

## **NOTIFICATION DATED 30/05/2011 TIME 10:40 PM**

The Hon'ble High Court of Karnataka in its Judgement dated 30/05/2011 in W.P.No: 18236 / 2011 C/W W.P. No: 19281 / 2011 has directed that the seat Matrix prepared for holding First round Counseling on 14<sup>th</sup> and 15<sup>th</sup> April 2011 in respect of PG courses in Private Medical Colleges shall be the basis for admission to these PG courses subject to the outcome of these two writ petitions

For the benefit of the students the seat matrix as per the direction the Hon'ble High Court (supra) & a copy of the said Judgement dated 30/05/2011 are attached.

First and Final Round of fresh Counseling for PG Medical courses will be held at 9:00 AM on 31/05/2011, as announced earlier.

Hand delivery

IN THE HIGH COURT OF KARNATAKA AT BANGALORE  
DATED THIS THE 30TH DAY OF MAY 2011

PRESENT

THE HON BLE MRS. JUSTICE MANJULA CHELLUR  
AND

THE HON BLE MR. JUSTICE S.N. SATYANARAYANA  
WRIT PETITION NO 18236 / 2011 (EDN-RES)  
C/W WRIT PETITION NO.19281/2011

WP 18236/2011

Petitioner :

1. KARNATAKA PRIVATE MEDICAL AND DENTAL COLLEGES ASSOCIATION  
NO.132, 2ND FLOOR, 17TH CROSS,  
11TH MAIN, MALLÉSWAREM, BANGALORE-560055  
REP. BY ITS ASSISTANT MANAGER,  
MR. GURURAJ R BHAT, AGED ABOUT 34 YRS.,  
By Sri ABHISHEK MALIPATIL, ADV.,

Vs

Respondents :

- 1 STATE OF KARNATAKA  
REP. BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF HEALTH AND FAMILY WELFARE  
VIDHANA SOUDHA, BANGALORE-560001
2. DIRECTOR OF MEDICAL EDUCATION  
ANANDA RAO CIRCLE, BANGALORE-560009
3. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4TH T BLOCK, JAYANAGAR, BANGALORE, REP. BY ITS REGISTRAR
4. CONSORTIUM OF MEDICAL ENGINEERING  
AND DENTAL COLLEGES KARNATAKA  
NO.132, 2ND FLOOR, 17TH CROSS,  
11TH MAIN, MALLÉSWAREM, BANGALORE-560055, REP BY ITS SECRETARY

WP NO. 19281/2011

Petitioner :

- 1 KARNATAKA PRIVATE MEDICAL AND DENTAL COLLEGES ASSOCIATION  
NO.132, 2ND FLOOR, 17TH CROSS,  
11TH MAIN, MALLÉSWAREM, BANGALORE-560055  
REP. BY ITS SECRETARY, M.R. JAYARAM, AGED ABOUT 60 YRS.,  
By SRI. K. SHASHIKRAN SHETTY

Respondents :

- 1 STATE OF KARNATAKA  
REP. BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF HEALTH AND FAMILY WELFARE  
VIDHANA SOUDHA, BANGALORE-560001
- 2 DIRECTOR OF MEDICAL EDUCATION  
ANANDA RAO CIRCLE, BANGALORE-560009

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

After hearing, the Court made the following :

: ORDER :

(COPY OF THE ORDER DATED 30/05/2011 IS ENCLOSED SEPARATELY)

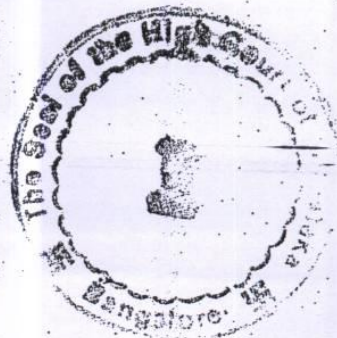


MCJ/SNSJ:  
30.05.2011

ORDER in WRIT PETITION NOS.18236/2011 C/w 19281  
OF 2011 (EDN-RES)

The first writ petition came to be filed challenging the authority of the Director of Medical Education - the 2<sup>nd</sup> respondent herein so far as the seat matrix done by the COMED-K which ultimately resulted in bringing out Annexure-A referred to in W.P.No. 18236/2011.

The main contention of the petitioners in the first writ petition was that without any authority or power, the 2<sup>nd</sup> respondent is interfering and pressurising COMED-K to arrive at a different seat matrix than the one prepared by them one month earlier to the counselling by displaying the same on the web site. It was the contention of the petitioner that availability of 67% of the seats in the member institutions of the petitioner/association was pursuant to the information and communication to the concerned authorities including the 2<sup>nd</sup> respondent.



