

CASE NO.:

134

of 4\006

+45

of 4\006

1472

of 4\006

+257

of 4\006

of 4\006

To of 4\006

c andidate of 4\006

c adre of 4\006

g raduate of 4\006

o f of 4\006

s ervices of 4\006

of 4\006

Regulation of 9 of

C ouncil of 4\006

"9 . of 4\006

(1) Students of 4\006

s hall of 4\006

a cademic of 4\006

of 4\006

For of 4\006

U niversity/Institution of 4\006

f ollowing of 4\006

c ourse of 4\006

of 4\006

(i) of 4\006

c ompetitive of 4\006

G overnment of 4\006

a ppointed of 4\006

t he of 4\006

s ame of 4\006

of 4\006

(ii) of 4\006

c entralized of 4\006

of 4\006

(iii) of 4\006

p erformance of 4\006

M BBS of 4\006

h ave of 4\006

o r

of 4\006

of 4\006

(iv) of 4\006

of 4\006

Provided of 4\006

p ostgraduate/admissions of 4\006

G overnment of 4\006

e xamining of 4\006

f or of 4\006

c ourse of 4\006

of 4\006

Provided of 7

of 7

of 7

of 7

of 7

bjbjU of 7

of 46

of 7

of 7

of 7

Ä\212 of 7

Ä\212 of 7

of 8

" of 6 Ä®

of 4\006

of 4\006

Appeal (crl.) of 6

È\2346 of 6

of 6

of 4\006

" of 6

t he of 4\006

E xamination of 2002

E xamination of 2002

G overnment of 14.1

p art of 4\006

" MADHYA of 4\006

G RADUATION

of 4\006

E NTRANCE of 2002

of 2002

B hopal, of 14th

of 14th

No. of 5-7-

M edical of 4\006

P radesh, of 4\006

N o. of 5-7-

2002 make of 4\006

e ntrance of 4\006

D egree/Diploma of 4\006

C ollege of 4\006

of 4\006

R ULES

of 4\006

of 4\006

Special Leave Petition (civil) .0

Title of 4\006

" Madhya of 4\006

Entrance of 2002
rules of 4\006
in of 4\006

of 4\006

xxx

xxx

xxx

xxx

of 4\006

of 4\006

Transfer Petition (crl.) .0 Reservation__ of 21%
candidates of 4\006
Motion Case (crl.) % of 4\006
belonging of 14%
are of 4\006
other of 4\006

of 4\006

Transfer Petition (crl.) .1 Women's of 30%
and of 4\006

of 4\006

Transfer Petition (crl.) .2 The of 4\006
eligibility of 4\006
medical of 40%
candidates of 50%
category of 4\006

of 4\006

xxx

xxx

xxx

of 4\006

of 4\006

Transfer Petition (crl.) .6.1 For of 4\006
Pradesh of 20%
Degree/Diploma of 4\006
reserved.
of 4\006

of 4\006

Transfer Petition (crl.) .6.2 They of 4\006
examination of 4\006
doing of 4\006
Degree/Diploma of 4\006
criteria, of 4\006
department.
of 4\006

of 4\006

Transfer Petition (crl.) .6.3 Selection of 4\006
individual of 4\006
first, of 4\006
such of 4\006
the of 4\006

of 4\006

Transfer Petition (crl.) .6.4 Further of 4\006
service of 4\006
consideration of 4\006
nomination.
of 4\006

of 4\006

Transfer Petition (crl.) .6.5 The of 4\006
for of 4\006
2002) of 4\006

b ut of 4\006
r eason.
of 4\006

of 4\006

XXX

XXX

XXX

of 4\006

of 4\006

The of 4\006

G overnment of 4\006

M edical of 4\006

2002 (hereinafter of 4\006

2002 ', of 4\006

E xtraordinary of 28th

e xtracted of 4\006

" MADHYA of 4\006

G RADUATE of 2002

of 2002

No. of 2-1-

e ndorsement of 5-7-

Motion Case (civil) th of 2002

E ducation, of 4\006

i ssued of 4\006

G raduate of 2002

e ntrance of 4\006

D egree/Diploma of 4\006

C olleges of 4\006

of 4\006

These of 20%

s eats of 4\006

i n-service of 4\006

P radesh. of 4\006

n omination of 4\006

i n of 4\006

s election of 4\006

d epartment.

