



College in September, 2008. They were given the benefit of the reduced criteria for admission, which is 40% marks, as candidates belonging to 'Scheduled Castes/Scheduled Tribes'. The respondent University issued a letter dated 30.1.2009 to petitioners 2 to 6 rejecting their admission on the ground that they cannot be treated as Scheduled Caste students in Karnataka and therefore were required to possess the minimum of 45% marks. In the meanwhile, by an interim order of the High Court, petitioners 2 to 6 appeared in the first year examination held in August 2009.

2. Petitioners 2 to 6 filed Writ Petition Nos.6061-65 of 2009 in the Karnataka High Court challenging the order dated 30.1.2009 of the respondent University. A division Bench of .....2.

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the High Court by the impugned order dated 10.3.2010 dismissed the writ petition, holding that benefit of reservation can only be availed by candidates belonging to Scheduled Castes/Scheduled Tribes in the State and the students belonging to Scheduled Castes/Scheduled Tribes in other States cannot seek reservation in the State of Karnataka. Feeling aggrieved, the petitioners have filed these Special Leave Petitions challenging the impugned order of the High Court.

3. This Court on 6.8.2010 permitted the petitioners 2 to 6 to take the examinations and prosecute their studies, subject to final decision in the case.

4. After hearing the petitioners, we are of the view that the petitioners have not made out any case for interfering with the decision of the High Court that petitioners 2 to 6 cannot be considered as persons belonging to Scheduled

Castes/Scheduled Tribes in Karnataka and therefore not entitled to claim the benefit of reduced minimum criteria for admission. The special Leave Petitions in the normal course would have to be dismissed.

5. In this case when the petitioners 2 to 6 were admitted

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to B.Sc. Nursing course, both the college and the students were under the bonafide impression that as persons belonging to Scheduled Castes/Scheduled Tribes in Jharkhand, they were entitled to the benefits of reservation in Karnataka also. They were all admitted in the year 2008 and have completed three years of the course and are in the final years.

In

such circumstances, this Court in State of Maharashtra vs.

Milind and others 2001 (1) SCC 4 and in Yogesh Ramchandra

Naikwadi vs. State of Maharashtra & Ors. 2008 (5) SCC 652 had

permitted the students concerned to retain the benefit of the

studies undergone by them and degree to be obtained in

pursuance of it subject to the condition that the candidate

shall not henceforth claim any benefit of reservation in

future. The petitioners 2 to 6 have filed undertakings not

to claim any further benefit/concession of reservation as

belonging to a 'Scheduled Caste/Scheduled Tribe' outside

their State, unless permitted by law.

6. In view of the above, while upholding the decision of

the High Court, we direct that the petitioners 2 to 6

admission shall not be cancelled and will be entitled for

declaration of their results and they shall not be denied the

benefit of the B.Sc. Nursing Course already undergone by

them. But they will not be entitled to seek any

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benefit/concession of reservation in future either for further studies or for employment outside their State. It is also made clear that if they have obtained any concession or benefit by way of reduction in fee as reserved candidates, they will have to make good the same by paying the difference in fees, if not already paid.

7. The Special Leave Petitions are disposed of accordingly.

.....J.  
[R.V. RAVEENDRAN]

New Delhi;  
July 25, 2011.

.....J.  
[A.K. PATNAIK]