

RVMJ & KSMJ: W.P.No.22654 of 2017 (EDN) C/W.  
27.05.2017 W.P.Nos.22696-697 of 2017(EDN)

ORDER

Shri.N.K.Ramesh, learned counsel appearing for the respondent – Karnataka Examination Authority has filed in the Court today, a copy of the web notification dated 25.05.2017, in terms whereof, he contends that even those candidates who have participated in the first and second round counseling would also be eligible to participate in the third round, subject to clause-6 of the eligibility. Clause-6 of the eligibility is to the effect that if there is any upgradation and vacant seats are left unfilled, then penalty has to be paid. The said notification is in supersession of the impugned notification, vide Annexure-E, which is referred to as the mop-up round of 2017, where candidates who were allotted seats, were not permitted to participate in the third round.

2. In view of the fact that all students, in terms of the eligibility, are also permitted to participate in the third

round / mop-up round, the grievance of the writ petitioners stands answered accordingly. They are permitted to appear in the mop-up / third round subject to the notifications, eligibility, etc.

3. The learned counsel for the petitioners submit that clause – 6 with regard to the payment of the penalty is unreasonable. That they are asked to pay the penalty for no fault of theirs. The same is strongly disputed by the respondents. They further plead that they may be granted an opportunity to file their objections in order to justify the clause regarding the payment of penalty.

4. Since the grievance of the writ petitioners has been answered by the web notification dated 25.05.2017, the students would not have any further grievance, except with regard to the payment of penalty. Therefore, the said question is left open to be decided after the objections if any, to be filed by the respondents / authority, as well as the State.

5. Hence, in view of the web notification dated 25.05.2017, no further orders are called for from this Court, except to the aforesaid issue regarding penalty.

6. In case the concerned students are liable to pay penalty, the students shall pay the penalty. However, the payment of penalty will be subject to the final orders of this Court.

(RAVI MALIMATH)  
JUDGE

(K S MUDAGAL)  
JUDGE

JJ

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The office objection is to the effect that the certified copy of the Annexure-E is not the certified copy, since it is downloaded from the internet. The said objection is over-ruled, since there is no objection by the respondent. The other office objections are also over-ruled. Shri. N.K.Ramesh, learned counsel takes notice for the respondent.

(RAVI MALIMATH)  
JUDGE

(K S MUDAGAL)  
JUDGE

JJ