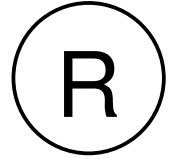




IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH



DATED THIS THE 21ST DAY OF JUNE, 2023

BEFORE
THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.200583 OF 2023 (EDN-RES)

BETWEEN:

1. MOTHER MARRY COLLEGE OF NURSING
NAIDU LAYOUT
RAJAPUR ROAD,
KALABURAGI-585105
REPRESENTED BY ITS
PRINCIPAL PROF. SHREESHAIL PATIL
2. BHOSALE TEJAS ASHOK
D/O ASHOK BHOSALE
AGED 19 YEARS,
3. MAKASARE VISHWAJIT SANJAY
D/O SANJAY
AGED 20 YEARS,
4. GAWARI SAHIL ASHOK
D/O ASHOK
AGED 18 YEARS,
5. ALHAT SHUBHAM BHAGWAN
D/O BHAGWAN
AGED 18 YEARS,
6. SHAIKH NUMAN RAFIK
D/O RAFIK
AGED 18 YEARS,
7. BIDKAR SACHIN SUNIL
D/O SUNIL
AGED 19 YEARS,





8. TRIBHUVAN AKASH PRAKASH
D/O PRAKASH
AGED 20 YEARS,
9. BORDE KUNAL CHANGDEV
D/O CHANGDEV
AGED 19 YEARS,
10. PARSAIYYA AJAY SOMNATH
D/O SOMNATH
AGED 21 YEARS,
11. ALHAT SURESH DEVDAN
D/O ALHAT SURESH
AGED 18 YEARS,

THE PETITIONERS 2 TO 11 ARE THE STUDENTS
OF PETITIONER NO.1, MOTHER MARRY COLLEGE OF
NURSING AT NAIDU LAYOUT, RAJAPUR ROAD
KALABURAGI-585105

...PETITIONERS

(BY SRI. PRADEEP KUMAR P. K., AND
SRI.S.S.MAMADAPUR, ADVOCATES)

AND:

1. THE REGISTRAR
RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES KARNATAKA
4TH T-BLOCK, JAYANAGAR
BANGALORE-560041
2. THE SECRETARY
MEDICAL EDUCATION
M. S. BUILDING
VIDHANA VEEDHI
BENGALURU-560001

...RESPONDENTS

(BY SRI.R.J.BHUSARE, ADVOCATE FOR R1;
SMT.MAYA T.R., HCGP FOR R2)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE 2ND RESPONDENT TO CONSIDER THE REPRESENTATION MADE BY THE PETITIONER NO.1 AS PER THE ANNEXURE-F AND ENABLE THE WEB PORTAL TO ALLOW UPLOADING DETAILS OF THE STUDENTS AND ISSUE THE REGISTRATION NUMBERS TO ALL THE ELIGIBLE PETITIONER NO.2 TO 11 WITHOUT ANY DISCRIMINATION, WHOSE DETAILS SHALL BE UPLOADED IF THE PORTAL IS ENABLED DIRECTING THE RESPONDENT NO.2 AND ETC.,

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. The petitioner No.1 college and students are before this

Court seeking for the following reliefs:

- a. *"Issue an order or direction or writ in the nature of mandamus directing the 2nd respondent to consider the representation made by the petitioner No.1 as per the Annexure-F and enable the web portal to allow uploading details of the students and issue the Registration Numbers to all the eligible petitioner no.2 to 11 without any discrimination, whose details shall be uploaded if the portal is enabled.*
- b. *Issue an order or direction or writ in the nature of mandamus directing the respondent No.2 to permit the students of petitioner No.1 to appear for Examination of 1st year B.Sc. Nursing Course commencing on 13.02.2013.*
- c. *Issue an order or direction or writ in the nature of mandamus directing the respondent No. 2 to approve the admission of the students of petitioner No. 1 and announce the results of the exams.*
- d. *Grant such other relief that this Hon'ble Court may deem fit in the facts and circumstances of the case."*



2. Petitioner No.1 college claims to be running a B.Sc.Nursing College and petitioner Nos.2 to 11 were admitted for the first year B.Sc.Nursing course in the academic year 2021-22. The grievance of the petitioner No.1 is that despite the admissions having been made, the details could not be uploaded in terms of notification dated 04.04.2022 at Annexure-D by 07.04.2022, since the portal had glitches and there were some technical errors, the petitioner No.1-College wrote to the respondent No.1-University on 10.01.2023 stating that they could not upload the details of the students due to technical issue and requested the respondent No.1-University to open the portal for enabling online submission of applications. Since no action has been taken by the respondent No.1-University, the petitioners are before this Court seeking for the aforesaid reliefs.
3. Sri.Pradeep Kumar P.K., learned counsel for the petitioners submits that it is only on account of technical glitches that the applications and details of the students could not be uploaded on to the website, if there were no technical glitches, they would have uploaded on time, and submits



that interest of the students ought not to have suffered due to technical glitches of respondent No.1-University.