of 4\006

of 4\006

Therefore, of 4\006

f ormulate of 4\006

t erms of 4\006

s erving of 4\006

D egree/Diploma of 4\006

D ental of 4\006

of 4\006

Accordingly, of 4\006

e ndorsement of 2-1-

Writ Petition (civil) -2002, of 4\006

F amily of 4\006

M antralaya, of 4\006

r ules of 4\006

D egree/Diploma of 4\006

C olleges of 4\006

of 4\006

Title.____ of 4\006

" Madhya of 4\006

(In-service) of 2002

w ill of 4\006

n otification of 4\006

w ill of 4\006
d epartments of 4\006

of 4\006
Xxx xxx xxx xxx
of 4\006

of 4\006
Selection of 1. 0
c andidates of 5 ye
u nder of 4\006
a re of 4\006
f or of 4\006

of 4\006
Women of 4\006
t hree of 4\006
e ligible of 4\006
f ive of 4\006

of 4\006
Relaxation of 4\006
l ess of 4\006
s ubject of 4\006
s election of 4\006
G ynaecology of 4\006

of 4\006
Special Leave Petition (crl.) . For of 4\006
w ho of 4\006
w ill of 4\006

of 4\006
a . 30% of 4\006
i ntegrated of 4\006
a nd of 4\006

of 4\006
b . 30% of 4\006
l ength of 4\006

of 4\006
* of 2 ma
m onths of 6

of 6
Special Leave Petition (civil) additional of 4\006
f alls of 4\006

of 4\006
* of 4\006
f ive of 4\006
p lan of 30 m
u nder of 4\006
y ears of 4\006
p lan of 4\006
o f of 20 m

of 4\006
c. of 40%
o f of 4\006
M adhya of 4\006
B oard.

of 4\006

of 4\006

* of 4\006

e xamination of 4\006

s election of 4\006

of 4\006

Writ Petition (civil) . The of 4\006

c andidates of 45

y ears.

of 45

of 45

xxx

xxx

xxx

xxx

of 45

of 45

Terms of 1. E

w ho of 4\006

e xamination of 4\006

P radesh of 4\006

of 4\006

Special Leave Petition (crl.) . of 4\006

b ond of 4\006

Appeal (civil) years of 4\006

C ourse.

of 4\006

of 4\006

* of 4\006

R s.3.00 of 4\006

of 4\006

(emphasis of 4\006

of 4\006

It of 4\006

' rules', of 4\006

g uidelines of 4\006

G overnment. of 2002

m ake of 4\006

G overnment, of 20%

m edical of 4\006

G overnment. of 4\006

e xamination. of 4\006

r ules of 4\006

s it of 4\006

e xcept of 4\006

a ccordance of 4\006

d own of 4\006

a s of 4\006

a vailable of 2002

l ay of 4\006

o f of 4\006

q ualifications of 4\006

t he of 4\006

e xamination of 4\006

p rovisions of 4\006

a lso of 4\006

M edical of 2002

e xempt of 4\006

a nd of 4\006

q uota of 4\006

s subject of 4\006
o f of 4\006
f ramed of 4\006
Special Leave Petition (crl.) under of 4\006
40 % of 4\006
c onducted of 4\006
t o of 4\006
i nconsistency of 4\006
i s of 4\006
p resent of 4\006
h ereinafter. of 4\006

of 4\006

For of 4\006

t he of 4\006
' in-service of 4\006
E xamination, of 4\006
G overnment, of 4\006
e xamination of 4\006
E xamination of 4\006
B oard of 24.3
e xamination of 2002
E ntrance of 4\006
e ntrance of 16.6
t wo of 4\006
c andidates, of 4\006
b efore of 4\006
C ourt of 4\006
o f of 2002
s ervice) of 2002
w rit of 4\006
s cheduled of 4\006
Special Petition th of 2003
o f of 4\006
t he of 2002
f indings of 2002
" (a) There of 4\006
e mployees of 4\006
a nd of 4\006
i n of 2002
c onstitutional of 4\006

