

PETITIONER:
GOVIND A. MANE & ORS.

Vs.

RESPONDENT:
STATE OF MAHARASHTRA & ORS.

DATE OF JUDGMENT: 05/04/2000

BENCH:
D.P.Wadhwa, S.S.Ahmad

JUDGMENT:

S.SAGHIR AHMAD, J.

Leave granted. The appellants after having passed the 12th Examination, with a percentage of marks ranging from 63 to 65%, sought admission in B.Ed Course. But they were not successful and, consequently, they approached the High Court under Article 226 of the Constitution and challenged the selection of candidates for admission on the grounds, inter alia, that the districtwise distribution of seats among four districts, namely, Parbhani, Nanded, Beed and Latur to the extent of 200 seats, 460 seats, 310 seats and 640 seats respectively, was bad. The Writ Petition was dismissed by the High Court by its judgment dated 24.6.1997 against which the present appeal has been filed. Learned counsel for the appellants has contended that admission to B.Ed Course was based on a common admission test and, therefore, the distribution of seats to different districts was bad. It is contended that a common merit list should have been prepared and, on that basis, admission should have been allowed to the students who figured in the merit list. The question whether there could be a districtwise distribution of seats was considered by this Court in the case of Minor P. Rajendran vs. State of Madras and Others, AIR 1968 SC 1012 = 1968 (2) SCR 786, and it was held that for the purpose of admission to the First Year Integrated M.B.B.S. Course, the districtwise distribution of seats was violative of Article 14 of the Constitution. It was, inter alia, observed as under:- "(11) The question whether districtwise allocation is violative of Article 14 will depend on what is the object to be achieved in the matter of admission to medical colleges. Considering the fact that there is a larger number of candidates than seats available, selection has got to be made. The object of selection can only be to secure the best possible material for admission to colleges subject to the provision for socially and educationally backward classes. Further whether selection is from the socially and educationally backward classes or from the general pool, the object of selection must be to secure the best possible talent from the two sources. If that is the object, it must necessarily follow that that object would be defeated if seats are allocated district by district. It cannot be and has not been denied that the object of selection is to secure the best possible talent from the two sources so that the country may have the best possible doctors. If that is the object, the argument on behalf of the

petitioners/appellant is that that object cannot possibly be served by allocating seats districtwise. It is true that Article 14 does not forbid classification, but the classification has to be justified on the basis of the nexus between the classification and the object to be achieved, even assuming that territorial classification may be a reasonable classification. The fact however that the classification by itself is reasonable is not enough to support it unless there is nexus between the classification and the object to be achieved. Therefore, as the object to be achieved in a case of the kind with which we are concerned is to get the best talent for admission to professional colleges, the allocation of seats districtwise has no reasonable relation with the object to be achieved. If anything, such allocation will result in many cases in the object being destroyed, and if that is so, the classification, even if reasonable, would result in discrimination, inasmuch as better qualified candidates from one district may be rejected while less qualified candidates from other districts may be admitted from either of the two sources." This decision was followed in (Minor) A. Periakaruppan vs. State of Tamil Nadu & Ors., AIR 1971 SC 2303 = 1972 (2) SCR 430 = (1971) 1 SCC 38, in which it was laid down as under:- "Before a classification can be justified, it must be based on an objective criteria and further it must have reasonable nexus with the object intended to be achieved. The object intended to be achieved in the present case is to select the best candidates for being admitted to Medical Colleges. That object cannot be satisfactorily achieved by the method adopted. The complaint of the petitioners is that unitwise distribution of seats is but a different manifestation of the districtwise distribution sought in 1967-68 has some force though on the material on record we will not be justified in saying that the unitwise distribution was done for collateral purposes. Suffice it to say that the unitwise distribution of seats is violative of Arts. 14 and 15 of the Constitution. The fact that an applicant is free to apply to any one unit does not take the scheme outside the mischief of Arts. 14 and 15. It may be remembered that the students were advised as far as possible to apply to the unit nearest to their place of residence." The law, thus, having been laid down clearly by this Court, the High Court was not justified in dismissing the Writ Petition. Since it is not disputed by the respondents that for the purpose of admission to B.Ed Course, seats were distributed districtwise without indicating any material to show the nexus between such distribution and the object sought to be achieved, it would be violative of Article 14 of the Constitution. Unfortunately, the whole matter relates to the year 1995 and, today, after a lapse of five years, it would not be possible to direct that the appellants may be admitted in B.Ed Course. All that can be said is that if any further steps are taken by the respondents for fresh admission to B.Ed Course, the appellants should also be given an opportunity to seek admission in that Course. The appeal is, therefore, dismissed but without any order as to costs.