.Sc. (Nursing) Courses and English as one of the languages and has obtained not less than fifty per cent of the aggregate marks in the optional subjects:

Provided that the minimum marks for the purpose of qualification specified for free seats shall not be less than forty per cent in case of candidates belonging to Scheduled Castes and Scheduled Tribes and Category-I specified in the relevant Government Order for the purpose of reservation; or

(b) is a holder of Diploma in Pharmacy granted by the Board or equivalent examination and has obtained not less than fifty per cent of the total maximum marks in the final examination leading to the said Diploma:

Provided that the minimum marks for the purpose of qualification specified above shall not be less than forty per cent in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and Category-I specified in the relevant Government Order for the time being in force.

(2) Besides fulfilling the eligibility conditions specified in sub-rules (1), no person shall be eligible for selection under free seats unless he is a citizen of India.

### **4. Allocation of seats :-**

Following shall be the allocation of seats in the institutions for the purpose of these rules.

(i) "Free Seats" shall include.

(a) All the seats in the institutions established and/or administered by the State Government or the University;

(b) Such number of seats in an institution declared as "Free Seats" by the State Government by notification;

(ii) "Payment Seats" shall be the seats that remain after determination of "Free seats".

**1** [(iii) 30% of the seats as Government free seats and the remaining 70% of the seats to the Management in respect of Bachelor of Science in Physiotherapy.]

1. Clause (iii) inserted by GSR 33, dated 18-6-1998.

### **5. Free Seats and Payment Seats :-**

**1** [(1) All Free Seats shall be filled by Karnataka Students.]

1. Rule 5 substituted by GSR 99, dated 26-7-1995, w.e.f. 17-8-1995.

### **6. Determination of merit :-**

The merit shall be determined by taking the marks obtained in the optional subjects, as the case may be, in the n year PUC or equivalent examination:

Provided that in respect of candidates possessing Diploma in Pharmacy, selected for admission to first year of B. Pharma course shall be on the basis of marks obtained in the final examination leading to the Diploma.

Explanation. For the purpose of these rules, optional subjects means Physics, Chemistry and Mathematics or Biology for the courses specified in clause (a) and Physics, Chemistry and Biology for the course specified in clause (b) of sub-rule (3) of Rule 1:

Provided that where the merit of two or more candidates is the same, the merit shall be determined with reference to the marks obtained in Chemistry in case of B. Pharma course and Biology in case of B.Sc. Nursing qualifying examination and where the marks obtained are equal, the merit shall be determined on the basis of the age of the candidate, the older candidate placed above the younger.

### **7. Procedure for selection of candidates :-**

The procedure for the selection of candidates for admission to

institutions against "Free Seats" shall be as follows.

(1) The Director shall publish on the Notice Board of his office and in such other office as he may think fit and also by giving publicity in atleast one Kannada and one English Newspapers having wide circulation in the State and call for duly completed applications for admission to I year B. Pharma and B.Sc.(Nursing) Courses, for all seats in all the institutions in the State, giving briefly such information as particulars of courses, the number of seats available as "Free Seats and Payment Seats", the names and location of institutions, the fees chargeable by each institution, minimum eligibility conditions, reservation of seats, the method of admission, the place where the prescribed application form along with the brochure containing the above details will be available and such other information as he considers necessary and fixing the last date and time for receipt of the application. The Director shall also similarly give such publicity as necessary and call for applications with such information as may be required for seats reserved for Kannadigas outside Karnataka. No application shall be entertained after the last date or dates so fixed.

(2) Separate application forms may be specified for different (category of applicants for different) courses of studies. The Director shall also indicate the various certificates, affidavits, marks cards, etc., which are required to be produced at the time of admission to an institution after selection.

(3) A candidate possessing qualification declared as equivalent to the Karnataka Pre-University examination shall produce at the time of his admission, copy of the order in which such qualification has been declared as equivalent to the said Pre-University examination or an eligibility certificate of the concerned University in Karnataka.

