

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF APRIL 2012

BEFORE

THE HON'BLE MR. JUSTICE ASHOK B. HINCHIGERI

WRIT PETITION NOs.3024 OF 2012 AND 3113-3114
OF 2012 (EDN-EX)

BETWEEN:

1. Dr.Prathima H.T.
D/o.Thimmaiah,
Aged about 34 years,
Working as Dentist,
Government Hospital,
Koratagere,
Tumkur District - 572 129. . . Petitioner in W.P.3024/2012

2. Dr.Afzal Ur Rahman,
S/o.Abdul Quadir K.
Aged about 36 years,
Working as General Duty
Medical Officer,
Primary Health Centre,
Panjagana Halli, Sira Taluk,
Tumkur District - 572 137. . . Petitioner in W.P.3113/2012

3. Dr.K.G.Jagadish,
S/o.K.Ganganna.
Aged about 43 years,
Working as General Duty
Medical Officer,
Community Health Centre,
Y.N.Hoskote, Pavagada Taluk,

Tumkur District – 572 137. .. Petitioner in W.P.3114/2012

(By Sri V.Sarathi, Advocate for Sri B.M.Irshad
Ahmed, Advocate)

AND:

1. The State of Karnataka,
Represented by its Secretary,
Health and Family Welfare
Department, Vikas Soudha,
Bangalore – 560 001.

2. The State of Karnataka,
Represented by its Secretary,
Department of Medical Education,
Vikas Soudha,
Bangalore – 560 001.

3. The Commissioner,
Health and Family Welfare
Department, Anand Rao Circle,
Bangalore – 560 001.

4. The District Health and Family
Welfare Officer,
District Hospital,
Tumkur.

5. The Rajiv Gandhi University
Of Health Sciences,
Represented by its Registrar,
4th T Block, Jayanagar,
Bangalore – 560 041.

... Respondents

(By Sri R.Omkumar, AGA for R1 to R4:
Sri N.K.Ramesh, Advocate for R5)

These writ petitions are filed under Articles 226 & 227 of the Constitution of India, praying to direct the respondents to accept the petitioners' PGET 2012 Application and forthwith issue the Hall Tickets to the petitioners application No.28634 (Dr.Prathima H.T.) application No.28610 (Dr.,Afzal Ur Rahman) and appellation No.31913 (Dr.K.G.Jagadeesh) and allow them to write the post graduate entrance exam - 2012 under the in-service category which is scheduled on 29.1.2012, etc.,

These writ petitions, coming on for orders, this day, the Court made the following:

ORDER

The petitioners are the in-service doctors. On the fifth respondent calling for the applications for the postgraduate entrance test, the online registration of their candidature took place on 12.12.2011. On the same day, they claim to have submitted the applications to their immediate official superior (the respondent No.4). As per the procedural requirements, the respondent No.4 was to submit them to the respondent No.3, who in turn was required to submit them to the respondent No.5. When the petitioners were not issued

ABK

the Hall tickets either because their applications were lost or received belatedly, they approached this Court.

2. This Court by an interim order, dated 28.01.2012, directed to the respondent No. 5 to permit the petitioners to appear for the PGET pursuant to which they have appeared for the said examination.

3. The counter on behalf of the third respondent is filed stating that the fourth respondent sent the petitioners' applications to the third respondent by ordinary post. However, the third respondent's office has not received the same. The counter further states that the petitioners are not disqualified from pursuing their postgraduate studies as in-service candidates.

4. As it is not in dispute that the petitioners' online registration took place on 12.12.2011 and the last date for the submission of the application was 31.12.2011 and as the fourth respondent has confirmed

ABH.

the receipt of the application from them within the last date, the petitioners are bound to succeed.

5. At this juncture, Sri Sarathi submits that the petitioner Nos. 1 and 3 are not pressing their petitions as it is found that they have not passed in the entrance test; they have checked their positions with reference to the key answers published on the web-site. Sri Srathi would therefore pray for the allowing of the petition filed by the second petitioner only.

6. In the result, the petition filed by the second petitioner Dr.Afzal Ur Rahman (WP No.3113/2012) is allowed by directing the respondent No.5 to officially announce his result and assign the ranking and permit him to participate in the counselling and if he emerges successful, give admission to him to the postgraduate course. The writ petitions filed by the first petitioner and the third petitioner (W.P.Nos.3024 & 3114/2012) are dismissed as not pressed.

ABH.

7. In view of the disposal of the main matter,
nothing survives for any consideration of IA No.2/2012.
It is dismissed as having become unnecessary.

Sd/-
JUDGE

Cm/-

Not An Official Copy