

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 1ST DAY OF FEBRUARY 2000

BEFORE

THE HON'BLE MR.JUSTICE A.V. SRINIVASA REDDY

WRIT PETITION NO:136/2000 Connected with

W.P.442/2000; W.P.804/2000; W.P.1044/2000;

W.P.1370/2000; W.P.1662/2000; W.P.43788/1999;

W.P.502-508/2000; W.P.44194-200/99 & 2953-54/2000;

W.P.2749/2000; & W.P.2991/2000

BETWEEN: In W.P.136/2000

Madhusudan Prasad.K,
s/o Sri Subba Rao,
c/o Gopal Reddy,
H.No.233, 2nd Main,
3rd Cross, Bharath Housing Society,
Uttarahalli, Bangalore.

..Petitioner

(By Sri Ashok B.Hinchigeri, Adv)

In W.P. 442/2000

Sri Raghu N,
aged about 22 years,
s/o Sri N.Nagaraj,
No.9, III Main,
6th Cross,
Vijaynagar,
Bangalore-560 040.

..Petitioner

(By Sri Ashok B.Hinchigeri, Adv)

In W.P.804/2000

Geetha R.J, d/o P.Jayaprakash,
aged about 21 years, No.33, Behind
Dena Bank Colony, B.S.K. II stage,
Bangalore-32.

..Petitioner

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(By Sri Ashok B.Hinchigeri, Adv)

In W.P.1044/2000

Sri R.Shashidhar,
aged about 22 years,
s/o C.Ramachandra Reddy,
IV Year student of B.D.S.
Course,
Sri Venkateswara Dental
College & Hospital,
Uttarahalli,
Bangalore-61.

..Petitioner

(By Sri M.V.Chandrashekar Reddy, Adv)

In W.P.1370/2000

Jaswinder Pal Singh Raina,
s/o Kulwant Singh,
aged about 24 years,
No.782, 53rd Cross, 14th Main Road,
Kumaraswamy Layout, I Stage,
Bangalore-560 078.

..Petitioner

(By Sri Ashok B.Hinchigeri, Adv)

In W.P.1662/2000

Ramakrishna A.
s/o Achutha A.R.
aged about 23 years,
No.782, 53rd Cross, 14th Main Road,
Kumaraswamy Layout, I Stage,
Bangalore-560 078.

..Petitioner

(By Sri Ashok B Hinchigeri, Adv)

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In W.P.43788/1999

Jaison John George,
s/o Sri K.K.John,
r/a c/o K.C.Raju,
No.354/B, Railway Quarters,
Bangalore-23.

..Petitioner

(By Sri Ashok B.Hinchigeri, Adv)

In W.P.502-508/2000

1. Mr.Aneesh P,
aged about 22 years,
Mathruchaya,
4th Cross, Sivanandanagar,
Nagarbhavi Road,
Bangalore-560 072.
2. Mr.Ajay V,
aged about 24 years,
Mathruchaya,
4th Cross, Sivanandanagar,
Nagarbhavi Road,
Bangalore-560 072.
3. Mr.Crismon Joseph,
aged about 23 years,
Mathruchaya,
4th Cross, Sivanandanagar,
Nagarbhavi Road,
Bangalore-560 072.
4. Mr.Mohamed Sagar Salam,
aged about 23 years,
Mathruchaya,
4th Cross, Sivanandanagar,
Nagarbhavi Road,
Bangalore-560 072.

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5. Mr. George Mathew,
aged about 24 years,
No. 452, Jal Vayu Vihar,
St. Thomas Town,
Bangalore-560 084.

6. Mr. Chetna Mehta,
aged about 22 years,
c/o Mr. Peter,
DIG, BSF,
Comdt. STC BSF,
Yelahanka,
Bangalore.

7. Mr. Hitashi Ahooja,
aged about 23 years,
c/o Mr. Virender Pankaj,
C8/9, SBI Flats,
Binnystone Garden,
Magadi Road, Bangalore.

..Petitioners

(By Sri Udaya Holla, Adv)

IN W.P. 44194-200/1999 &
W.P. 2953-54/2000

1. Mr. A. Prince James,
s/o Dr A.A. James,
aged about 35 years,
r/a F-4, Palmgrove Apartments
Coconut Garden Nagar
Bhavi P.O., Bangalore-72.

