

WP No.23448/2017 C/W  
WP Nos.6768-6774/2017, 15477/2017,  
17126/2017,24546/2017, 24648/2017,  
24649/2017, 24738/2017,24739/2017,  
24740/2017, 24767/2017,24983/2017,  
25147/2017, 25148/2017,25587/2017  
25723/2017, 25923/2017 & 25925/2017

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 7<sup>TH</sup> DAY OF JULY 2017**

**PRESENT**

R

**THE HON'BLE MR. JUSTICE H.G.RAMESH**

**AND**

**THE HON'BLE MRS. JUSTICE K.S.MUDAGAL**

**WRIT PETITION NO.23448/2017 (EDN-CET)**  
**C/W**

**WRIT PETITION NOS.6768-6774/2017, 15477/2017,**  
**17126/2017, 24546/2017, 24648/2017, 24649/2017,**  
**24738/2017, 24739/2017, 24740/2017, 24767/2017,**  
**24983/2017, 25147/2017, 25148/2017, 25587/2017,**  
**25723/2017, 25923/2017 & 25925/2017 (EDN-CET)**

**IN W.P NO.23448/2017:**

**BETWEEN:**

SOUNDARYA MUTHUMARI  
D/O SRI ESAKKI MUTHUMARI  
AGED ABOUT 17 YEARS (MINOR)  
R/AT NO.108, R.K.BLOCK 20  
3<sup>RD</sup> MAIN ROAD, HOYSALA NAGAR  
NEAR FMC, 6<sup>TH</sup> CROSS, RAMAMURTHY NAGAR  
BANGALORE NORTH - 560 016  
MINOR REPRESENTED BY HER FATHER  
SRI ESAKKI MUTHUMARI

...PETITIONER

(BY SRI D.VIJAYAKUMAR, ADVOCATE)

**AND:**

1. UNION OF INDIA  
REP BY ITS PRINCIPAL SECRETARY  
MINISTRY OF HOME AFFAIRS

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NORTH BLOCK  
CENTRAL SECRETARIAT  
NEW DELHI-110 001

2. UNION OF INDIA  
REP BY ITS PRINCIPAL SECRETARY  
MINISTRY OF OVERSEAS INDIAN AFFAIRS  
AKBAR BHAWAN, CHANAKYAPURI  
NEW DELHI - 110 021
3. UNION OF INDIA  
REP BY ITS PRINCIPAL SECRETARY  
MINISTRY OF HUMAN RESOURCES DEPARTMENT  
NO.302-C, SHASTRI BHAWAN  
NEW DELHI-110 011
4. CENTRAL BOARD OF SECONDARY EDUCATION  
(AN AUTONOMOUS ORGANIZATION UNDER THE  
MINISTRY OF HUMAN RESOURCES DEPARTMENT)  
GOVERNMENT OF INDIA  
REP BY ITS CHAIRMAN  
"SHIKSHA KENDRA" 2  
COMMUNITY CENTRE  
PREET VIHAR, NEW DELHI - 110 092
5. KARNATAKA EXAMINATIONS AUTHORITY  
REP BY ITS EXECUTIVE DIRECTOR  
SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
MALLESWARAM  
BANGALORE - 560 012
6. CONSORTIUM OF MEDICAL  
ENGINEERING & DENTAL  
OF KARNATAKA (COMEDK)  
REP BY ITS SECRETARY  
NO.132, 2<sup>ND</sup> FLOOR  
11<sup>TH</sup> MAIN, 17<sup>TH</sup> CROSS  
MALLESHWARAM, BANGALORE - 560 055
7. STATE OF KARNATAKA  
REP BY SECRETARY  
HIGHER EDUCATION DEPARTMENT

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VIDHANA SOUDHA  
 BANGALORE – 560 001

...RESPONDENTS

(BY SRI PRABHULING K.NAVADGI, ASG A/W  
 MS. M.R.SINCHANA, CGC FOR R1 TO R3;  
 NOTICE TO R4 & R6 ARE DISPENSED WITH  
 V/C/O DATED 27.06.2017;  
 SRI N.K.RAMESH, STANDING COUNSEL FOR R5;  
 SRI A.S.PONNANNA, AAG A/W  
 MS. NILOUFER AKBAR, AGA FOR R7)

WP NO.23448/2017 IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT R-5 TO PERMIT THE PETITIONER TO REGISTER HER NAME IN KARNATAKA EXAMINATIONS AUTHORITY AND TO APPEAR FOR THE COUNSELLING FOR ALLOTMENT OF MBBS/BDS SEATS IN GOVERNMENT AND PRIVATE MEDICAL AND DENTAL COLLEGES FOR THE YEAR 2017-2018 BASED ON THE MARKS/RANK OBTAINED IN THE NEET UG MEDICAL COURSE ENTRANCE TEST CONDUCTED BY CENTRAL BOARD OF SECONDARY EDUCATION.

**IN W.P.NOS.6768-6774/2017:**

**BETWEEN:**

1. MR. PRANAV SHASTRY  
 S/O MR. VENKATRAMANASHASTRY C.S.  
 AGED 18 YEARS  
 R/AT NO.49, 2<sup>ND</sup> CROSS  
 10<sup>TH</sup> BLOCK, 2<sup>ND</sup> STAGE  
 NAGARABHAVI, BENGALURU – 560 072
2. MS. TRUPTHI V. REDDY  
 D/O DR. VINODHA REDDY.K  
 AGED 18 YEARS  
 RESIDING AT NO.590  
 15<sup>TH</sup> CROSS, 15<sup>TH</sup> C MAIN  
 HSR LAYOUT, SECTOR-4  
 BENGALURU – 560 102
3. MR. VARUN VYAS HEBBALALU  
 S/O MR. KUMAR HEBBALALU

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AGED 17 YEARS  
RESIDING AT NO.963  
14<sup>TH</sup> CROSS, BSK 2<sup>ND</sup> STAGE  
BENGALURU – 560 070  
REPRESENTED BY HIS  
NATURAL GUARDIAN AND FATHER  
MR. KUMAR HEBBALALU

4. MR. RAJEEV HARSHA SHREEDHAR  
S/O MR. T.S.SRIDHAR  
AGED 18 YEARS  
RESIDING AT APT. NO.601B  
STERLING RESIDENCY  
SCIENTIFIC NURSERY ROAD  
RMV 2<sup>ND</sup> STAGE  
BENGALURU – 560 094
5. MS. NANDINI VASUKI GARIMELLA  
D/O MR. SURENDRANATH GARIMELLA  
AGED 17 YEARS  
RESIDING AT BB703, BIRCH BLOCK  
SALARPURIA GREENAGE  
HOSUR ROAD, BOMMANAHALLI  
BENGALURU – 560 068  
REP BY HER NATURAL GUARDIAN AND MOTHER  
MRS. GEETHA GARIMELLA
6. MR. AADITYA R. SRINIVASAN  
S/O DR. RAMESH SRINIVASAN  
AGED ABOUT 17 YEARS 7 MONTHS  
RESIDING AT E1-504  
SRIRAM WHITE HOUSE  
15<sup>TH</sup> CROSS, 6<sup>TH</sup> MAIN  
R.T.NAGAR, BENGALURU – 560 032  
REP BY HIS NATURAL GUARDIAN AND MOTHER  
DR. BHUMA VEDANTAM
7. MS. SWATHI SUYAMBURAJAN  
D/O MR. RAJAMANI SUYAMBURAJAN  
AGED 17 YEARS  
R/AT NO.59, 31<sup>ST</sup> MAIN, SECTOR 2  
HSR LAYOUT, BENGALURU – 560 102