of 4\006

(b) There of 4\006
e xamination of 4\006
m edical of 4\006
c omparative of 4\006

of 4\006

(c) of 4\006
s eparate of 4\006
s ervices of 4\006
t enet of 4\006
R egulations of 4\006
I ndia of 4\006

of 4\006

(d) Conferral of 4\006
s ome of 4\006
t he of 4\006
a reas of 14 o
a s of 4\006
R egulation of 4\006
I ndia of 4\006
s truck of 4\006

of 4\006
(e) The of 4\006
w omen of 4\006
h ave of 4\006
a nd of 4\006
r ended of 4\006
d iscriminatory.
of 4\006

of 4\006
(f) The of 4\006
p etitioners of 4\006
r eservation of 4\006
w ho of 4\006
a mongst of 4\006
c andidates' of 4\006
h ence, of 4\006

of 4\006
(g) The of 4\006
h as of 4\006
s tamp of 4\006
h eld of 2002
a re of 2002

of 2002
In of 4\006
o f of 20%
t hat of 4\006
s ubjected of 4\006
c omparative of 4\006
s tudy, of 4\006
c andidates of 4\006
u nsustainable, of 4\006
M edical of 4\006
P riti of 4\006
c andidates, of 4\006
w as of 14 o
p etitioners of 4\006
P hysicians of 4\006
h ealth of 4\006
e xclusively of 4\006
n ot of 4\006
H igh of 4\006

of 4\006
While of 4\006
C ourt of 4\006
c ommencing of 4\006
2003 -2004. of 18th
p romulgated of 4\006
E ntrance of 2003
E ntrance of 2003
P radesh of 18.2
r ules of 4\006
b y of 10 o
A dhiniyam, of 1973
t he of 10 o
c onfers of 4\006
A ct of 4\006
i n of 4\006
m edical of 4\006
w e of 4\006
s tatutory, of 4\006

g uidelines of 4\006
 f act of 4\006
 s uperseded of 4\006
 2002 , of 2003
 s pecifically of 4\006
 n ot of 4\006
 P .G. of 2003
 h ereunder:-

of 2003
 " MADHYA of 4\006
 G RADUATION of 4\006
 2003
 of 4\006

of 4\006
 No. of 5-62
 p owers of 10 o
 C hikitsa of 4\006
 1973 (Madhya of 19 o
 S tate of 4\006
 r ules of 4\006
 t he of 4\006
 P ost of 4\006
 i n of 4\006
 M adhya of 4\006

of 4\006
 Special Leave Petition (civil) .0 Title. of 4\006
 " Madhya of 4\006
 P .G. of 4\006
 2003 ". of 4\006
 f rom of 4\006
 o f of 4\006

of 4\006
 xxx xxx xxx
 of 4\006

of 4\006
 Transfer Petition (crl.) .0 RESERVATION. of 20%
 r eserved of 4\006
 s cheduled of 16%
 r eserved of 4\006
 s cheduled of 14%
 r eserved of 4\006
 o ther of 4\006
 P radesh.
 of 4\006

of 4\006
 Transfer Petition (crl.) .1 Reservation of 4\006
 s hall of 30%
 m erit of 4\006

of 4\006
 Transfer Petition (crl.) .2 The of 4\006
 e ligibility of 4\006
 g raduate of 4\006
 40 % of 4\006
 50 % of 4\006
 c andidates.
 of 4\006

of 4\006
 xxx xxx xxx

of 4\006

of 4\006

Transfer Petition (crl.) .5

In of 4\006

Special Petition % of 4\006

S urgeons of 4\006

G overnment of 4\006

s ervice of 3 &

w hich of 4\006

f ramed of 4\006

F amily of 4\006

G overnment of 4\006

of 4\006

The of 4\006

s elect of 4\006

y ear of 2003

B oard of 4\006

B ook' of 4.2.

d ate of 20.2

o pen of 4\006

a nd of 4\006

c oncerned, of 108

a pplication of 4\006

c andidates of 9.3.