2. Ms. Soniya Joseph,
d/o Mr K.A. Joseph,
aged about 23 years,
r/a Manjula Nilaya,
Behind G.P.S Bar,
Amubhav Nagar,
Nagarbhavi Road, Moodal
Palya, Bangalore-72.

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3. Mr Debasish Sen,
s/o Mr.Dhirendra Kumar Sen
aged about 24 years,
r/a No.68, 3rd Main,
Sanjeevini Nagar,
Moodal Palya,
Bangalore-560 072.
4. Mr.Ashok Kumar A Notani,
s/o Mr.Assud Mal Notani,
aged about 27 years,
r/a No.68, 3rd Main,
Sanjeevini Nagar,
Moodal Palya, Bangalore-72.
5. Ms Lakshamma M.R.
d/o Sri M.C.Ramachandrappa,
aged about
r/a Manjula Nilaya,
Behind G.P.S.Bar,
Anubhav Nagar,
Nagar Bhavi Road,
Moodal Palya,
Bangalore-560 072.
6. Mr.Naveen Kumar Singh,
s/o Sri K.S.Singh,
aged about 23 years,
r/a 721/E(B),
Vinayaknagar, Konena Agrahara,
Bangalore.
7. Mr.Amardeep Malik,
s/o Mr.Charan Singh Malik,
aged about 26 years,
r/a No.179, 9th Block,
11th Cross, Nagar Bhavi II Stage,
Bangalore-560 072.
8. Merin Mathew,
w/o Joji Varghese, major,
Manjula Nilaya, Anubhav Nagar,
Mudalapalya, 43, Nagarbhavi Road,
Bangalore-72.

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9. Syed Anayatullah,
s/o S.M.Shafi,
Mathru Chaya,
4th Cross, Anubhav Nagar,
43, Nagarbhavi Road,
Bangalore-560 072. ..Petitioners

(By Sri Udaya Holla, Adv)

In W.P.2749/2000

Mrs. Shubhasini,
w/o N.Ramesh,
817/83 III Main,
4th Block,
Rajajinagar,
Bangalore-10. ..Petitioner

(By Sri Udaya Holla, Adv)

In W.P.2991/2000

D.Ramkiran,
s/o Sri D.B.Reddy,
c/o Gopal Reddy,
H.No.233, 2nd Main,
3rd Cross, Bharath Housing Society,
Uttarahalli,
Bangalore. ..Petitioner

(By Sri Ashok B.Hinchigeri, Adv)

AND:

1. State of Karnataka,
by its Secretary,
Health & Family Welfare Dept.,

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- M.S.Buildings,
Dr.Ambedkar Road,
Bangalore-560 001.
- (Respondents 1 to 8
are common in W.P.136 of
2000; W.P.442/2000;
43788/99; 1662/2000;
1370/2000 & 2991/2000)
2. Common Entrance Test Cell,
Samudaya Bhavan,
Gandhinagar,
Bangalore-560 009.
- (Respondents 1 to 4
are common in W.P.
804/2000)
3. Union of India,
by its Secretary,
Ministry of Health &
Family Welfare, Nirman
Bhavan, Moulana Azad Road,
New Delhi-110011.
4. Dental Council of India,
Temple Lane, Kotla Road,
New Delhi-110002,
by its Secretary.
5. Bangalore University,
Jnana Bharathi,
Bangalore-560 056,
by its Registrar.
6. Rajiv Gandhi University
of Health Sciences,
Jayanagar General Hospital
Complex, 4th T Block,
Bangalore-41,
by its Registrar.
- (Respondent No.5 in
W.P.804/2000)
7. Nehru Smaraka Vidya Kendra
Trust, 7th Block,
Jayanagar, Bangalore-82.
rep by its Managing Trustee.
- (Respondent No.6 in
W.P.804/2000)
8. Nehru Smaraka Vidya Kendra's
Sri Venkateshwara Dental
College and Hospital,
Uttarahalli, Bangalore-560061,
rep by its Principal.
- (Respondent No.7 in
W.P.804/2000)