(4) Applications wherever called for should be legibly and properly filled, strictly as per the instruction given to the candidates. Where the required certificates and affidavits as specified are not enclosed such applications shall be liable to be rejected.

(5) The Director shall enter the details of every application received by him upto the last date fixed for receipt of applications irrespective of whether it is valid or invalid under these rules in a register. This register shall be called as the "Register of applications received".

**8. Mode of selection to Free seat category :-**



(a) The Director shall prepare a list of candidates for selection from the Register of applications, in the order of merit determined under Rule 6 and in the order of reservation prescribed under Rule 10;

(b) The Director shall, for the purpose of allotment of seats, cause publication of the details of interview as to the place, dates, time, etc., in one or more leading Newspapers having wide circulation in the State for the information of the intending candidates;

(c) The Selection Committee constituted under Rule 12 each day, shall call for interview a specified number of candidates from the list prepared under clause (a) above. Every candidate shall be required to give his choice of course and institution either under free seat, or under payment seat as the case may be, at the interview:

Provided that non-Karnataka candidates shall not be entitled to claim reservation against any of the reserved categories, and shall opt for payment seat only;

(d) Each candidate shall also pay the fee prescribed for the I Year through a crossed Demand Draft made payable to the Director at Bangalore and produce all the relevant original documents for verification. The Director shall cause verification of all the original documents produced by the candidate and after ascertaining that the documents so produced are proper and in order, he shall issue allotment order to the candidate as per the rank and choice of the candidate and with reference to the Vacancy position obtaining at the time of allotment. The allotment order shall contain the details of institution and course to which the candidate is allotted and also the category of seats to which he/she has been allotted. Once the allotment order is issued, it shall be final, and the candidate shall not have any more opportunity to exercise his option again for change;

(e) With the issue of allotment order, the candidate shall be deemed to have been finally admitted;

(f) After getting the allotment order, each candidate shall join the respective institution to which he is allotted within the period specified. If the candidate fails to join within the said specified period, his/her allotment shall automatically stand forfeited without any further notice to the candidate. Vacancies, thus arising shall be filled by the Director from among the candidates remaining in the

list prepared in accordance with clauses (a) and (b). It shall be binding on the institutions to allow the candidates allotted by the Director to join the institutions to which they are allotted;

(g) After the last date fixed for the candidates to join the institutions to which they are allotted, the Principals of the respective institutions shall send the list of candidates who have joined, to the Director within one week therefrom.

**9. Mode of selection for payment seat :-**

(1) The following candidates shall be eligible for selection for admission to the payment seats, namely.

(a) All candidates who have been selected for admission to a seat in any institution under the free seat category and who have also opted for selection against payment seats;

(b) Candidates remaining in the General merit list and who have already exercised option to be considered for selection under payment seats category;

(c) The selection of candidates against payment seats shall be made in the same manner as specified under Rule 8.

**10. Reservation of seats under free seats :-**

(1)

(a) Out of the seats available under free seats for admission to I Year B. Pharma Course, Eighty Five per cent of the seats shall be filled by candidates who have passed the Pre-University examination and remaining fifteen per cent of seats shall be filled by the candidates who have passed D. Pharma Course;

(b) All seats available under free seat for admission to B.Sc. (Nursing) Courses shall be filled by candidates who have passed the Pre-University examination.

(2) Seats shall be reserved under Tree Seats' in favour of the following categories of persons and to the extent specified by the State Government from time to time.

(a) Son or daughter of Freedom Fighters (Political Sufferers) as specified in the Government Order No. ED 73 TEC85, dated 27th November, 1985 as amended from time to time;

(b) Son or daughter of Defence Personnel:

Provided that candidates claiming reservation under this category shall indicate his preference at the time of interview, either to consider his case under general merit or under reservation category;

Explanation. Defence personnel for the purpose of this clause means a person in Defence Service who has been working at present continuously for a period of twelve months in Karnataka immediately prior to the first announcement made for the year of admission and who has a minimum of five years of active service in Defence or a person from Karnataka, who at the time of entry into Defence Service has declared as his Home Town, any place in Karnataka and who has a minimum of five years of active service anywhere in the country or abroad, including personnel belonging to Civil GI Coys ASC who were Civilian Class III or Class IV Government Servants and Border Roads Organisational Personnel;