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SINCE MINOR, REPRESENTED BY  
 HER GUARDIAN AND MOTHER  
 MRS. KAVIDHA SUYAMBURAJAN ...PETITIONERS

(BY SRI JOSEPH ANTHONY & SRI SIRISH KRISHNA, ADVOCATES)

**AND:**

1. STATE OF KARNATAKA  
 DEPARTMENT OF HIGHER EDUCATION  
 M.S.BUILDING, SECOND GATE, 6<sup>TH</sup> FLOOR  
 BENGALURU – 560 001
2. KARNATAKA EXAMINATIONS AUTHORITY  
 REP BY ITS EXECUTIVE DIRECTOR  
 SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
 MALLESHWARAM  
 BENGALURU – 560 012 ...RESPONDENTS

(BY SRI A.S.PONNANNA, AAG A/W  
 MS. NILOUFER AKBAR, AGA FOR R1;  
 SRI N.K.RAMESH, STANDING COUNSEL FOR R2)

WP NOS.6768-6774/2017 ARE FILED UNDER ARTICLES  
 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO  
 DIRECT THE RESPONDENTS TO PERMIT THE PETITIONERS TO  
 TAKE UP THE KARNATAKA COMMON ENTRANCE TEST (CET)  
 CONDUCTED BY R-2 AND FURTHER DIRECT THE RESPONDENTS  
 TO ALLOW PETITIONERS ADMISSION UNDER THE GENERAL  
 CATEGORY GOVERNMENT SEATS BASED ON MERIT AND  
 SATISFACTION OF OTHER ELIGIBILITY CRITERIA ETC.

**IN W.P NO.15477/2017:**

**BETWEEN:**

MS. VINDYA KOWSHIK  
 D/O VARADHARAJAN SRIDHAR  
 AGED ABOUT 17 YEARS  
 REPRESENTED BY HER FATHER  
 MR. VARADHARAJAN SRIDHAR  
 NO.3J-113, KRISTAL JASPER

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KASAVANAHALLI MAIN ROAD  
 KASAVANAHALLI  
 BENGALURU – 560 035

...PETITIONER

(BY SRI LAXMIKANTH K.B. FOR  
 SRI HARIKRISHNA S. HOLLA, ADVOCATES)

**AND:**

1. KARNATAKA EXAMINATIONS AUTHORITY  
 MALLESWARAM 18<sup>TH</sup> CROSS  
 SAMPIGE ROAD  
 BENGALURU – 560 003  
 REP BY EXECUTIVE DIRECTOR

2. UNION OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 NORTH BLOCK  
 CENTRAL SECRETARIAT  
 NEW DELHI – 110 001  
 REP BY SECRETARY

...RESPONDENTS

(BY SRI N.K.RAMESH, STANDING COUNSEL FOR R1;  
 SRI R.VEERENDRA SHARMA, CGC FOR R2)

WP NO.15477/2017 IS FILED UNDER ARTICLES 226 & 227  
 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT  
 RESPONDENT NO.1 TO CONSIDER PETITIONER FOR  
 EXAMINATION OF NEET-2017 AGAINST STATE QUOTA SINCE THE  
 PETITIONER AND HER PARENTS WERE DOMICILE OF KARNATAKA  
 SINCE THE YEAR 2008 ONWARDS ETC.

**IN W.P NO.17126/2017:**

**BETWEEN:**

SURAJ SAI NIKHIL PADAKANTI  
 S/O SRI VENUMADHAV PADAKANTI  
 AGED ABOUT 17 YEARS (MINOR)  
 R/AT NO.105, VARS FERNDAL APARTMENT  
 1<sup>ST</sup> MAIN ROAD, BSNL EXCHANGE  
 KODIHALLI, HAL 2<sup>ND</sup> STAGE

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BENGALURU – 560 008  
MINOR REPRESENTED BY HIS FATHER  
SRI VENUMADHAV PADAKANTI ...PETITIONER

(BY SRI D.VIJAYAKUMAR, ADVOCATE)

**AND:**

1. UNION OF INDIA  
REP BY ITS PRINCIPAL SECRETARY  
MINISTRY OF HOME AFFAIRS  
NORTH BLOCK, CENTRAL SECRETARIAT  
NEW DELHI -110 001
2. UNION OF INDIA  
REP BY ITS PRINCIPAL SECRETARY  
MINISTRY OF OVERSEAS INDIAN AFFAIRS  
AKBAR BHAWAN, CHANAKYAPURI  
NEW DELHI-110 021
3. UNION OF INDIA  
REP BY ITS PRINCIPAL SECRETARY  
MINISTRY OF HUMAN RESOURCES DEPARTMENT  
NO.302-C, SHASTRI BHAWAN  
NEW DELHI-110 011
4. KARNATAKA SECONDARY EDUCATION  
EXAMINATION BOARD  
REP BY ITS SECRETARY  
6<sup>TH</sup> CROSS, OPP. MALLESHWARAM  
POLICE STATION  
MALLESHWARAM  
BENGALURU – 560 003
5. CENTRAL BOARD OF SECONDARY EDUCATION  
(AN AUTONOMOUS ORGANIZATION  
UNDER THE MINISTRY OF HUMAN  
RESOURCES DEPARTMENT)  
GOVERNMENT OF INDIA  
REP BY ITS CHAIRMAN  
"SHIKSHA KENDRA" 2, COMMUNITY CENTRE  
PREET VIHAR, NEW DELHI – 110 092





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**IN W.P.NO.24546/2017:**

**BETWEEN:**

MS. MAITREYI SHEKHAR MAHAJAN  
D/O SHEKHAR MAHAJAN  
AGED ABOUT 18 YEARS  
RESIDING AT A-301, AISHWARYA LAKE  
VIEW APARTMENTS, 6<sup>TH</sup> CROSS  
KAGGADASAPURA  
C.V.RAMAN NAGAR POST  
BENGALURU – 560 093 ...PETITIONER

(BY SRI PRADEEP S. SAWKAR FOR  
M/S. SUNDARASWAMY & RAMDAS, ADVOCATES)

**AND:**

1. KARNATAKA EXAMINATIONS AUTHORITY  
18<sup>TH</sup> CROSS, SAMPIGE ROAD  
MALLESWARAM, BENGALURU – 560 003  
REP BY ITS EXECUTIVE DIRECTOR
2. STATE OF KARNATAKA  
HEALTH & FAMILY WELFARE DEPARTMENT  
(MEDICAL EDUCATION)  
M.S.BUILDING, DR. B.R.AMBEDKAR VEEDHI  
BENGALURU – 560 001  
REP BY ITS SECRETARY
3. UNION OF INDIA  
MINISTRY OF OVERSEAS INDIAN AFFAIRS  
NORTH BLOCK, NEW DELHI – 110 001  
REP BY SECRETARY ...RESPONDENTS

(BY SRI N.K.RAMESH, STANDING COUNSEL FOR R1;  
SRI A.S.PONNANNA, AAG A/W  
MS. NILOUFER AKBAR, AGA FOR R2;  
SRI PRABHULING K. NAVADGI, ASG  
A/W MS. SINCHANA M.R., CGC FOR R3)

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 25147/2017, 25148/2017,25587/2017  
 25723/2017, 25923/2017 & 25925/2017**

WP NO.24546/2017 IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT RULE 5 OF THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATIONAL INSTITUTIONS RULES, 2006 INsofar AS IT STIPULATES THAT 'NO CANDIDATE IS ELIGIBLE FOR ADMISSION TO GOVERNMENT SEATS UNLESS HE IS A CITIZEN OF INDIA' IS ILLEGAL, DISCRIMINATORY AND ARBITRARY BEING VIOLATIVE OF ARTICLES 14 AND 15 OF THE CONSTITUTION OF INDIA, THE CITIZENSHIP ACT, 1955 AND THE INDIAN MEDICAL COUNCIL ACT, 1956 ETC.