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9. Government of Karnataka, rep by its Secretary, Department of Health & Family Welfare, M.S.Building, Vidhana Veedhi, Bangalore-1. (Respondent-1 in W.P.44194-200/99 & 2953-54/2000; W.P.2749/2000; 1044/2000; 502-508/2000)
10. Common Entrance Test Cell for Admission to Medical, Dental and Engineering, Govt., of Karnataka, S.J.M.Samudaya Bhavan, Gandhinagar, Bangalore-9, rep by its Secretary. (Respondent No.2 in WP 44194-200/99 & 2953-54/2000; 502-508, 1044, 2749/2000)
11. Babu Jagjivan Ram Dental College, No.43, Nagarbhavi Road, Mudalpalya, Bangalore-560 072. (Respondent No.3 in W.P.44194-200/99 & 2953-54/2000; 502-508 of 2000)
12. Bangalore University, Gnana Bharati, Bangalore-560 056, rep by its Registrar. (Respondent No.4 in W.P.44194-200/99 & 2953-54/2000; 502-508 of 2000; 2749/2000;)
13. Registrar, Rajiv Gandhi University, Bangalore. (Respondent No.5 in WP.44194-200/99 & 2953-54/2000; 2749/2000)
14. Dental Council of India, Kotla Road, Temple Street, New Delhi, rep by its Secretary. (Respondent No.6 in WP.44194-200/99 & 2953-54/2000; R-3 in WP.1044/2000; R-5 in WP.502-508/2000)
15. Bangalore Institute of Dental Sciences, Bangalore. (Respondent No.7 in WP.2749/2000 WP.44194-200/99 & 2953-54/2000; R-6 in W.P.502-508/2000)
16. Government Dental College Bangalore. (R-8 in W.P.44194-200/99 & 2953-54/2000 R-7 in WP 502-508/2000; R-8 in WP.2749/2000)

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17. Vokkaligara Sangha Dental College and Hospital, Bangalore. (R-8 in WP.502-508/2000 and R-9 in WP.44194-200 of 99 and 2953-54/2000; 2749/2000)
18. M.R.Ambedkar Dental College & Hospital, Bangalore. (R-9 in WP.502-504/2000 R-10 in WP.44194-200/99 & 2953-54/2000; 2749/2000)
19. Sevalal College of Dental Sciences & Hospitals, 704, Modi Hospital Road, West of Chord Road, II Stage, Bangalore-86. (R-3 in WP.2749/2000)
20. Rajiv Gandhi University of Health Sciences, Jayanagar General Hospital Complex, IV 'T' Block, Jayanagar, Bangalore-41, rep by its Registrar. (Respondent No.4 in WP.1044/2000)
21. Sri Venkateshwara, Dental College and Hospital, Uttarahalli, Bangalore-61, rep by its Principal. (R-5 in WP.1044/2000)

..RESPONDENTS

(By Sri K.Viswanath, AGA for R-1;
Sri K.L.Manjunath for R-2;
Sri Ashok Harnahalli, for R-3 in WP.136, 442, 804, 2991/2000 & 43788/99;
Sri M.V.Seshachala, for R-3 in WP.1044/2000; for R-4 in WP.1662, 1370, 804, 136, 442, 2991 of 2000 & 43788/99; for R-5 in W.P.502-508/2000, for R-6 in W.P.44194-200/99 & 2953-54/2000 & W.P.2749/2000;
Sri N.K.Patil, for R-4 in WP.44194-200/99 & 2953-54/2000, 502-508, 2749/2000; for R-5 in WP.43788/99; 2991, 442, 136, 1662, 1370/2000;
Sri S.A.Nazeer, for R-4 in WP.1044/2000; for R-5 in WP.44194-200/99 & 2953-54/2000; for R-6 in WP.1662, 136, 442, 2991, 1370 of 2000; & 43788/99; for R-5 in WP.2749, 804/2000;

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Sri Vagdevi Associates for R-7 & 8
in W.P.1662/2000;43788/1999/ 2991/2000;
442/2000;136/2000/ 1370/2000;
and for R-6 & 7 in 804/2000;

Sri Sashikiran Shetty for R-6 in W.P.
502-508/2000;

Sri G.Gangi Reddy, for R-8 and
Sri Chidanandaiah for R-9 in W.P.502-508/
2000;

Sri Arvind Kumar, CGSC for R3 in WP.1662,
1370/2000;)