w ho of 101

h ave of 4\006

t hird of 4\006

p ostponed of 4\006

a ppeals of 36 i

c learing of 2003

i n of 4\006

of 4\006

Co-incidentally, of 20th

l ast of 4\006

B oard, of 4\006

p etitions of 2002

s tated of 4\006

a re of 4\006

a llowed of 4\006

t he of 2002

y ear of 2002

s et of 4\006

c annot of 89 i

n umber of 4\006

b urden of 4\006

t he of 4\006

2002 admissions. of 4\006

S tate of 4\006

s ubmitted of 4\006

p ressing of 2002

h ave of 4\006

s uch of 4\006

h ereafter.

of 4\006

of 4\006

A of 4\006

M adhya of 4\006

t o of 4\006

a reas of 4\006

s erving of 4\006

c entered of 4\006

a criterion of 9(2)

Regulations. of 4\006
performance of 4\006
in of 2003
Government of 4\006
test of 30%
were of 4\006
the of 4\006
University of 4\006
under of 30%
calculating of 4\006
Admission of 2002
not of 4\006
Regulation of 9(2)
determining of 4\006
Regulation of 9(2)
there of 4\006
State of 4\006
examinations of 4\006

of 4\006
On of 15.5
the of 20.2
writ of 4\006
by of 4\006
" (1) In of 4\006
five of 9(2)
applicable.
of 9(2)

of 9(2)
(2) In of 4\006
Regulation of 4\006
entrance of 4\006
of of 4\006

of 4\006
(3) The of 4\006
the of 4\006
entrance of 4\006

of 4\006
(4) A of 4\006
the of 4\006
to of 20%.

of 20%.
(5) For of 4\006
have of 4\006
sponsorship of 4\006
have of 4\006
list of 4

and of 4\006
merit of 4\006
suitable of 4\006
of of 4\006
that of 4\006

of 4\006
(6) The of 4\006
the of 4\006
be of 4\006
present of 4\006
the of 4\006
sponsorship of 4\006

of 4\006
T his of 4\006
a ppeals of 2002
a dmissions of 4\006
t his of 4\006

of 4\006
It of 4\006
w hich of 4\006
c ounsel of 4\006

of 4\006
(1) Whether of 4\006
e xaminations of 4\006
s hould of 4\006

of 4\006
(2) whether of 4\006
p erformance of 40 m
e ntrance of 30 m
s econd of 30 m
l ength of 4\006

of 4\006
(3) whether of 4\006
r ural/tribal of 4\006

of 4\006
and
of 4\006

of 4\006
(4) whether of 4\006
c onsecutive of 4\006
s o of 4\006

of 4\006
N ature of 20%
r eservation of 4\006

of 4\006
The of 4\006
o pen of 4\006
t herefore, of 4\006
o f of 20%
o f of 4\006
s implified of 4\006
C ourt of 4\006
O rs., of 2001
s imilar of 4\006
a ll-India of 50%
s eats of 50%
s eats of 4\006
w ere of 4\006
' service of 4\006
c andidates of 4\006
c andidates of 4\006
t hem of 4\006

of 4\006
(i) the of 4\006
f rom of 4\006
t o of 4\006
a nd of 4\006

of 4\006
(ii) that of 4\006
n ot of 4\006
a nd, of 4\006
r elevant of 4\006
d eciding of 4\006

of 4\006
(iii) that of 4\006
o r of 4\006
p rivate of 4\006
a candidate of 4\006
s teal of 4\006
b ased of 4\006
s hall of 4\006
c andidates of 4\006

of 4\006
(iv) that of 4\006
o f of 4\006
a llocation of 4\006
e xclusive of 4\006
o bject of 4\006
b e of 4\006
e xpression. of 4\006
r eservation of 4\006
w hich of 4\006
q uota of 4\006
c onsiderations of 4\006

of 4\006
K. of 4\006
b y of 4\006
U nion of 2002
o bservation of 4\006
h and of 4\006
C ourt of 4\006
s ervice of 4\006
c ategories of 4\006
w eaker of 4\006
a ffirmatively of 4\006
" Some of 4\006
t he of 4\006
g overnment of 4\006
g overnment of 4\006
n ot of 4\006
c ontinue of 4\006
i n of 4\006
h aving of 4\006
o bligations, of 4\006
f rom of 4\006
h ave of 4\006
f resh of 4\006
e xamination. of 4\006
d o of 4\006
f or of 4\006
g overnment of 4\006
w ould of 4\006
C andidates of 4\006
p ost of 4\006
t o of 4\006
t he of 4\006
b etween of 4\006
c andidates of 4\006