When the matter was heard and the learned Government Advocate had to reply to the arguments of the learned Senior Counsel Mr. M.R. Naik, the learned Government Advocate Mr. N.B. Viswanath informed us that a settlement, via media arrangement is under the process and therefore, he requested us to wait and proceed with the matter based on the memo to be filed by the parties.

On 27.5.2011 at about 1.15 p.m. both the parties came up with a memo signed not only by the petitioners but also the concerned authorities on record. The last paragraph of the memo reads as under:

"In respect of the aforesaid 67% seats allocated to the Management, there shall be a fresh counselling based upon the seat matrix to be notified by the Association with the approval of the Government of Karnataka. The Association shall notify the said seat matrix strictly in accordance with the



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Consensual Agreement entered into  
between the parties.

WHEREFORE, it is respectfully prayed that  
this Hon'ble Court be pleased to dispose of  
the above Writ Petition taking on record this  
Memo, in the interest of justice and equity." -

"  
As a matter of fact, on 27.5.2011 one of the Judges of this  
Bench - Hon'ble Mr. Justice S.N. Satyanarayana, asked the  
exact implication of the word 'approval' used in the said  
paragraph. The learned Additional Advocate General  
informed the Court that the seat matrix proposed by the  
COMED-K would be intimated and the fresh counselling will  
be done on 30.5.2011. Though an order came to be dictated  
in terms of the memo on 27.5.2011, the same was not signed  
by the Bench and today i.e., 30.5.2011 at the very beginning  
of the day's work, learned Senior Counsel Mr. M.R. Naik  
brought to our notice that again they are faced with the  
same situation like Annexure-A as the Director of Medical  
Education has not accepted the seat matrix prepared by  
COMED-K and communicated different seat matrix proposed



by the Under Secretary to Government as per Annexure-L filed in W.P.No. 19281/2011 indicating the changes with regard to the seat matrix pertaining to different institutions in the State of Karnataka. In other words, according to the petitioner in the 2<sup>nd</sup> writ petition, the very same challenge made by them in the earlier writ petition would arise in the present case as well as Annexure-L which is proposed by the respondent/authorities as against Annexure-K prepared by them subsequent to 27.5.2011 in terms of the joint memo dated 27.5.2011.

On comparison with the seat matrix indicated at Annexures-K and L referred to in W.P.No. 19281/2011, we do find certain changes made by the respondent/authorities as indicated in Annexure-L in comparison with Annexure-K prepared by COMED-K. The counselling has to begin at 3.00 p.m. on 30.5.2011 and the 2<sup>nd</sup> petition is also filed with the same allegation of interference with the seat matrix prepared by the COMED-K at the instance of the respondent/authorities. As on today, the seat matrix prepared by COMED-K has to be either Annexure-B in the



first writ petition or Annexure-K in the second writ petition. However, we find again there are minor changes of seat matrix between Annexure-B in W.P.No.18236/2011 when compared with Annexure-K in W.P.No. 19281/2011.

On questioning with regard to this change of seat matrix, the learned Senior Counsel Mr. M.R. Naik submitted that the seat matrix at Annexure-K is only at the request of the respondent/authorities to allocate some more seats to the students on All India Merit Basis. The fact remains as per earlier seat matrix at Annexure-B, which was listed on the web site of the COMED-K, counselling never took place as per the seat matrix.

In that view of the matter when the interference of the respondents/authority is questioned with regard to the seat matrix done by the COMED-K, we are of the opinion that the COMED-K shall proceed with the counselling of the students as per the seat matrix at Annexure-B in W.P.No. 18236/2011 which was published on web site a month earlier and the admissions shall be made accordingly



intimating the students that their admission shall be subject to the outcome of these above two writ petitions on merits.

In view of the above circumstances, the order dictated on 27.5.2011 on the memo in W.P.No. 18236/2011, which was not signed by us is recalled.

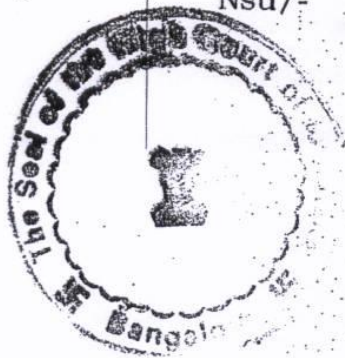
Let a carbon copy of this order be given to the learned Counsel for the petitioners as well as the respondents.

sdt-  
JUDGE

sdt-  
JUDGE

"copy"

Nsu/-



*[Signature]*  
Assistant Registra.  
High Court of Karnataka  
Bangalore 560 001  
30/5/11