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These writ petitions are filed under Articles
226 and 227 of the Constitution of India with a
prayer to direct the University viz., Bangalore
University as well as Rajiv Gandhi University of
Health Sciences to regularise their admission and/or
in the alternative to direct the respondents 1, 2
and 5 to transfer the petitioners from the colleges
to which they were permitted to join by the CET cell
as well as by the management of the colleges and etc.,

These writ petitions coming on for preliminary
hearing this day the court made the following:

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The petitioners in all these writ petitions have filed an undertaking to the effect that they would undertake to pay the fee for the remaining part of the course as per the fee structure prescribed by the competent authority relating to the category under which they were allotted seats.

2. In these writ petitions, the common relief that the petitioners are seeking is for a direction to the University, viz., Bangalore University as well as Rajiv Gandhi University of ^{Health} Sciences to regularise their admission and/or in the alternative to direct the respondents 1, 2 and 5 to transfer the petitioners from the colleges to which they were permitted to join by the CET cell as well as by the management of the colleges.


When

When the allotments were made by the CET cell during the academic years 1993-94, 1994-95, 1995-96 and 1996-97, some of the colleges to which the petitioners were allotted were not recognised by the Dental Council of India and the Central Government. Similar is the situation in respect of the students who have been admitted under the management quota. Therefore, all these petitioners have now approached this court with the reliefs sought for in these writ petitions which has been briefly stated *supra*.

3. Under similar circumstances, this court in WP Nos.38737-753/1999 and other connected writ petitions, disposed of on 19.11.1999 has issued certain directions to the University/Universities. This court after considering the various contentions urged by the parties in those writ petitions has

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issued the following direction:-

"I however consider it more appropriate to direct that the Registrar of the Bangalore University shall verify the information which the colleges may furnish to him in regard to the vacancies in the second, third and 4th year of the BDS Course. If upon verification, vacancies are found to be existing, transfer of the petitioners against the same shall be permitted taking into consideration the choice of the candidate concerned and his merit at the time of his admission to the 1st year of the course. The transfer shall be against vacancies in the categories in which the petitioners were initially admitted. In case however, any one of the petitioners wishes to be transferred again to a management seat, the Registrar shall permit such a transfer subject to the candidate agreeing to pay the prescribed tuition fee and other charges applicable for such seats. Keeping in view the urgency involved in the

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matter

matter, the entire exercise of verification of seats and transfer of the petitioners against the same shall be expedited to be completed within three weeks from today. The transferee colleges mentioned earlier shall furnish to the Registrar of the Bangalore University, the requisite information regarding the availability of the vacancies within one week. They shall also furnish any other information which the Registrar may require in that connection. In case the vacancies in the colleges aforementioned are insufficient to accommodate all the petitioners, the Registrar shall be at liberty to call for the requisite information from other recognised colleges in the State and make allotment against the same. The transfers permitted after verification of the vacancy position shall be recognised by all concern including the Rajiv Gandhi University of Health Sciences wherever the transferred students have to appear in examinations organised by the said University. An intimation regarding the transfer shall

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shall be sent to the Dental Council of India in terms of the Dental Council of India Regulations. The transferee college shall be entitled to charge such fee as is prescribed for the category of students to which the petitioners may be admitted by transfer."

4. These writ petitions are disposed of in terms of the above directions of this court. The petitioners shall appear before the Registrar of the Bangalore University on 10th February 2000 at 10.30 a.m. in his Office or on such other date as the Registrar may fix ~~on that date~~ with prior information to the petitioners. But the entire process of the allotment shall be completed by the Registrar of the Bangalore University on or before 17th February 2000. The appearance of the petitioners for the ensuing examination will be subject to their academic eligibility to be determined

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by the concerned Universities.

5. All these writ petitions are accordingly disposed of with the above direction leaving the parties to bear their own costs.

Memo of appearance ^{by the learned counsel for Respondents} wherever not filed ^{or} may be filed within two weeks from today.

6. Let a carbon copy of this order be given to Mr N. K. Patil, learned Standing Counsel for the Bangalore University and Mr S. A. Nazeer, learned Standing Counsel for the Rajiv Gandhi University of ^{Health} ~~Physical~~ Sciences.

Sd/-
Judge

sub/