making of 4\006
sector of 4\006
ought of 4\006
the of 4\006
not of 4\006
encouragement of 4\006

of 4\006

of 4\006

of 4\006

To of 4\006
meaning of 14 o
classification of 4\006
intelligible of 4\006
group of 4\006
differentia of 4\006
achieved. of 4\006
objects of 4\006
long of 4\006
object of 4\006
the of 4\006
available of 4\006
from of 4\006
present of 4\006
expression) of 229
(CHCs) of 169
specialists of 4\006
There of 4\006
definite of 4\006
consisting of 4\006
candidates. of 4\006
and of 4\006
reservation. of 4\006
service of 4\006
intelligible of 4\006
achieved. of 4\006
achievements, of 4\006
State of 4\006
the of 4\006
degree of 4\006
the of 4\006
allayed of 4\006
candidates of 4\006
after of 4\006
State of 4\006
guarantee of 4\006
the of 4\006
between 201 of 7

of 7

of 7

of 4\006

of 46

of 4\006

of 4\006

of 4\006

of 4\006

Transfer Petition (crl.) of 6

of 4\006

of 4\006

Appeal (crl.) of 6

of 6

of 6
of 4\006
" of 6
of 4\006
Â-6 of 23

of 23
Ã\212 of 4\006
Appeal (crl.) of 23
of 4\006
of 4\006
Appeal (crl.) of 23
Ã\212 of 4\006
of 4\006
Ã¢5 of 4\006

of 4\006

of 4\006
of 2CÃ²Q
Ã\232 of 5
Appeal (crl.) of 5
Appeal (civil) of 23
Ã\212 of 4\006
S UPREME of 4\006
C IVIL of 4\006
C IVIL of 5223
@ S.L.P. of 1082

of 1082
T he of 4\006

Versus

of 4\006
G opal of 4\006
W ith of 4\006
C IVIL of 2003
(@ of 1090

of 1090
J U of 903-

of 903-
R .C. of 903-

of 903-
L eave of 4\006

of 4\006
I mparting of 4\006
d uty of 4\006
d eveloped of 4\006
A sizeable of 4\006
n ational of 4\006
d esirous of 4\006
l aying of 4\006
a spirants of 4\006
t he of 4\006
m ust of 4\006
g raduation of 4\006
A jay of 1994
401 ; of 1981
o f of 4\006
N arasimhan, of 1997
t hat of 4\006
c hannel of 4\006

t ake of 4\006
g raduate of 4\006
g uarantee of 4\006
p erson of 4\006
q ualifies of 4\006
g raduate of 4\006
m arks of 4\006
d irect of 4\006
m arks of 4\006
a dmission. of 4\006
c an of 4\006
o ut of 4\006
t hey of 4\006
o f of 4\006
t he of 4\006
r each of 4\006
b right of 4\006
b e of 4\006
t he of 4\006
c ommon of 4\006
m inimum of 4\006
m edical of 4\006

of 4\006

That of 4\006

a lso of 4\006
S tate of 1997
S angharsh of 4\006
(2001 (8) of 694)
c lass of 4\006
m arks of 33%
a t of 4\006
M edical of 4\006
A ugust of 14,
l earned of 4\006
D ayanand of 2001
o n of 11,
f ramed of 9 re
o f of 4\006
(supra) of 4\006
".....it of 4\006

G overnment of 4\006
l ower of 4\006
I ndia. of 4\006
a pproached of 4\006
o f of 4\006
G overnment of 4\006
r educing of 4\006
t he of 4\006
I ndia, of 4\006
b e of 4\006
s tandards of 4\006
c ourse, of 4\006
e nvisaged of 4\006

of 4\006

T he of 4\006
m arks of 4\006
p rescription of 4\006
e ntrance of 4\006
f or of 4\006
p rescribed of 4\006
w as of 4\006

of 4\006

The of 4\006
conducted of 4\006
assessing of 4\006
whether of 4\006
allowed of 4\006
assessing of 4\006
significance of 4\006
candidates of 4\006
some of 4\006
coverted of 4\006
percentage of 4\006
there of 4\006
approval of 4\006
present of 4\006

