

(2011) 09 JH CK 0061

Jharkhand High Court

Case No: L.P.A. No. 233 of 2007

Controller of Examination,
Jharkhand Combined Entrance
Competitive Examination Board,
Ranchi

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: Sept. 9, 2011

Citation: (2011) 4 JCR 289

Hon'ble Judges: Prakash Tatia, Acting C.J.; Jaya Roy, J

Bench: Division Bench

Judgement

@JUDGMENTTAG-ORDER

1. By the Court.--Heard learned counsel for the parties.
2. The writ petitioners prayed for direction on the respondents to admit them for Post Graduate Medical Course for the Session 2006-07 for which they have been declared successful in the written examination and have been finally selected and were called for counseling. The petitioners, are the members of Scheduled Caste and they were sought to be denied the admission to the Post Graduate Course only on the ground that they were not domicile in the State of Jharkhand whereas petitioners-respondents' contention was that his parents were the residents of the erstwhile State of Bihar from part of which new State of Jharkhand was created and even then he was brought up in the area which has now come in the territory of State of Jharkhand and completed his studies in the area in the State of Jharkhand after creation of new State from part of Bihar State.
3. It is submitted that the writ petitioners obtained domicile certificate from the State of Jharkhand also as well as obtained the domicile certificate from the State of Bihar but that will not make the fact different as they were brought up and studied in the area which ultimately came in the State of Jharkhand after creation of the

State of Jharkhand.

4. It is also not in dispute that after filing of the writ petition, the petitioners have already completed their studies in Post Graduate Medical Course in Anesthesia and has also passed out in the year 2010 after completion of three years course.

5. Learned counsel for the respondents drew our attention to the Division Bench judgment delivered in W.P.(S) No. 3846 of 2010 decided on 04.10.2010 wherein there was difference of fact and that was that, the writ petitioner of W.P.(S) No. 3846 of 2010 had obtained caste certificate and domicile certificate from only the State of Jharkhand and not from the State of Bihar whereas in this case the petitioners" have been given domicile certificate from both the states.

6. Be that as it may, when the State of Jharkhand itself has given domicile certificates to the writ petitioners-respondents and they have already passed out their Post Graduate Course after undergoing three years studies and they have been declared passed, then we do not find any just reason to interfere in the impugned order dated 11.05.2007 which has been rendered after observing that no circular, Rule or regulation has been shown that petitioners are not entitled to get admission in Post Graduate Medical Course only on the ground that they have shown their permanent address in the State of Bihar and so has been observed on the basis of the Apex Court"s decision and also the decision of this Court delivered in the case of Madan Prakash & Ors. v. State of Jharkhand & Ors., in W.P.(C) No. 4290/2006 wherein it has been held that in professional course the competition should not be only State wise but it should be a competition nation wise.

7. In view of the above reasons, we do not find any just reason to interfere in the impugned judgment and, therefore, this L.P.A. is dismissed with direction to the appellant to issue appropriate certificate consequent to passing of the Post Graduate Medical Course by the respondents.