(c) Son or daughter of ex-servicemen;

Explanation. Ex-servicemen for the purpose of this clause includes personnel belonging to Civil GI Coys ASC who were Civilian Class III or Class IV Government Servants, and Border Roads Organisational Personnel, who became permanently disabled or were killed during hostilities:

Provided that candidates claiming reservation under this category shall indicate his preference at the time of interview either to consider his case under general merit or under reservation category;

(d) Candidates who are Physically Handicapped;

(e) Horanadu and Gadinadu Kannadigas:

Provided that the total number of seats allotted to Horanadu Kannadigas and Gadinadu Kannadigas either under reservation category or under general merit shall not exceed the extent specified by the State Government under this rule;

(f) Karnataka Students who have studied for not less than ten full academic years between the first standard and the qualifying examination in educational institutions situated in places in Karnataka having a population below 50,000 as per 1991 census;

(3) Seats shall be reserved for Scheduled Castes, Scheduled Tribes and other Backward Classes under "Free Seats" in the following

manner.

(a) Out of the total number of seats available, reservation shall be made for the candidates belonging to Scheduled Castes, Scheduled Tribes and categories in each institution in accordance with the order issued in G.O. No. SWD/150/BCA/94, dated 17-9-1994 and other related orders issued from time to time;

(b) If sufficient number of candidates under clause (h) of sub-rule (1) Scheduled Castes, Scheduled Tribes and categories are not available such seats shall be filled by the other Karnataka Students of the same category;

(c) If any of the seats reserved for candidates belonging to Scheduled Castes/Scheduled Tribes, Categories-I are not filled due to the non-availability of eligible Karnataka Students of such groups, the reservation to that extent shall stand reduced and shall be open to other Karnataka Students.

**11. Reservation of seats for non-resident Indian Candidates :-**

The Management of any Private aided or unaided institutions, as the case may be, may admit on the basis of merit, non-resident Indian or foreigners to the extent that may be specified by the Government from time to time for a course of study in an academic year and if it remains, unfilled, the management may fill up such seats, at its discretion from amongst others:

Provided that such admission shall only be against "Payment Seats."

**12. Selection Committee and its functions :-**

(1) There shall be a Selection Committee constituted by the Government with the Director of Medical Education as the Chairman and such other members as may be specified. The Chairman also may invite specialist in the field as invitees to assist the Committee.

(2) The Selection Committee shall scrutinise all the documents required to be produced by the candidates under these rules and shall record its views in the matter.

(3) In all matters under sub-rule (2) above, the decision of the committee shall, subject to any general or special orders of Government in this regard, be final.

**13. Penalties :-**

Where a candidate or his parents or guardian furnishes false or incorrect marks card or statement of marks or a certificate or an affidavit filed alongwith the application, such application shall be liable to be rejected and the seat, if any, given to such candidate shall be liable to be forfeited. Such candidates, his parents or guardian, as the case may be, shall also render themselves liable for both civil and criminal action. Where the Director considers that action should be taken under these rules for rejecting an application and forfeiting a seat, he shall pass appropriate orders after holding such enquiry as he deems necessary and after giving reasonable opportunity to the candidate and/or his parents or guardian concerned to make his representation.

**14. Fees :-**

The Fees payable by the candidates in respect of "Free Seats or Payment Seats" shall be as determined by the Committee constituted by the State Government.

**15. General :-**

(1) The management of any institution shall admit only the candidate allotted by the Director of Medical Education to a course of study in the institution against "Free Seats" or "Payment Seats" as the case may be.

(2) All selection to the "Free Seats" and "Payment Seats" shall be subject to the approval of the concerned University. Any refusal by the concerned University for admission after such verification as deemed fit by it, will not be the responsibility of the Government and no claims shall lie against the Government by the candidates concerned.