

Samrat Jun Jayanth and anr Vs. Directorate of Medical Education and ors

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Court : Karnataka

Decided On : Nov-10-2010

Judge : S. Abdul Nazeer J.

Appeal No. : WRIT PETITION NOs.33881-882/2010 (EDM AD)

Appellant : Samrat Jun Jayanth and anr

Respondent : Directorate of Medical Education and ors

Advocate for Def. : Sri. M. Keshavareddy, AGA; Sri. N.K. Ramesh, Adv

Advocate for Pet/Ap. : Sri. V.N. Madhava Reddy. Adv.

Judgement :

ORDER

1. The 1st petitioner had joined the 1st respondent-College for the study of the 1st year MBBS Course for the academic year 2010-2011 pursuant to the allotment of the seat by the CET. Similarly, the 2nd petitioner had joined M.S. Ramaiah Medical College and Teaching Hospital, Bangalore (for short 'the MSR College), for the study of the 1st year MBBS Course for the academic year 2010-2011. This seat was allotted by the CET. The petitioners made a request to the Director of Medical Education, Bangalore for mutual transfer of their seats. The Director of Medical Education, Bangalore, by his order dated 23.09.2010 has permitted the 1st petitioner to join the MSR College in place of the 2nd petitioner and the 2nd petitioner was permitted to join the 2nd respondent-College in place of the 1st

petitioner. The order of the Director of Medical Education, Bangalore is at Annexure-C. The MSR College has issued a relieving order dated 9.10.2010 as per Annexure-D whereby the 2nd petitioner was relieved from the said college to enable him to join, the 2nd respondent-College. However, the 2nd respondent-College has not issued the relieving order to enable the 1st petitioner to join the MSR College. Therefore, the petitioners have filed these writ petitions for a direction to the 2nd respondent to relieve the 1st petitioner and admit the 2nd petitioner to his place in conformity with the order passed by the Director of Medical Education, Bangalore, at Annexure-C.

2. I have heard learned Counsel for the petitioners, learned AGA for that is' respondent and Sri. N.K. Ramesh, learned Counsel for the 3rd respondent. Though the 2nd respondent is served, it has remained unrepresented.

3. It is evading from the materials on record that pursuant to the order of allotment by the CET, the 1st petitioner had joined the 2nd respondent-College and the 2nd petitioner had joined the MSR College. The petitioners have sought for mutual transfer, which has been permitted by the Director of Medical Education, Bangalore as per the order at Annexure-C dated 28.09.2010. In pursuance thereof, the MSR College has issued the relieving order enabling the 2nd petitioner to join the 2nd respondent-College. Therefore, the 2nd respondent-College has to relieve the 1st petitioner to enable him to join the MSR College.

4. Therefore, I direct the 2nd respondent to relieve the 1st petitioner to enable him to join the MSR College, Bangalore, and to admit the 2nd petitioner in his place for the study of the 1st year MBBS Course for the academic year 2010-2011 immediately on receipt of a copy of this order. Writ petitions are accordingly allowed. No costs.

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