

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

DATED: 22-11-2005

WRIT PETITION No.24820 OF 2005

Between:

R.Ajay Kumar . . .Petitioner

And

The Govt. of A.P. and another . . Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.24820 OF 2005

O R D E R:

The respondents issued a notification for the purpose of selecting candidates for admission into two Para Medical Courses. In response to the same, the petitioner submitted his application for admission into Diploma in Medical Laboratory Technology (D.M.L.T.). The duration of the course is two years and eligibility for admission is pass in S.S.C. Examination. There are thirty seats in the course. The petitioner belongs to Scheduled Tribe category. The selection procedure provides for issuance of call letters by maintaining the ratio of 1:3. There existed two seats reserved for Scheduled Tribe and out of the same, one was reserved for women candidates.

The petitioner was not selected against the 1st seat reserved for Scheduled Tribes and it was filled by a more meritorious Scheduled Tribe candidate. He contends that during the course of counselling for filling up the Scheduled Tribe Woman seat, the woman candidates did not turn up. According to him, the respondents ought to have filled the seat by selecting him in the absence of any woman candidate. An intimation was given to the petitioner on 10-11-2005 requiring him to attend the counselling on 25-11-2005 for the Scheduled Tribe Woman seat. The grievance of the petitioner is that he ought to have been selected on the earlier occasion itself, when the counselling was undertaken for that particular seat, and there was no justification for the respondents for undertaking another round of counselling for the seat in question.

Heard the learned counsel for the petitioner and learned Government Pleader for Medical and Health.

It is not in dispute that the seat in question is reserved for a Scheduled Tribe Woman candidate. It is true that there are certain orders issued by the Government, providing for making such a seat available for male candidates also, in case, the female candidates are not available. The respondents could

not have filled the seat with male candidates on the day of counselling for that seat. On that day, they were supposed to fill the seat only with a female candidate. If the seat could not be filled on account of lack of female candidates, a separate counselling is to be undertaken at a subsequent date and that is what exactly, the respondents proposed to do, on 25-11-2005. The petitioner cannot claim any inherent right against the seat. Even on 25-11-2005, if any female candidate turns up, she has to be admitted against the seat reserved and if no female candidate is available, the petitioner has to take chance along with other similarly situated persons. In such an event, merit among the Scheduled Tribe male candidates would be the criterion.

For the foregoing reasons, the writ petition is disposed of leaving it open to the respondents to proceed with the proposed counselling on 25-11-2005 and it is directed that the seat shall be filled up either by a Scheduled Tribe Woman if available, or a Scheduled Tribe male candidate in the absence of any female candidate and not by a candidate, who belongs to other categories. There shall be no order as to costs.

(L.NARASIMHA REDDY, J)

22nd NOVEMBER, 2005.

Note: furnish copy by tomorrow.

B/o

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