**IN W.P.NO.24648/2017:**

**BETWEEN:**

SAI PRANEETH  
 AGED ABOUT 17 YEARS, MINOR  
 S/O MOHAN KRISHNA DHULIPATI  
 A-4, TRIPURA NEST APARTMENTS  
 11<sup>TH</sup> CROSS, 7<sup>TH</sup> MAIN CORNER  
 MALLESHWARAM  
 BENGALURU – 560 003  
 REPRESENTED BY HIS  
 FATHER AND NATURAL GUARDIAN  
 MOHAN KRISHNA DHULIPATI

...PETITIONER

(BY SRI AJOY KUMAR PATIL, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
 REP BY ITS PRINCIPAL SECRETARY  
 TO GOVERNMENT, HIGHER EDUCATION  
 DEPARTMENT, M S BUILDINGS  
 DR. B.R AMBEDKAR VEEDHI  
 BENGALURU – 560 001
2. KARNATAKA EXAMINATIONS AUTHORITY  
 SAMPIGE ROAD  
 18<sup>TH</sup> CROSS  
 MALLESWARAM

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BENGALURU – 560 003  
 REP BY ITS EXECUTIVE DIRECTOR

3. THE UNION OF INDIA  
 REP BY ITS SECRETARY TO  
 GOVERNMENT OF INDIA  
 MINISTRY OF OVERSEAS INDIAN AFFAIRS  
 NORTH BLOCK, NEW DELHI – 110 001

4. THE UNION OF INDIA  
 REP BY ITS SECRETARY TO  
 GOVERNMENT OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 SOUTH BLOCK  
 NEW DELHI-110 001

...RESPONDENTS

(BY SRI A.S.PONNANNA, AAG A/W  
 MS. NILOUFER AKBAR, AGA FOR R1;  
 SRI N.K.RAMESH, STANDING COUNSEL FOR R2;  
 SRI PRABHULING K.NAVADGI, ASG A/W  
 MS. M.R.SINCHANA, CGC FOR R3 & R4;  
 SRI N. KHETTY, STANDING COUNSEL FOR  
 PROPOSED RESPONDENT IN IA NO.1/2017)

WP NO.24648/2017 IS FILED UNDER ARTICLE 226 OF THE  
 CONSTITUTION OF INDIA PRAYING TO DECLARE THAT RULE 5 OF  
 THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION  
 TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATIONAL  
 INSTITUTIONS RULES, 2006 INSOFAR AS IT STIPULATES THAT  
 'NO CANDIDATE IS ELIGIBLE FOR ADMISSION TO GOVERNMENT  
 SEATS UNLESS SHE IS A CITIZEN OF INDIA' IS ILLEGAL,  
 DISCRIMINATORY AND ARBITRARY BEING VIOLATIVE OF  
 ARTICLES 14 & 15 OF THE CONSTITUTION OF INDIA, THE  
 CITIZENSHIP ACT, 1955 AND THE INDIAN MEDICAL COUNCIL  
 ACT, 1956 AND SET ASIDE THE SAME ETC.

**IN W.P.NO.24649/2017:**

**BETWEEN:**

APARNA MACHARLA  
 AGED ABOUT 18 YEARS

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D/O GOVINDA RAJU MACHARLA  
 APARTMENT NO.5043  
 SOBHA JASMINE  
 BELLANDUR  
 BENGALURU – 560 103

...PETITIONER

(BY SRI AJOY KUMAR PATIL, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
 REP BY ITS PRINCIPAL SECRETARY  
 TO GOVERNMENT, HIGHER EDUCATION  
 DEPARTMENT, M S BUILDINGS  
 DR. B.R AMBEDKAR VEEDHI  
 BENGALURU – 560 001
2. KARNATAKA EXAMINATIONS AUTHORITY  
 SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
 MALLESWARAM, BENGALURU – 560 003  
 REP BY ITS EXECUTIVE DIRECTOR
3. THE UNION OF INDIA  
 REP BY ITS SECRETARY TO  
 GOVERNMENT OF INDIA  
 MINISTRY OF OVERSEAS INDIAN AFFAIRS  
 NORTH BLOCK, NEW DELHI – 110 001
4. THE UNION OF INDIA  
 REP BY ITS SECRETARY TO  
 GOVERNMENT OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 SOUTH BLOCK  
 NEW DELHI-110 001

...RESPONDENTS

(BY SRI A.S.PONNANNA, AAG A/W  
 MS. NILOUFER AKBAR, AGA FOR R1;  
 SRI N.K.RAMESH, STANDING COUNSEL FOR R2;  
 SRI PRABHULING K.NAVADGI, ASG A/W  
 MS. M.R.SINCHANA, CGC FOR R3 & R4;  
 SRI N. KHETTY, STANDING COUNSEL FOR  
 PROPOSED RESPONDENT IN IA NO.1/2017)

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WP NO.24649/2017 IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT RULE 5 OF THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATIONAL INSTITUTIONS RULES, 2006 INSOFAR AS IT STIPULATES THAT 'NO CANDIDATE IS ELIGIBLE FOR ADMISSION TO GOVERNMENT SEATS UNLESS SHE IS A CITIZEN OF INDIA' IS ILLEGAL, DISCRIMINATORY AND ARBITRARY BEING VIOLATIVE OF ARTICLES 14 & 15 OF THE CONSTITUTION OF INDIA AND CONTRARY AND REPUGNANT TO THE PROVISIONS OF THE CITIZENSHIP ACT, 1955 AND THE INDIAN MEDICAL COUNCIL ACT, 1956 AND SET ASIDE THE SAME ETC.

**IN W.P.NO.24738/2017:**

**BETWEEN:**

MS. ANANYA RAJAGOPAL  
 D/O RAJAGOPAL K.NARAYANAN  
 AGED ABOUT 18 YEARS  
 RESIDING AT FLAT NO.1063  
 SOBHA TULIP APARTMENTS  
 PUTTENAHALLI  
 J.P.NAGAR 6<sup>TH</sup> PHASE  
 BENGALURU – 560 078

...PETITIONER

(BY SRI LAXMIKANTH K.B. FOR  
 SRI HARIKRISHNA S.HOLLA, ADVOCATES)

**AND:**

1. KARNATAKA EXAMINATIONS AUTHORITY  
 18<sup>TH</sup> CROSS, MALLESWARAM  
 SAMPIGE ROAD  
 BENGALURU – 560 003  
 REP BY ITS COMMISSIONER
2. UNION OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 NORTH BLOCK  
 CENTRAL SECRETARIAT

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NEW DELHI-110 001

REP BY PRINCIPAL SECRETARY

...RESPONDENTS

(BY SRI N.K.RAMESH, STANDING COUNSEL FOR R1;  
 SRI ASHOK N.PATIL, CGC FOR R2)

WP NO.24738/2017 IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT R-1 TO CONSIDER PETITIONER FOR MEDICAL/DENTAL SEATS AGAINST STATE QUOTA, SINCE THE PETITIONER AND HER PARENTS WERE DOMICILE OF KARNATAKA FROM 2008 ONWARDS AND THE PETITIONER HAS STUDIED FOR MORE THAN 7 YEARS IN STATE OF KARNATAKA ETC.

