

Jahnavi Das Vs State of Assam and Ors.

Court: Gauhati High Court

Date of Decision: Jan. 21, 1993

Acts Referred: Constitution of India, 1950 " Article 14, 14

Citation: (1993) 1 GLJ 113

Hon'ble Judges: S.K.Homchaudhuri, J

Bench: Single Bench

Advocate: M.Das, P.Pathak, A.Choudhary, U.Das, S.N.Medhi, Advocates appearing for Parties

Judgement

In this writ petition the petitioner's grievance is that although she got 65.25% marks in the qualifying examination for getting admission in the

Medical Colleges of Assam but ignoring her claim, persons, namely respondent Nos. 5 to 17 who got less than 65% were selected for admission

into Medical Colleges by the respondents in violation of the petitioner's right guaranteed under Article 14 of the Constitution of India.

The respondents have filed a counter and they have not specifically denied the contention of the petitioner that she got 65.25%marks in aggregate

in the qualifying subjects i.e. Physics, Chemistry, Biology and English in the Higher Secondary Examination while the respondent Nos. 5 to 17 has

obtained 63% or below in aggregate in those subjects. That being so, the petitioner has been arbitrarily denied seat in the Medical College by the

respondents in violation of the fundamental right guaranteed by the Constitution.

Mr. P. Pathak, learned counsel for the petitioner submits that he does not press for quashing the select list and/or disturb the respondent Nos. 5 to

17 since there are still a good number of vacant seats in the Medical Colleges of Assam in the current session and his client will be satisfied if a

direction is issued to the respondents to accomodate her against such vacant seat in any of the Medical Colleges of Assam during the current

session. This submission on the facts and circumstances is very fair.

The petition is, therefore, disposed of with direction to the respondents to allow the petitioner Miss Jahnavi Das for admission against a vacant seat

in any of the Medical Colleges of Assam in the current session.

Mr. Pathak submits that classes in the Medical Colleges has already started. So, the petitioner should be allowed to take admission immediately.

Accordingly, it is ordered that the respondents will pass order allotting seat to the petitioner in a Medical College of Assam within a period of 7

(seven) days from today.