of 4\006

The of 4\006
Regulations, of 4\006
minimum of 50%.
Pradesh of 4\006
by of 4\006
if of 4\006
such of 4\006
prescribed of 4\006
a departure of 4\006
any of 4\006
Government of 4\006
justification of 4\006
in of 4\006

of 4\006

The of 4\006
and of 4\006
assessed of 4\006
examination, of 4\006
concentrate of 4\006
without of 4\006
whom of 4\006

of 4\006

Clearly of 4\006
and of 4\006
could of 4\006
Regulation of 9(1)
clause of 4\006
university of 4\006
assumed of 4\006
the of 4\006
universities of 4\006
and of 4\006
differ. of 4\006
individual of 4\006
therefore, of 4\006
Pradesh, of 4\006
contemplated of 4\006
in of 4\006
entrance of 4\006
candidates, of 4\006
prepared of 4\006
candidates of 4\006
respective of 4\006

of 4\006

Weightage of 4\006

of 4\006

The of 4\006

d octors of 4\006

s ervice of 4\006

a t of 4\006

of 4\006

I n of 4\006

M edical of 1986

J udge of 4\006

g raduate of 4\006

w eightage of 15 p

s tudent of 4\006

i n of 3 ye

w as of 4\006

d octors of 4\006

d octors of 4\006

I n of 4\006

o pine of 4\006

l ength of 15 p

b y of 4\006

w hy of 4\006

c oncluded of 4\006

r ended of 4\006

w eightage of 15 p

g ot of 4\006

w eightage of 4\006

h im of 4\006

i s of 4\006

t he of 4\006

w hether of 4\006

p ost-graduating of 4\006

w as of 4\006

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Appeal (crl.) 14 of 1996

PETITIONER:
BRIJRANI

RESPONDENT:
Vs.
STATE OF M.P.

DATE OF JUDGMENT: 31/07/2003

BENCH:
DORAISWAMY RAJU & H.K. SEMA.

JUDGMENT:

J U D G M E N T

Sema, J.

Five accused â\200\223 Chuttia, Gulab, Vrindavan, Brijrani and Jagat Singh â\200\223

were tried in Sessions Trial No. 72/85 by the IIIrd Additional Sessions Judge, Damoh and convicted and sentenced to undergo RI for life for offences punishable under Sections 302/149 IPC. Further accused Nos. 1-4 were convicted under Section 148 IPC and sentenced to undergo RI for one year. Accused No. 5 was convicted under Section 147 IPC and sentenced to undergo RI for one year. Accused Nos. 1-4 were also convicted under Section 324 IPC and sentenced to undergo RI for one year. Accused Nos. 2, 3 and 5 were also convicted under Sections 324/149 IPC and sentenced to undergo RI for one year. All the sentences were ordered to run concurrently. On appeal, the High Court, by the impugned judgment, acquitted accused Nos. 1, 2 and 5 of all the charges levelled against them and convicted accused No. 3- Vrindavan and accused No. 4 â\200\223 Brijrani for

offences punishable under Sections 302/148 and 324 IPC and sentenced them to undergo RI for life and RI for one year respectively. The sentences were ordered to run concurrently. Accused â\200\223 Vrindavan chooses not to prefer an appeal against his conviction. Accused â\200\223 Brijrani, who is the appellant before us, is the mother of accused â\200\223 Vrindavan.

Briefly stated, the facts are as follows:

On 17.5.1985 when the deceased Rajaram was proceeding towards the village (Hintoli-Bari) with a bucket to fetch milk, he stopped on the way and had some talk with accused Chuttia. Then all of a sudden, he was assaulted with Pabbal (Sabbal) from behind by accused Vrindavan, son of accused Chuttia; and accused Brijrani, wife of Chuttia and mother of Vrindavan. Deceased Rajaram tried to run away but the accused chased him. Accused Vrindavan and accused Brijrani dealt farsa blows while other accused dealt blows on him with their lathis. On being alarmed by the cries of Rajaram, PW-4 â\200\223 Siyarani, who is the wife of deceased Rajaram, rushed to the spot to rescue her husband but she also sustained a farsa blow on her head dealt by the accused Vrindavan and sustained another farsa blow on her hand dealt by accused Brijrani as a result of which she fell down. FIR (Ex. P1) was lodged promptly at 9 AM on the same day in which all the particulars have been mentioned. PW-17 â\200\223 V.K. Jain (I.O.) immediately reached the spot and started investigating the case. After holding the inquest report (Ex. P21), he seized the bucket and pair of shoes belonged to the deceased (Ex. P11). He also seized samples of plain and blood stained earth and two pieces of bone (Ex. P12). A blood stained farsa was seized from Brijrani vide Ex. P16 on 17.5.1985. On 18.5.1985, a tabbal was seized from accused Vrindavan. We are not mentioning the full particulars of the seized articles from the possession of other accused as they are not before us, as noticed above.

PW-12, Dr. V.P. Brijpuriya conducted postmortem examination on the body of the deceased Raja Ram on 17.5.1985 and found following eleven incised wounds of various dimensions.

"1. Cut wound â\200\223 13" x 3" x 2" on the left side of the back starting from the tenth rib and going downwards. Sides of the wound were clear and cut was vertical the upper. The upper angle was acute and the lower angle was wider.

2. Cut wound in square shape â\200\223 11" x 7" x 5" on the back (towards the chest) on the left side. The upper part of the wound was extended upto skeptula and the lower part upto the 10th rib. It was 2" away from the middle line and was pointing towards the inner side. On the outer side, it was upto the shoulder. The sides of the wound was sharp and vertical. Skeptula bone was cut into two parts. Lungs was protruding and visible under the wound. Lungs had two cuts â\200\223 one 4" x 1½" and another was of 3" x 1". Chest was full of blood.

3. Cut wound: - 7" x 2" x 6" was on the right thigh â\200\223 in the middle portion. This was circular. In this wound all the muscles of the thigh were cut and femur bone was cut into two pieces.

4. Cut wound 3" x ¾" x ¾", vertical wound on the left side of chest.

5. Cut wound 2" x ½" x ¾" â\200\223 horizontal wound on the right side of the chest.

6. Horizontal wound on the upper part of the left shoulder 7" x 3" x 3". Muscles were cut due to this injury and cumeron bone were cut into two pieces. 3" skin was uncut in the front and towards the inner side of the wound.

7. Cut wound â\200\223 2" x 1½" x 1" â\200\223 on the front portion of the chest on the right side, vertical, on the 4th and 5th rib.

8. Cut wound 3" x 1½" x ¾" on the right cheek.

9. Cut wound 3" x 1" x 1" on the right side of the head on the frontal region on the back of the hair line curved. Frontal bone was fractured.

10. Cut wound 1½" x ¾" x 1" Temporal bone was fractured on the frontal region on the right side of the head.

11. One cut wound 1½" x ¾" x 2" vertical on the cervical area of the chest on the left side. In this wound cervical bone was cut into two pieces."

PW-12 found that the deceased Rajaram was virtually cut into two and died on the spot as a result of excessive hemorrhage. The High Court, on re-appreciation of evidence, convicted Brijrani and her son Vrindavan, as noticed above.

It is not disputed that the deceased and the accused are closely related. PW-4 Siyarani is the wife of deceased Rajaram. Accused Vrindavan is the nephew of PW-4 Siyarani. Accused Brijrani is the elder sister-in-law (Jethani) of PW-4. Accused Gulab is the nephew of PW-4. Accused Chuttia is the brother-in-law of PW-4 and father of the accused Vrindavan. Accused Brijrani is the mother of accused Vrindavan.

The High Court, while convicting the appellant, relied upon the testimony of PW-1 Ghasiram and PW-4 Siyarani wife of the deceased.

PW-1 Ghasiram is an independent witness. He specifically stated in earlier part of the statement that the incident was witnessed by him and both accused Nos. 3 and 4 were armed with Pabbal and Farsa. This witness, however, stated that he could not see later part of the assault near the house of Dhanua as his view was obstructed by a house in between but he overheard Rajaram shouting for help. He has also stated that being alarmed by the cry of her husband, Siyarani had rushed to his rescue. PW-4 Siyarani has also stated that being alarmed by the cries of her husband, she went to the house of Dhanua to rescue her husband. She saw her husband being assaulted. She also suffered a farsa blow on her head dealt by accused Vrindavan and another blow of farsa on her hand dealt by appellant Brijrani.