**IN W.P.NO.24739/2017:**

**BETWEEN:**

MS.VAISHNAVI KANNAN  
 D/O. KANNAN MARUDACHALAM  
 AGED ABOUT 19 YEARS  
 R/AT VILLA NO.24, ADARSH PAL RETREAT  
 SARJAPUR OUTER RING ROAD  
 DEVARABEESANAHALLI  
 BELLANDUR, BANGALORE SOUTH TALUK  
 BANGALORE-560 013

...PETITIONER

(BY SRI LAXMIKANTH K.B. FOR  
 SRI HARIKRISHNA S.HOLLA, ADVOCATES)

**AND:**

1. KARNATAKA EXAMINATIONS AUTHORITY  
 MALLESWARAM 18<sup>TH</sup> CROSS  
 SAMPIGE ROAD  
 BANGALORE – 560 003  
 REP BY COMMISSIONER
2. UNION OF INDIA  
 MINISTRY OF HOME AFFAIRS  
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 25723/2017, 25923/2017 & 25925/2017**

NEW DELHI-110 001

REP BY PRINCIPAL SECRETARY

...RESPONDENTS

(BY SRI N.K.RAMESH, STANDING COUNSEL FOR R1;  
 SRI ASHOK.N.PATIL, CGC FOR R2)

WP NO.24739/2017 IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT R1 TO CONSIDER THE PETITIONER FOR MEDICAL/DENTAL SEATS AGAINST STATE QUOTA SINCE THE PETITIONER AND HER PARENTS ARE DOMICILE OF STATE OF KARNATAKA FROM THE YEAR 2002 ONWARDS ETC.

**IN W.P.NO.24740/2017:**

**BETWEEN:**

MS. SURBHI AGRAWAL  
 D/O RAKESH AGRAWAL  
 AGED ABOUT 18 YEARS  
 R/AT NO.2A-804, DIVYASHREE  
 ÉLAN HOMES, SARJAPUR ROAD  
 OPPOSITE TOTAL MALL  
 KALKONDRA HALLI, CARMELARAM  
 BANGALORE-560 035

...PETITIONER

(BY SRI LAXMIKANTH K.B. FOR  
 SRI HARIKRISHNA S.HOLLA, ADVOCATES)

**AND:**

1. KARNATAKA EXAMINATIONS AUTHORITY  
 MALLESWARAM 18<sup>TH</sup> CROSS  
 SAMPIGE ROAD  
 BANGALORE – 560 003  
 REP BY COMMISSIONER
2. UNION OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 NORTH BLOCK  
 CENTRAL SECRETARIAT

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 25147/2017, 25148/2017,25587/2017  
 25723/2017, 25923/2017 & 25925/2017**

NEW DELHI-110 001

REP BY PRINCIPAL SECRETARY

...RESPONDENTS

(BY SRI N.K.RAMESH, STANDING COUNSEL FOR R1;  
 SRI ASHOK.N.PATIL, CGC FOR R2)

WP NO.24740/2017 IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT R1 TO CONSIDER THE PETITIONER FOR MEDICAL/DENTAL SEATS AGAINST STATE QUOTA SINCE THE PETITIONER AND HER PARENTS WERE DOMICILE OF STATE OF KARNATAKA SINCE THE YEAR 2008 ONWARDS ETC.

**IN W.P.NO.24767/2017:**

**BETWEEN:**

JAANAKI RAGHUNATH  
 AGED ABOUT 18 YEARS  
 D/O.MR.BALASUBRAMANIAN RAGHUNATH  
 No.247, G1, 3<sup>RD</sup> MAIN ROAD  
 SKAV ASHIRVAD  
 MAHALAKSHMI LO  
 BANGALORE-560 086

...PETITIONER

(BY SRI ADITYA NARAYAN FOR  
 M/S. ARGUS PARTNER, ADVOCATES)

**AND:**

1. UNION OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 REP BY ITS PRINCIPAL SECRETARY  
 NORTH BLOCK, CENTRAL SECRETARIAT  
 NEW DELHI-110 001
2. UNION OF INDIA  
 MINISTRY OF OVERSEAS INDIAN AFFAIRS  
 REP BY ITS PRINCIPAL SECRETARY  
 AKBAR BHAWAN, CHANAKYAPURI  
 NEW DELHI-110 021



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 24740/2017, 24767/2017,24983/2017,  
 25147/2017, 25148/2017,25587/2017  
 25723/2017, 25923/2017 & 25925/2017**

3. UNION OF INDIA  
 MINISTRY OF HUMAN RESOURCES  
 REP BY ITS PRINCIPAL SECRETARY  
 302-C, SHASHTRI BHAWAN  
 NEW DELHI-110 011
  4. CENTRAL BOARD OF SECONDARY EDUCATION  
 REP BY ITS CHAIRMAN  
 SHIKSHA KENDRA, 2, COMMUNITY  
 CENTRE, PREET VIHAR, DELHI-110 092
  5. STATE OF KARNATAKA  
 DEPARTMENT OF HIGHER EDUCATION  
 REP BY ITS SECRETARY  
 VIDHANA SOUDHA  
 BANGALORE-560 001
  6. KARNATAKA EXAMINATIONS AUTHORITY  
 REP BY ITS EXECUTIVE DIRECTOR  
 SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
 MALLESHWARAM  
 BANGALORE – 560 012
- ...RESPONDENTS

(BY SRI PRABHULING K.NAVADGI, ASG A/W  
 MS. SINCHANA M.R., CGC FOR R1 TO R3;  
 SERVICE OF NOTICE TO R4 IS DISPENSED WITH  
 V/C/O DATED 27.06.2017;  
 SRI A.S.PONNANNA, AAG A/W  
 MS.NILOUFER AKBAR, AGA FOR R5;  
 SRI N.K.RAMESH, STANDING COUNSEL FOR R6)

WP NO.24767/2017 IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT RULE 5 OF THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATIONAL INSTITUTIONS RULES, 2006, INsofar AS IT STIPULATES THAT "NO CANDIDATE IS ELIGIBLE FOR ADMISSION TO GOVERNMENT SEATS UNLESS HE IS A CITIZEN OF INDIA" IS ILLEGAL, DISCRIMINATORY, ARBITRARY AND VIOLATIVE OF ARTICLES 14 AND 15 OF THE CONSTITUTION OF THE INDIA AND CONTRARY AND REPUGNANT TO THE PROVISIONS OF CITIZENSHIP ACT, 1955 AND SET ASIDE THE SAME ETC.

