

Uttarakhand High Court

Rohit Rawat vs State Of Uttarakhand & Others on 13 November, 2019

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 3131 of 2019

Rohit Rawat

.....Petitioner

Versus

State of Uttarakhand & others

...Respondents

Present:- Mr. Vinay Kumar, Advocate for the petitioner.
Ms. Anjali Bhargava, Brief Holder for the State/respondent nos. 1 and 3.
Mr. N.S. Pundir, Advocate for respondent no. 2.

Hon'ble Sudhanshu Dhulia, J.

The petitioner before this Court seeks admission in post-graduate course in Ayurvedic Colleges in Uttarakhand. This admission is being sought by the petitioner as a ward of Defence Personnel as there are seats reserved for the wards of defence personnel, inter alia, in Ayurvedic Colleges in Uttarakhand.

2. According to the petitioner, he had filled his form specifically stating that he is a Defence Personnel Ward (in short "DPW") candidate and he should be given admission on the reserve seat for such category.

3. The case of the petitioner is that his candidature was not considered as a DPW candidate as the claim was made by another candidate, namely, Ms. Pooja Bhatt for the said post. However, Ms. Pooja Bhatt failed to show any document to the effect that she is a ward of defence personnel and subsequently she was not given the admission in the first round of counselling. In fact, Ms. Pooja Bhatt relinquished her claim as DPW candidate and subsequently in the second round of counselling this seat was given to Ms. Neelam Rawat who is respondent no. 4 before this Court.

4. Learned counsel for the petitioner submits that Ms. Neelam Rawat who is the resident of State of Rajasthan had originally not applied as a defence personnel candidate, yet she was allowed to make amendment in her application form in the second round of counselling and she appeared as a DPW candidate.

5. This prima facie, could not have been allowed as none of the candidates are allowed to make correction in their original application form.

6. In any case, by an interim order of this Court, one seat of Defence Personnel Ward category is lying vacant.

7. Uttarakhand Ayurved University, Harrawala, Dehradun which is being represented before this Court by its counsel Sri N.S. Pundir has not filed the counter affidavit as yet, but he very fairly submits that in case the petitioner appears before the Uttarakhand Ayurved University, Harrawala, Dehradun, his case shall be considered in accordance with law as by an interim order of this Court, one seat is lying vacant in Rishikul Campus, Haridwar, for which the petitioner's claim can be considered.

8. As an interim measure, it is directed that the Uttarakhand Ayurved University, Harrawala, Dehradun shall consider the claim of the petitioner in accordance with law and pass appropriate orders within a period of one week from today and apprise this Court within a week thereafter.

9. List this case on 28.11.2019 in the daily cause list.

10. Let a certified copy of this order be issued today itself on payment of usual charges.

(Sudhanshu Dhulia, J.) 13.11.2019 Ankit/