

# **Tma Pai Foundation vs State Of Karnataka on 4 November, 1993**

**Equivalent citations: 1994 SCC (2) 195, 1993 SCALE (4)368**

**Author: S.R. Pandian**

**Bench: S.R. Pandian, S.C. Agrawal, S. Mohan, B.P. Jeevan Reddy, S.P. Bharucha**

PETITIONER:

TMA PAI FOUNDATION

Vs.

RESPONDENT:

STATE OF KARNATAKA

DATE OF JUDGMENT 04/11/1993

BENCH:

PANDIAN, S.R. (J)

BENCH:

PANDIAN, S.R. (J)

AGRAWAL, S.C. (J)

MOHAN, S. (J)

JEEVAN REDDY, B.P. (J)

BHARUCHA S.P. (J)

CITATION:

1994 SCC (2) 195

1993 SCALE (4)368

ACT:

HEADNOTE:

JUDGMENT:

## **ORDER**

1. Several telegrams purported to have been sent by parents, students and other associations and organisations complaining of violations of the orders/directions of this Court by some professional colleges in Karnataka State in the matter of admission of students have been received by this Court. Though it is not possible to treat all those telegrams as individual applications and inquire into the

truth or otherwise of the allegations contained in those telegrams and grant relief in the absence of an application filed in the manner known to all we, however, keeping in view the predominant interest of the students community, directed one such telegram purported to have been sent by Dr Nunjundiah, President, Indian Medical Association, Karnataka Branch, Bangalore to be treated as an application in the matters concerned pending before us and issued notice to the learned Advocate-General of Karnataka who was present in the Court on November 2, 1993. The learned Advocate-General appearing before us today, on verification of the telegram, confirms that Dr Nunjundiah is the author of the telegram. Indeed, on his behalf, the learned Senior Counsel Mr Rama Jois is appearing. Mr Rama Jois confirms that there are some violations of the orders and directions of this Court committed by some of the professional colleges in the matter of admissions. He placed certain material before us in support of his averments. At this stage the Advocate-General states that out of 50% of the payment seats, 15% are allotted to NRI students and other foreign students and that of the remaining 35% seats, 20% seats are allotted to Karnataka students and 15% to non-Karnataka students. He also assured us that the alleged violation will be looked into by the State.

2.Be that as it may, in order to avoid any inconvenience to the students, we issue the following directions further.

3.The complaints regarding violation of or non-compliance with the orders/directions of this Court made on several occasions in relation to the admission of students to professional colleges in Karnataka shall be made before Secretary (Education Department) to the Government of Karnataka. The Secretary shall on receipt of the complaints, look into them forthwith and pass appropriate orders to ensure strict compliance with orders and directions of this Court. On such action taken he shall send a report to this Court on or before November 15, 1993, mentioning cases, if any, of violations of or non-compliance with the orders/directions of this Court.

4.If the students selected for admission do not join the colleges within 5 days from the date of the publication of the admission list and allotment of seats, the competent authority shall prepare and publish a waiting list of the candidates in the order of merit forthwith for filling up any casual vacancies or drop out vacancies. Those vacancies will be filled up within 5 days thereafter from the date of the publication of such waiting list and they shall be admitted in accordance with clause 9 of the Scheme under paragraph 210 of the judgment in Unni Krishnan, J. P. v. State of A. P. 1

5.However, since more than 3 months of this academic year have passed by and the admissions are not yet finalised, we direct all the heads of the institutions to finalise admissions as directed by this Court and in accordance with the directions given herein and open their respective colleges and commence the courses on or before 15th of this month.

6.It is made clear no free seats shall be transferred to the category of payment seats or to any other category. Similarly no unfilled seats as on November 15, 1993 shall be surrendered to the management until further orders.

7.The Government of Karnataka shall give wide publicity to this order in the State of Karnataka by all available media. List the matters on November 17, 1993. Court Masters