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**IN W.P.NO.24983/2017:**

**BETWEEN:**

AKSHAYA JAYALAKSHMI KUMAR  
AGED ABOUT 17 YEARS  
D/O. SRI RAJ KUMAR GANAPATHY  
APARTMENT # 201, BLOCK-"A"  
AASPIRE HEIGHTS APARTMENT  
NEAR SGR DENTAL COLLEGE  
MUNNE KOLALA MAIN ROAD  
MARATHAHALLI, BENGALURU- 560 137  
PETITIONER BEING MINOR  
REP BY HER FATHER  
SRI RAJ KUMAR GANAPATHY

...PETITIONER

(BY SRI RAJKUMAR GANAPATHY, PARTY-IN-PERSON)

**AND:**

1. KARNATAKA EXAMINATIONS AUTHORITY  
REP BY ITS EXECUTIVE DIRECTOR  
SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
MALLESHWARAM  
BANGALORE – 560 012
2. STATE OF KARNATAKA  
REP BY ITS PRINCIPAL SECRETARY  
TO GOVERNMENT, DEPARTMENT OF  
HIGHER EDUCATION, VIDHANA SOUDHA  
BANGALORE- 560 001
3. UNION OF INDIA  
REP BY ITS PRINCIPAL SECRETARY  
MINISTRY OF HOME AFFAIRS  
NORTH BLOCK, CENTRAL SECRETARIAT  
NEW DELHI-110 001
4. UNION OF INDIA  
REP BY ITS PRINCIPAL SECRETARY  
MINISTRY OF OVERSEAS INDIAN AFFAIRS  
AKBAR BHAWAN

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 25723/2017, 25923/2017 & 25925/2017**

CHANAKYAPURI  
 NEW DELHI-110 021

5. UNION OF INDIA  
 REP BY ITS PRINCIPAL SECRETARY  
 MINISTRY OF HUMAN RESOURCES  
 DEPARTMENT, 302-C, SHASHTRI BHAWAN  
 NEW DELHI- 110 011

6. CENTRAL BOARD OF SECONDARY EDUCATION  
 (AN AUTONOMOUS ORGANIZATION UNDER THE  
 MINISTRY OF HUMAN RESOURCE DEPARTMENT)  
 GOVERNMENT OF INDIA  
 REP BY ITS CHAIRMAN  
 "SHIKSHA KENDRA", 2, COMMUNITY  
 CENTRE, PREET VIHAR  
 DELHI-110 092

...RESPONDENTS

(BY SRI N.K.RAMESH, STANDING COUNSEL FOR R1;  
 SRI A.S.PONNANNA, AAG A/W  
 MS.NILOUFER AKBAR, AGA FOR R2;  
 SRI PRABHULING K.NAVADGI, ASG A/W  
 MS.SINCHANA.M.R., CGC. FOR R3 TO R5;  
 NOTICE TO R6 IS DISPENSED WITH V/C/O DATED  
 27.06.2017)

WP NO.24983/2017 IS FILED UNDER ARTICLES 226 & 227  
 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT  
 RESPONDENT NOS.1 AND 2 TO CONSIDER THE PETITIONER FOR  
 ALLOTMENT OF SEATS TO UNDERGRADUATE MEDICAL COURSES  
 UNDER GOVERNMENT QUOTA.

**IN W.P.NO.25147/2017:**

**BETWEEN:**

RESHMA RAJENDRAN  
 AGED ABOUT 18 YEARS  
 D/O. RAJENDRAN MURUGAPADAYACHI  
 #6094, SOBHA CARNATION  
 OFF OUTER RING ROAD

**WP No.23448/2017 C/W  
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 24649/2017, 24738/2017,24739/2017,  
 24740/2017, 24767/2017,24983/2017,  
 25147/2017, 25148/2017,25587/2017  
 25723/2017, 25923/2017 & 25925/2017**

BELLANDUR  
 BENGALURU- 560 103

...PETITIONER

(BY SRI AJOY KUMAR PATIL, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
 REP BY ITS PRINCIPAL SECRETARY TO  
 GOVERNMENT, HIGHER EDUCATION  
 DEPARTMENT, M.S.BUILDINGS  
 DR.BR AMBEDKAR VEEDHI  
 BENGALURU- 560 001
2. KARNATAKA EXAMINATIONS AUTHORITY  
 SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
 MALLESHWARAM  
 BANGALORE – 560 012  
 REP BY ITS EXECUTIVE DIRECTOR
3. THE UNION OF INDIA  
 REP BY ITS SECRETARY TO GOVERNMENT  
 OF INDIA, MINISTRY OF OVERSEAS  
 INDIAN AFFAIRS, NORTH BLOCK  
 NEW DELHI- 110 001
4. THE UNION OF INDIA  
 REP BY ITS SECRETARY TO  
 GOVERNMENT OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 SOUTH BLOCK, NEW DELHI-110 001      ...RESPONDENTS

(BY SRI A.S.PONNANNA, AAG  
 A/W MS.NILOUFER AKBAR, AGA FOR R1;  
 SRI N.K.RAMESH, STANDING COUNSEL FOR R2;  
 SRI PRABHULING K.NAVADGI, ASG A/W  
 MS.SINCHANA.M.R., CGC. FOR R3 & R4;  
 SRI N.KHETTY, STANDING COUNSEL FOR PROPOSED  
 RESPONDENT IN IA NO.1/2017)

WP NO.25147/2017 IS FILED UNDER ARTICLE 226 OF THE  
 CONSTITUTION OF INDIA PRAYING TO DECLARE THAT RULE 5 OF

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THE KARNATAKA SELECTION CANDIDATES FOR ADMISSION TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATIONAL INSTITUTIONS RULES, 2006, INSOFAR AS IT STIPULATES THAT "NO CANDIDATE IS ELIGIBLE FOR ADMISSION TO GOVERNMENT SEATS UNLESS HE IS A CITIZEN OF INDIA" IS ILLEGAL, DISCRIMINATORY, ARBITRARY AND VIOLATIVE OF ARTICLES 14 AND 15 OF THE CONSTITUTION OF THE INDIA AND CONTRARY AND REPUGNANT TO THE PROVISIONS OF THE CITIZENSHIP ACT, 1955 AND THE INDIAN MEDICAL COUNCIL ACT, 1956 AND SET ASIDE THE SAME ETC.

**IN W.P.NO.25148/2017:**

**BETWEEN:**

VAISHNAVI KAVIRAYANI  
 D/O. RAMAKRISHNA KAVIRAYANI  
 AGED ABOUT 18 YEARS  
 # 101, UMA SANJIVANI RESIDENCY  
 1<sup>ST</sup> MAIN ROAD, JP NAGAR 7<sup>TH</sup> PHASE  
 LAKSHMINAGAR, BENGALURU- 560 078 ...PETITIONER

(BY SRI AJOY KUMAR PATIL, ADVOCATE)

**AND:**

1. KARNATAKA EXAMINATIONS AUTHORITY  
 SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
 MALLESHWARAM, BENGALURU-560 012  
 REP BY ITS EXECUTIVE DIRECTOR
2. THE STATE OF KARNATAKA  
 REP BY ITS PRINCIPAL SECRETARY TO  
 GOVERNMENT, HEALTH & FAMILY  
 WELFARE DEPARTMENT (MEDICAL EDUCATION)  
 M.S.BUILDINGS  
 DR.BR AMBEDKAR VEEDHI  
 BENGALURU- 560 001
3. THE UNION OF INDIA  
 REP BY ITS SECRETARY TO GOVERNMENT  
 OF INDIA, MINISTRY OF OVERSEAS

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 25723/2017, 25923/2017 & 25925/2017**

INDIAN AFFAIRS, NORTH BLOCK  
 NEW DELHI- 110 001

4. THE UNION OF INDIA  
 REP BY ITS SECRETARY TO  
 GOVERNMENT OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 SOUTH BLOCK, NEW DELHI-110 001 ...RESPONDENTS

(BY SRI N.K.RAMESH, STANDING COUNSEL FOR R1;  
 SRI A.S.PONNANNA, AAG  
 A/W MS.NILOUFER AKBAR, AGA FOR R2;  
 SRI PRABHULING K.NAVADGI, ASG A/W  
 MS.SINCHANA.M.R. CGC. FOR R3 & R4;  
 SRI N.KHETTY, STANDING COUNSEL FOR PROPOSED  
 RESPONDENT IN IA NO.1/2017)

WP NO.25148/2017 IS FILED UNDER ARTICLE 226 OF THE  
 CONSTITUTION OF INDIA PRAYING TO DECLARE THAT RULE 5 OF  
 THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION  
 TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATIONAL  
 INSTITUTIONS RULES, 2006, INSOFAR AS IT STIPULATES THAT  
 "NO CANDIDATE IS ELIGIBLE FOR ADMISSION TO GOVERNMENT  
 SEATS UNLESS HE IS A CITIZEN OF INDIA" IS ILLEGAL,  
 DISCRIMINATORY, ARBITRARY AND VIOLATIVE OF ARTICLES 14  
 AND 15 OF THE CONSTITUTION OF THE INDIA AND CONTRARY  
 TO THE PROVISIONS OF THE CITIZENSHIP ACT, 1955 AND THE  
 INDIAN MEDICAL COUNCIL ACT, 1956 AND SET ASIDE THE SAME  
 ETC.