4. Sri.R.J.Bhusare, learned counsel for respondent No.1-University after service obtained instructions and submits that

- 4.1. On inspection being taken of the Register of admission of the petitioner No.1-College, it is found that there are several extrapolations of the said Register, inasmuch as the names of the students have been inserted in the Register by pasting a paper on the existing names and even after the admissions have been completed, names of some students have been added. In that background, he submits that the explanation which has been offered by the petitioner No.1-College that they could not upload the details on time due to technical glitch is not acceptable.

- 4.2. Even if there is technical issue, the petitioner No.1-College could have forwarded the same through email on the very same day or on the next day which could



have been considered. The last date for uploading was 07.04.2022, the same not having been done, the University will not be able to consider the representation made by the petitioner No.1-College. On these grounds he submits that the writ petition is required to be dismissed.

5. Heard Sri.Pradeep P.K., learned counsel for the petitioners and Sri.R.J.Bhusare, learned counsel for respondent No.1 University, Smt.Maya T.R., learned High Court Government Pleader for respondent No.2 and perused the records.
6. On the earlier occasions when Sri.R.J.Bhusare, learned counsel for University on instructions had made a submission that there is extrapolation in the Admission Register. He had been called upon to produce the original of Register of Admission of the petitioner No.1-College which has been produced today.
7. A mere inspection of the said Register gives rise to a very shocking and sad state of affair of the petitioner No.1-College. The names of petitioner No.2 at Sl.No.18 has



been added by pasting a small piece of paper in line with the grid of columns and rows, as if to show that the name was always existed in the Register. Similar is the situation as regards, petitioner No.3 whose name is found at Sl.No.33, petitioner No.4 at Sl.No.34. As regards, petitioner Nos.6, 7 and 8 their names are found at Sl.Nos.36 to 38 respectively and paper has been pasted giving their details as also affixing their photographs on that piece of paper. As regards, petitioner Nos.9 and 10, their names have been added, after verification by the Principal and the Assistant Registrar and no details are found as regards their address and other personal details.

8. The Attendance Register has also been produced which would indicate that the names of the students though alphabetically arranged, the names of the petitioners are found thereafter in haphazard manner. All these lead to an irresistible conclusion that the petitioner No.1-College has fabricated the Register of Admission by pasting a sheet of paper to include the names of the students as if to contend that they had been admitted within time and their details could not be uploaded only on account of technical glitch.



9. This submission is also not acceptable for one other reason inasmuch as the last date for uploading the details was 07.04.2022, the first request made by petitioner No.1-College was on 10.01.2023 after a gap of more than 8 months which also indicates that the students were not admitted before 07.04.2022. The manner in which the petitioner No.1-College has indulged in the aforesaid activities is shocking to say the least.

10. Petitioner No.1 College is playing with the lives of the students and their parents who had their hopes and aspirations that the students could have joined the petitioner No.1-College to study B.Sc. Nursing course and make their livelihood for themselves. In view of the serious omissions and commissions on the part of the petitioner No.1-College, the data not being uploaded since admission has been carried out post the last date, without probably informing the students at the last date by collecting fees from them and inserting their names in the admission Register now leads to a situation where on account of the refusal by the respondent No.1 University, they would not be able to take up examinations for this year.



11. This Court cannot also direct respondent No.1 University by issuance of mandamus to accept the fraud which has been committed by petitioner No.1-College.

12. As such, I am of the considered opinion that the losses which have been caused to the students would also have to be made good by the petitioner No.1-College in monetary terms, though the same may not offer adequate succour to the said students. The action on the part of petitioner No.1-College would also require investigation by the appropriate authority including the police authorities to determine the fraud played and to take necessary action including criminal action, if necessary, apart from other administrative action that the University would be permitted to take against the petitioner No.1-College.

13. In that view of the matter, I pass the following:

ORDER

- i. The petition is ***dismissed***.
- ii. Petitioner No.1-College is directed to make payment of a sum of Rs.10,00,000/- (Rupees ten lakhs only)



each to petitioner Nos.2 to 11 as compensation for the loss of one year which has been caused to them.

- iii. Respondent No.1-University is directed to initiate such action against the petitioner No.1-College as may be available in law including filing of criminal complaint and administrative action against charter of the respondent-University.
- iv. The original of the Admission Register and the original Attendance Register are returned back to Sri.R.J.Bhusare, learned counsel for respondent No.1-University.

Sd/-
JUDGE

VNR
List No.: 1 Sl No.: 27