Mr. Manish Mohan, learned counsel for the appellant strongly urged that the presence of the appellant Brijrani at the place of incidence has not been established. This contention, in our view, is negatived by the testimony of PWs. 1 and 4, apart from documentary and medical evidence. As already noticed, accused and PW-4 were closely related. Blood stained farsa was seized from the appellant Brijrani (Ex. P16) on the date of the incident, i.e. 17.5.1985 itself. PW-1 Ghasiram categorically stated that on the fateful morning when he was going to the farm for daily morning routine, he saw deceased Rajaram going from his house towards the village with a bucket for taking milk. He also saw Rajaram stopped to talk to Chuttia. At that time, accused Vrindavan hit Rajaram with Pabbal from behind which hit Rajaram at his back. He also saw, amongst others, Gulab's mother, which witness was later on identified as Brijrani, assaulting Rajaram with farsa.

PW-4 Siyarani is the wife of deceased Rajaram. She stated that around 7 AM when she was inside the house, she heard the sound of her husband "come save me" from the front side of the house of Vrindavan. She rushed to Dhanua's house where she saw her husband was being assaulted. Accused Vrindavan came and gave a farsa blow on her head. Appellant Brijrani gave a farsa blow on her arm and she fell down unconsciously. When she regained consciousness she saw her husband was cut into two pieces. She recognized the pabbal and farsa with which she was hit. She could identify Pabbal (Art. A) with which she was hit by accused Vrindavan and farsa (Art. B) with which she was hit by appellant Brijrani.

PWs. 1 and 4 were subjected to cross-examination but nothing could be elicited to impeach the credit worthiness of their testimony.

PW. 12, Dr. H.P. Brijpuria, as already noticed, conducted post mortem on the deceased and found eleven incised wounds of different

dimensions and sizes. The doctor opined that the sizes of all cut wounds were clear and sharp. The doctor in paragraph 7 of his examination-in-chief, stated as under:

"All the injuries of the deceased were ante-mortem. Wound No. 1, 2, 3 and 6 were expected from sharp, heavy and long edged weapon. Wound No. 4, 5, 7, 8, 9 and 10 were expected from a sharp cutting and heavy weapon which is different from the earlier one. The inner injury of the wound No. 2 was expected from multiple hit at the same spot. Injury No. 2 was serious which was sufficient to cause death in normal circumstances."

The doctor further opined in paragraph 20 of examination-in-chief as under:

"The injuries suffered by the deceased is possible by the weapons item (A) pharsa and Katarna item (B) produced in the Court."

As already noticed, Art. (A) was seized from Vrindavan and Art. (B) was seized from the appellant Brijrani. The doctor further opined that all the injuries could not be possible by the same weapon because all of them were of different depth and sizes. The doctor in paragraph 23 of cross-examination stated as under:

"It is correct that the internal injuries suffer by the body depend upon the fact that how the sharp edge of the weapon hits the body. All the injuries could not be possible by the same weapon because all of them were of different depth and size. On the basis of the depth and length of the wounds I am telling that they could have been caused by two different weapons. If only a small portion of a long edged weapon had hit the body, then the size of the wound will be smaller."

PW-4, Siyarani, as already noticed, suffered two injuries â\200\223 one on the hand by blow of Pabbal dealt by Vrindavan and the other on the left hand dealt by a farsa blow by appellant Brijrani. PW-18 â\200\223 Dr. K.P. Tripathi examined PW.4 on 17.5.1985 and found the following injuries on her body:

1. "Incised wound : 4" x $\frac{1}{2}$ " deep upto the bones, on the front side of the head.

2. Incised wound: 3" x 2" x $\frac{1}{2}$ " on the frontal part of left hand".

The medical evidence corroborates the ocular testimony of PW.4 in material particulars.

In the premises aforesaid, we have no reason to take a view different from the view taken by the two courts concurrently. This appeal, accordingly, stands dismissed.

The appellant is on bail. She shall be taken in custody forthwith. Her bail bonds stand cancelled.