**IN W.P.No.25587/2017:**

**BETWEEN:**

AMI MEHUL MEHTA  
 D/O. SRI MEHUL MEHTA  
 AGED ABOUT 17 YEARS (MINOR)  
 R/AT D4 MIMS ESPACIO  
 JAKKUR VILLAGE, YELAHANKA HOBLI  
 BANGALORE NORTH  
 BANGALORE- 560 064

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MINOR REP BY HER FATHER  
 SRI MEHUL MEHTA

...PETITIONER

(BY SRI D.VIJAYAKUMAR, ADVOCATE)

**AND:**

1. UNION OF INDIA  
 REP BY ITS PRINCIPAL SECRETARY  
 MINISTRY OF HOME AFFAIRS  
 NORTH BLOCK, CENTRAL SECRETARIAT  
 NEW DELHI-110 001
2. UNION OF INDIA  
 REP BY ITS PRINCIPAL SECRETARY  
 MINISTRY OF OVERSEAS INDIAN AFFAIRS  
 AKBAR BHAWAN, CHANAKYAPURI  
 NEW DELHI- 110 021
3. UNION OF INDIA  
 REP BY ITS PRINCIPAL SECRETARY  
 MINISTRY OF HUMAN RESOURCES DEPARTMENT  
 NO.302-C, SHASTRI BHAWAN  
 NEW DELHI- 110 011
4. CENTRAL BOARD OF SECONDARY EDUCATION  
 (AN AUTONOMOUS ORGANIZATION UNDER  
 THE MINISTRY OF HUMAN RESOURCES  
 DEPARTMENT), GOVERNMENT OF INDIA  
 REP BY ITS CHAIRMAN  
 "SHIKSHA KENDRA" 2, COMMUNITY  
 CENTRE, PREET VIHAR, NEW DELHI-110 092
5. KARNATAKA EXAMINATIONS AUTHORITY  
 REP BY ITS EXECUTIVE DIRECTOR  
 SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
 MALLESHWARAM, BENGALURU- 560 012
6. CONSORTIUM OF MEDICAL  
 ENGINEERING & DENTAL  
 OF KARNATAKA (COMEDK)  
 REP BY ITS SECRETARY

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NO.132, 2<sup>ND</sup> FLOOR, 11<sup>TH</sup> MAIN  
 17<sup>TH</sup> CROSS, MALLESHWARAM  
 BANGALORE- 560 055

7. STATE OF KARNATAKA  
 REP BY SECRETARY  
 HIGHER EDUCATION DEPARTMENT  
 VIDHANA SOUDHA, BANGALORE- 560001 ...RESPONDENTS

(BY SRI PRABHULING K.NAVADGI, ASG A/W  
 MS.SINCHANA.M.R. CGC. FOR R1 TO R3;  
 NOTICE TO R4 & R6 DISPENSED  
 WITH V/C/O DATED 27.06.2017;  
 SRI N.K.RAMESH, STANDING COUNSEL FOR R5;  
 SRI A.S.PONNANNA AAG A/W  
 MS.NILOUFER AKBAR, AGA FOR R7)

WP No.25587/2017 IS FILED UNDER ARTICLE 226 OF THE  
 CONSTITUTION OF INDIA PRAYING TO DIRECT RESPONDENT  
 NO.5 TO REGISTER HER NAME FOR COUNSELING AND TO  
 PERMIT THE PETITIONER TO APPEAR FOR THE COUNSELING FOR  
 ALLOTMENT OF MBBS/BDS SEATS IN GOVERNMENT AND  
 PRIVATE MEDICAL COLLEGES FOR THE YEAR 2017-18 BASED ON  
 THE MARKS/RANK OBTAINED IN THE NEET UG MEDICAL COURSE  
 ENTRANCE TEST CONDUCTED BY CENTRAL BOARD OF  
 SECONDARY EDUCATION.

**IN W.P.NO.25723/2017:**

**BETWEEN:**

KRISHNA VAMSI SUGUNA ROJULPOTE  
 AGED ABOUT 20 YEARS  
 S/O. VENKESHWAR ROJULPOTE  
 R/AT NO.429, ASHTON DRIVE  
 KING OF PRUSSIA, PENNSYLVANIA  
 USA-19406

...PETITIONER

(BY SRI AJOY KUMAR PATIL, ADVOCATE)



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 25147/2017, 25148/2017,25587/2017  
 25723/2017, 25923/2017 & 25925/2017**

**AND:**

1. THE STATE OF KARNATAKA  
 REP BY ITS PRINCIPAL SECRETARY TO  
 GOVERNMENT, HIGHER EDUCATION  
 DEPARTMENT, M.S.BUILDINGS  
 DR.B.R.AMBEDKAR VEEDHI  
 BENGALURU- 560 001
2. KARNATAKA EXAMINATIONS AUTHORITY  
 SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
 MALLESHWARAM, BENGALURU- 560 012  
 REP BY ITS EXECUTIVE DIRECTOR
3. THE UNION OF INDIA  
 REP BY ITS SECRETARY TO  
 GOVERNMENT OF INDIA  
 MINISTRY OF OVERSEAS INDIAN AFFAIRS  
 NORTH BLOCK, NEW DELHI- 110 001
4. UNION OF INDIA  
 REP BY ITS SECRETARY  
 TO GOVERNMENT OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 SOUTH BLOCK, NEW DELHI- 110 011 ...RESPONDENTS

(BY SRI A.S.PONNANNA, AAG A/W  
 MS.NILOUFER AKBAR, AGA FOR R1;  
 SRI N.K.RAMESH, STANDING COUNSEL FOR R2;  
 SRI PRABHULING K.NAVADGI, ASG A/W  
 MS.SINCHANA.M.R. CGC. FOR R3 & R4; &  
 SRI N.KHETTY, STANDING COUNSEL FOR PROPOSED  
 RESPONDENT IN IA NO.1/2017)

WP No.25723/2017 IS FILED UNDER ARTICLE 226 OF THE  
 CONSTITUTION OF INDIA PRAYING TO DECLARE THAT RULE 5 OF  
 THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION  
 TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATIONAL  
 INSTITUTIONS RULES, 2006, INSOFAR AS IT STIPULATES THAT  
 "NO CANDIDATE IS ELIGIBLE FOR ADMISSION TO GOVERNMENT  
 SEATS UNLESS HE IS A CITIZEN OF INDIA" IS ILLEGAL,  
 DISCRIMINATORY, ARBITRARY AND VIOLATIVE OF ARTICLES 14

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 24740/2017, 24767/2017,24983/2017,  
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 25723/2017, 25923/2017 & 25925/2017**

AND 15 OF THE CONSTITUTION OF THE INDIA AND CONTRARY TO THE PROVISION OF THE CITIZENSHIP ACT, 1955 AND THE INDIAN MEDICAL COUNCIL ACT, 1956 AND SET ASIDE THE SAME ETC.

