

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF APRIL 2016

BEFORE

THE HON'BLE MR. JUSTICE S. ABDUL NAZEER
WRIT PETITION NO 18471 / 2016 (EDN-MED-ADM)

Petitioner:

DR SAIKUMAR V, S/O LATE R.VENKAPPA,
AGED ABOUT 38 YEARS,
WORKING AS MEDICAL OFFICER,
K.R.HOSPITAL
MYSORE MEDICAL COLLEGE AND RESEARCH INSTITUTE,
MYSORE-570001
R/AT NO.915, BEML LAYOUT
II STAGE, RAJARAJESHWARI NAGAR,
BOGADI, MYSORE-570022

Hand Delivery Copy

By Sri SHARATH S GOWDA, ADV.:
Vs

Respondents:

- 1 STATE OF KARNATAKA
DEPARTMENT OF MEDICAL EDUCATION,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
VIKASA SOUDHA, BANGALORE-560001
- 2 DIRECTORATE OF MEDICAL EDUCATION
REP BY ITS DIRECTOR
ANAND RAO CIRCLE, BENGALURU-560009
- 3 KARNATAKA EXAMINATION AUTHORITY
REP BY ITS EXECUTIVE DIRECTOR
SAMPIGE ROAD, 18TH CROSS, MALLESHWARAM,
BENGALURU-560002

AGA FOR R1, SMT. SUMANA BALIGA, ADV FOR R2
SRI. N.K.RAMESH, ADV FOR R3.

Whereas, a Writ Petition filed by the above named
Petitioner under Article 226 & 227 of the Constitution of India, has
been registered by this Court.

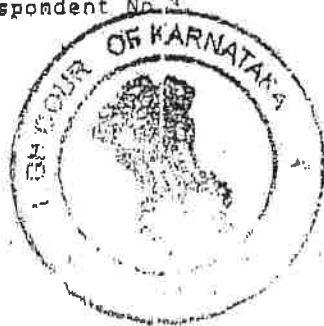
After hearing, the Court made the following :

ORDER :

Learned AGA is directed to take notice for respondent No.1.

Smt. Sumana Baliga, learned counsel is directed to take
notice for respondent No.2.

Sri. N.K.Ramesh, learned counsel is directed to take
notice for respondent No.3



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SANJ:
20.04.2016

W.P.No.18471/2016 (EDN-MED-ADM)

ORDER

Having heard the learned counsel for the parties, this Court is of the view that ranking assigned to the petitioner in the PGET-2015 Medical in-service candidates for autonomous institutions in Sl.No.13 at Annexure-A is incorrect. The service rendered by the petitioner in Mandya Institute of Medical Sciences for a period of 13.12.2010 to 31.10.2011 as a probationer ought to have been taken into consideration while fixing the slab of 5 years. If the slab of the petitioner is taken as 5 years, his ranking will be at No.5 with a total score of 762.1155. The score of the 4th respondent is 656.8483. If the ranking of the 4th respondent at Sl.No.8 and the ranking of petitioner as shown in Annexure-A at Sl.No.13 are retained, the only seat in Bengaluru Medical College in M.S.(Ortho) has to be allotted to the 4th respondent. However, if the ranking of

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the petitioner at Sl. No.5 is taken into consideration, he is eligible for allotment of the said seat.

2. Learned counsel for the parties submit that in the subsequent rounds of allotment, the petitioner has a bright chance of getting a seat of his choice having regard to his ranking at Sl.No.5. Therefore, the allotment of the only seat in M.S.(Ortho) in BMC may be kept in abeyance. The petitioner and the 4th respondent may be given a chance to select the seat of their choice out of the available seats in the subsequent rounds. In case, the petitioner gets a seat of his choice, the seat available in BMC in M.S. (Ortho) may be allotted to the 4th respondent.

3. Learned counsel appearing for the 4th respondent after taking instructions from the 4th respondent, who is present before the Court submits that in case, the petitioner does not get a seat of his choice in the subsequent rounds, he has no objection

for allotment of the seat in BMC in M.S. (Ortho) to the petitioner.

4. The submission of the learned counsel appearing for the respondent No.4 is placed on record. the petitioner and the 4th respondent are permitted to participate in the subsequent seat allotment. The petitioner shall be ranked at Sl.No.5 and the 4th respondent at Sl.No.8 for the said purpose. If the petitioner gets a seat of his choice in the subsequent rounds of allotment, the seat in M.S.(Ortho) available in BMC shall be allotted to the 4th respondent. In case, the petitioner fails to get a seat of his choice in the subsequent rounds, the seat available at BMC in M.S. (Ortho) shall be allotted to the petitioner. Till this process is completed, the seat in M.S. (Ortho) at BMC, Bengaluru, shall be kept in abeyance.

5. The counseling may continue, subject to the above observations.

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Registry is directed to furnish a copy of this order to Smt.Sumana Baliga, learned counsel appearing for R2 and Sri N.K.Ramesh, learned counsel appearing for R3.

Heard - in - part.

Post this matter for further orders on 29.4.2016.

Sd/-
JUDGE

KLY/

- copy -
e.v.chitra
Court Officer
High Court of Karnataka
Bangalore