

R. Dinesh Kumar Vs. Director of Technical Education, Govt. of Karnataka, Bangalore and anr.

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Court : Karnataka

Decided On : Nov-23-1984

Reported in : AIR1985Kant280

Judge : M. Rama jois, J.

Acts : [Constitution of India](#) - Articles 14 and 15(4)

Appeal No. : Writ Petn. No. 17524 of 1984

Appellant : R. Dinesh Kumar

Respondent : Director of Technical Education, Govt. of Karnataka, Bangalore and anr.

Advocate for Def. : N. Devadas, Govt. Pleader

Advocate for Pet/Ap. : V.V. Upadhyaya, Adv.

Judgement :

ORDER

1. Petition has come up for preliminary hearing after notice to respondent. By consent of both the parties, it is taken up for final hearing.

2. The petitioner has sought for the issue of a writ of mandamus directing the 1st respondent to select the petitioner for admission to the B.E. degree course during the academic year 1984--85 as against a seat reserved for Backward Special Group.

3. The facts of the case in brief are :

The petitioner has passed the P.U.C. examination held by the Pre-University Board in April,1984. He submitted the application to the 1st respondent for selection ' to the B.E. degree Course against a seat reserved for Backward Special Group, in Government or Private Colleges. In support of his claim that he belonged to backward special group, he produced a declaration to the effect that the income of his father was Rs. 3,600/- per annum. The Selection Committee selected the petitioner against one of the seats reserved for special group and allotted him to Karnataka Regional Engineering College, Surathkal. But when he went to the College for the purpose, of admission, the Principal of the College declined to admit the petitioner on the ground that the documents in support of his claim were improper and that the 1st respondent was contacted also in this behalf. Thereafter, the petitioner made an application before the 1st respondent (Annexure-N) dt. 13-10-1984. On the application itself an endorsement was made by the Director to the effect that the father of the petitioner being a lawyer, his claim for backward special group was rejected. Aggrieved by the said order, the petitioner preferred this petition.

4. Learned Counsel for the petitioner Sri. V. V. Upadhyaya submitted, that according to the criteria fixed by the Government-for identifying the persons belonging to backward special group, a person self-employed and whose income was less than Rs. 4,800 was eligible for selection against the seats reserved for backward special group. Learned Counsel submitted that though the father of the petitioner was a lawyer in profession, his income was only Rs. 3,000/- and income from land was Rs. 600/- and therefore, his claim for backward special group was justified. The only reason assigned by the Director viz., the father of the petitioner was a lawyer and his income was Rs. 3600/- per annum, is patently untenable.

5. The relevant part of the Government order, which lays down the criteria in deciding whether a person belonged to backward special group reads :

'Any person self-employed or engaged in any occupation involving manual labour and whose annual income is Rs. 4,800/- or below comes under the category of backward special group'.

6. Learned Counsel for the respondent submitted that unless the person was carrying on an occupation involving manual labour, he would not come under the category of backward special group.

7. I am unable to agree. The criteria fixed as above unmistakably indicate that if a person is self-employed whatever may be the nature of employment and his income is Rs. 4,800/ or below per annum, he would come within the category of Backward special group. Similarly, any person engaged in any occupation involving any manual. labour whether self-employed or employed under any other person whose annual income is Rs. 4.800/- or below, also would come under the category of backward special group. Infact, Writ Petn. No. 1,3080 of 1979 (Somanatha v. State of Karnataka) decided on 10-10-1979, was allowed holding that the petitioner therein, who was also a son of practising Advocate, was eligible for being considered as belonging to backward special group, if he satisfied the income criteria.

8. In the present case, the only ground on which the claim of the petitioner has been rejected is that his father was a practicing Advocate. The reason given is untenable.

9. In the result, I make the following order :

i) Writ petition is allowed. The 1st respondent is directed to restore the selection of the petitioner either by retaining his allotment to the Regional College at Surathkal or by allotting him to any other Engineering College;

ii) If the petitioner cannot be accommodated during the current academic year for want of seat, the 1st respondent shall provide a seat to the petitioner during the next academic year; and

iii) This order is without prejudice to the power of the director to inquire as to whether the income furnished by the father of the petitioner is correct. If the Director decides to hold such enquiry, such enquiry shall be held in conformity with rules of natural justice and completed most expeditiously and the result communicated to the petitioner.

10. Sri. N. Devadas, learned High Court Government pleader, is permitted to file his memo of appearance in two weeks.

11. Prepare a carbon copy of this order and furnish the same to the Government Advocate.

12. Petition allowed.

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