**IN W.P.NO.25923/2017:**

**BETWEEN:**

ASHRAF SAFA  
 D/O.MOHAMMED NISAR  
 AGED ABOUT 19 YEARS  
 NO.10, THIRUMALA RAO GARDEN  
 NANDIDURG ROAD  
 BENGALURU-560 046

...PETITIONER

(BY SRI AJOY KUMAR PATIL, ADVOCATE)

**AND:**

1. KARNATAKA EXAMINATIONS AUTHORITY  
 SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
 MALLESHWARAM  
 BENGALURU- 560 012  
 REP BY ITS EXECUTIVE DIRECTOR
2. THE STATE OF KARNATAKA  
 REP BY ITS PRINCIPAL SECRETARY TO  
 GOVERNMENT, HEALTH AND FAMILY  
 WELFARE DEPARTMENT (MEDICAL EDUCATION)  
 M.S.BUILDINGS, DR.B.R.AMBEDKAR VEEDHI  
 BENGALURU- 560 001
3. THE UNION OF INDIA  
 REP BY ITS SECRETARY TO  
 GOVERNMENT OF INDIA  
 MINISTRY OF OVERSEAS INDIAN AFFAIRS  
 NORTH BLOCK, NEW DELHI- 110 001
4. UNION OF INDIA  
 REP BY ITS SECRETARY  
 TO GOVERNMENT OF INDIA

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MINISTRY OF HOME AFFAIRS  
 SOUTH BLOCK, NEW DELHI- 110 001 ...RESPONDENTS

(BY SRI N.K.RAMESH, STANDING COUNSEL FOR R1;  
 SRI A.S.PONNANNA, AAG  
 A/W MS.NILOUFER AKBAR, AGA FOR R2;  
 SRI PRABHULING K.NAVADGI, ASG A/W  
 MS.SINCHANA.M.R. CGC. FOR R3 & R4; &  
 SRI N.KHETTY, STANDING COUNSEL FOR PROPOSED  
 RESPONDENT IN IA NO.1/2017)

WP No.25923/2017 IS FILED UNDER ARTICLE 226 OF THE  
 CONSTITUTION OF INDIA PRAYING TO DECLARE THAT RULE 5 OF  
 THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION  
 TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATIONAL  
 INSTITUTIONS RULES, 2006, INSOFAR AS IT STIPULATES THAT  
 "NO CANDIDATE IS ELIGIBLE FOR ADMISSION TO GOVERNMENT  
 SEATS UNLESS HE IS A CITIZEN OF INDIA" IS ILLEGAL,  
 DISCRIMINATORY, ARBITRARY AND VIOLATIVE OF ARTICLES 14  
 AND 15 OF THE CONSTITUTION OF THE INDIA AND CONTRARY  
 TO THE PROVISION OF THE CITIZENSHIP ACT, 1955 AND THE  
 INDIAN MEDICAL COUNCIL ACT, 1956 AND SET ASIDE THE SAME  
 ETC.

**IN W.P NO.25925/2017:**

**BETWEEN:**

ASISH BOYAPATI  
 AGED ABOUT 19 YEARS  
 S/O RAJASEKHAR PHANI BOYAPATI  
 R/AT PLOT NO.214, NEW RTC COLONY  
 OPP. TO AUTONAGAR GATE  
 VIJAYAWADA- 520 010  
 ANDHRA PRADESH

...PETITIONER

(BY SRI AJOY KUMAR PATIL, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
 REP BY ITS PRINCIPAL SECRETARY

**WP No.23448/2017 C/W  
 WP Nos.6768-6774/2017, 15477/2017,  
 17126/2017,24546/2017, 24648/2017,  
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 25723/2017, 25923/2017 & 25925/2017**

TO GOVERNMENT, HIGHER EDUCATION  
 DEPARTMENT, M S BUILDINGS  
 DR. B.R AMBEDKAR VEEDHI  
 BENGALURU – 560 001

2. KARNATAKA EXAMINATIONS AUTHORITY  
 SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
 MALLESWARAM, BENGALURU – 560 003  
 REP BY ITS EXECUTIVE DIRECTOR
3. THE UNION OF INDIA  
 REPRESENTED BY ITS SECRETARY TO  
 GOVERNMENT OF INDIA  
 MINISTRY OF OVERSEAS INDIAN AFFAIRS  
 NORTH BLOCK  
 NEW DELHI – 110 001
4. THE UNION OF INDIA  
 REPRESENTED BY ITS SECRETARY TO  
 GOVERNMENT OF INDIA  
 MINISTRY OF HOME AFFAIRS  
 SOUTH BLOCK  
 NEW DELHI -110 001

...RESPONDENTS

(BY SRI A.S.PONNANNA, AAG A/W  
 MS.NILOUFER AKBAR, AGA FOR R1;  
 SRI N.K.RAMESH STANDING COUNSEL FOR R2;  
 SRI PRABHULING K.NAVADAGI, ASG A/W  
 MS.SINCHANA. M.R., CGC FOR R3 & R4)

WP NO.25925/2017 IS FILED UNDER ARTICLE 226 OF THE  
 CONSTITUTION OF INDIA PRAYING TO DECLARE THAT RULE 5 OF  
 THE KARNATAKA SELECTION OF CANDIDATES FOR ADMISSION  
 TO GOVERNMENT SEATS IN PROFESSIONAL EDUCATION  
 INSTITUTIONS RULES, 2006 INsofar AS IT STIPULATES THAT  
 'NO CANDIDATE IS ELIGIBLE FOR ADMISSION TO GOVERNMENT  
 SEATS UNLESS HE IS A CITIZEN OF INDIA' IS ILLEGAL.  
 DISCRIMINATORY AND ARBITRARY AND VIOLATIVE OF ARTICLES  
 14 & 15 OF THE CONSTITUTION OF INDIA AND CONTRARY AND  
 REPUGNANT TO THE PROVISIONS OF THE CITIZENSHIP ACT,  
 1955 AND THE INDIAN MEDICAL COUNCIL ACT, 1956 AND SET  
 ASIDE THE SAME ETC.

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WPS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, **H.G.RAMESH J.**, MADE THE FOLLOWING:

### **ORDER**

#### **H.G.RAMESH, J. (Oral):**

1. Petitioners are not citizens of India; they are citizens of foreign countries. They state that they are *Overseas Citizens of India cardholders* and are *National Eligibility cum Entrance Test (UG) 2017* ('NEET (UG) 2017') qualified, and hence, are eligible to apply for admission to I year MBBS/BDS course, and have accordingly applied to the Karnataka Examinations Authority, Bangalore. They claim that they are eligible to be considered for admission to I year MBBS/BDS course in Karnataka for the academic year 2017-18 under various categories of seats including that of *government seats*. State of Karnataka does not admit their claim. The State contends that they are eligible to be considered only under the category of *Non-resident Indian* (NRI) quota. Therefore, the question for consideration in these petitions is, under which of the categories of seats,

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the petitioners are eligible to be considered for admission to I year MBBS/BDS course in Karnataka.

**2.** By consent of learned counsel on both sides, the writ petitions are heard on merits and are being disposed of by this order.

**3.** Eligibility criteria to apply to a course and eligibility criteria to apply under different categories of seats to a course are two different things. The criteria for both could be the same or different. With this preface, we proceed to examine this matter.

**4.** We have heard the learned counsel appearing for the parties and the Medical Council of India. Learned counsel for the petitioners, in support of the writ petitions, referred to two notifications dated April 11, 2005 and January 5, 2009 issued by the Central Government in exercise of the powers conferred on it by Section 7B(1) of the Citizenship Act, 1955.

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**5.** Sri A.S.Ponnanna, learned Additional Advocate General submitted that, *Overseas Citizens of India cardholders* are eligible for admission only under the NRI quota as per the amendment made to Section 2(1)(n) of the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 by Karnataka Act No.22 of 2017 whereby "persons of Indian origin and overseas citizens of India" are added to the definition of "*Non-Resident Indian*". He also referred to Rule 5 of *the Karnataka Selection of Candidates for admission to Government seats in Professional Educational Institutions Rules, 2006* ('the Rules' for short) made by the Government of Karnataka in exercise of the power conferred by Section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 to state that, only Indian citizens are eligible for *government seats*.

**6.** Sri Prabhuling K.Navadgi, learned Additional Solicitor General appearing for the Union of India submitted that

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*Overseas Citizens of India cardholders* are also eligible to be considered for *government seats*.

**7.** As stated above, the only question for consideration in these petitions is, the categories of seats to which *Overseas Citizens of India cardholders* are eligible to be considered for admission to I year MBBS/BDS course in Karnataka for the academic year 2017-18.

**8.1.** Before proceeding further, it is relevant to refer to Section 7B of the Citizenship Act, 1955 to the extent it is necessary for this case:

**"7B. Conferment of rights on Overseas Citizen of India Cardholder.—**(1) Notwithstanding anything contained in any other law for the time being in force, an Overseas Citizen of India Cardholder shall be entitled to such rights, other than the rights specified under sub-section (2), as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(2) An Overseas Citizen of India Cardholder shall not be entitled to the rights conferred on a citizen of India—

.....  
(3) Every notification issued under sub-section (1) shall be laid before each House of Parliament."

(Underlining supplied)

**8.2.** To examine the question raised in these petitions, it is relevant to refer to the following two notifications issued by



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the Central Government in exercise of the powers conferred on it by Section 7B(1) of the Citizenship Act, 1955:

(i) Notification dated April 11, 2005:

**MINISTRY OF HOME AFFAIRS**  
**NOTIFICATION**

New Delhi, the 11th April, 2005

**S.O.542(E).**— In exercise of the powers conferred by Sub-section (1) of Section 7-B of the Citizenship Act, 1955 (57 of 1955), the Central Government hereby specifies the following rights to which the persons registered as Overseas Citizens of India under Section 7-A of the said Act shall be entitled, namely:—

- (a) grant of multiple entry lifelong visa for visiting India for any purpose;
- (b) exemption from registration with Foreign Regional Registration Officer or Foreign Registration Officer for any length of stay in India; and
- (c) parity with Non-Resident Indians in respect of all facilities available to them in economic, financial and educational fields except in matters relating to the acquisition of agricultural or plantation properties.

(ii) Notification dated January 5, 2009:

**MINISTRY OF OVERSEAS INDIAN AFFAIRS**  
**NOTIFICATION**

New Delhi, the 5th January, 2009

**S.O.36(E).**— In exercise of the powers conferred by sub-section (1) of Section 7-B of the Citizenship Act, 1955 (57 of 1955), and in continuation of the notifications of the Government of India in the Ministry of Home Affairs number S.O. 542(E), dated the 11th April, 2005 and in the Ministry of Overseas Affairs S.O. 12(E), dated the 6th January, 2007, the Central Government hereby specifies the following rights to which the persons registered as the overseas citizen of India under Section 7-A of the said Act, shall be entitled, namely:—

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- (a) parity with non-resident Indian in respect of,—
- (i) entry fees to be charged for visiting the national monuments, historical sites and museums in India;
- (ii) pursuing the following professions in India, in pursuance of the provisions contained in the relevant Acts, namely:—
- (i) doctors, dentists, nurses and pharmacists;
- (ii) advocates;
- (iii) architects
- (iv) chartered accountants;
- (b) to appear for the All India Pre-Medical Test or such other tests to make them eligible for admission in pursuance of the provisions contained in the relevant Acts.

(Underlining supplied)

**8.3.** It is also relevant to extract Rule 5 of the Rules to the extent it is relevant to this case; it reads as follows:

**"5. Eligibility for Government Seats.**— No candidate shall be eligible for admission to Government Seats unless he is a citizen of India and satisfies any one of the following conditions, namely.—

(i) ....."

(Underlining supplied)

**8.4.** In our opinion, Rule 5 of the Rules extracted above is not arbitrary, and hence, the contention that it is arbitrary and violative of Article 14 of the Constitution is rejected.

**9.** In view of the aforesaid two notifications issued by the Central Government, we are of the opinion that persons registered as *Overseas Citizens of India cardholders* under Section 7A of the Citizenship Act, 1955 are entitled to be

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treated on par with *Non-Resident Indians* in respect of facilities extended to *Non-Resident Indians* in the educational field, and further, they are also entitled to appear for the All India Pre-Medical Test or such other tests to become eligible for admission to educational courses.

**10.** Sri A.S.Ponnanna, learned AAG submitted that *Overseas Citizens of India cardholders* may be eligible for admission under various categories of seats other than the category of government seats but that does not confer any right on them to be considered under the said categories of seats. We are unable to accept the submission as *consideration* should follow *eligibility*, otherwise stipulating *eligibility* criteria for various categories of seats will have no meaning.

**11.** The contention of the learned Additional Solicitor General that *Overseas Citizens of India cardholders* are also eligible for government seats cannot be accepted in view of the clear bar under Rule 5 of the Rules for foreign citizens to apply for government seats.

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**12.** As already stated above, *eligibility* criteria to apply to a course and *eligibility* criteria to apply under different categories of seats to a course are two different things. The criteria for both could be the same or different. In the present case, all candidates who are NEET (UG) 2017 qualified are eligible to apply for I year MBBS/BDS course. Under which categories of seats, they are eligible to apply, depends on their fulfilling the eligibility criteria laid down under relevant Acts and/or Rules governing admission to the various categories of seats. Therefore, if the relevant Acts and/or Rules governing admission to I year medical/dental course in Karnataka make *Overseas Citizens of India cardholders* eligible for admission under various categories of seats, they shall be entitled to be considered for admission under those categories. However, we state that they are not eligible to be considered under the *Non-Resident Indian* quota as they are not *Non-Resident Indians*, though they are entitled to be considered on par with *Non-Resident Indians*. They are also not eligible to be considered under the category of *government seats* in view

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of the bar under Rule 5 of the Rules for foreign citizens to apply for government seats.

**13.** In the result, we hold that *Overseas Citizens of India cardholders* who are NEET UG 2017 qualified shall be entitled to be treated on par with *Non-Resident Indians* in the matter of admission to I year MBBS/BDS course for the academic year 2017-18. Further, if they are eligible for admission under various categories of seats as per the relevant Acts and/or Rules governing admission to I year medical/dental course in Karnataka for the academic year 2017-18, they shall be considered for admission under all such categories of seats.

**14.** All *Overseas Citizens of India cardholders* who are NEET UG 2017 qualified and who have applied for admission to I year MBBS/BDS course to *Karnataka Examinations Authority*, whether they are petitioners herein or not, shall be entitled to the benefit of this order.

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**15.** The writ petitions are disposed of in the above terms.

In view of disposal of the writ petitions, no order is necessary on the pending interlocutory applications; they stand disposed of accordingly.

Petitions disposed of.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

hkh.