



THE J&K BOARD OF PROFESSIONAL ENTRANCE EXAMINATIONS(BOPEE)

Tele/Fax: 0194- 2433590, 2439063, 2437647 (Srg): 0191-2479371, 2470102 Jmu)

Website: <http://www.jakbopee.org>, Email: helpdeskjakbopee@gmail.com



Subject:- Admission of candidates to MDS Courses-2017
Reference:- Notification No. 033-BOPEE of 2017 dated 21-04-2017 .

Notification No. 046-BOPEE of 2017 Dated 26-05-2017

Whereas, the list of candidates selected for admission to the MDS Course, 2017 was notified vide Notification No. 033-BOPEE of 2017 dated 21-04-2017; and

Whereas, one seat was kept reserved in compliance of the orders of the Hon'ble High Court under the Rural Service Quota in the case titled Dr. Mushtaq Ahmad Dar & Ors V/s Stae and others; and

Whereas, the Hon'ble High Court, vide its Order dated 22-05-2017 has dismissed the clubbed petitions titled Dr. Mushtaq Ahmad Dar & Ors. Vs State of J&K & Ors., Dr. Mohammad Obeid Haq & Ors. Vs State of J&K & Ors. and Dr. Aijaz Ahmad Bhat & Ors. Vs State of J&K & Ors., vide its order dated 22-05-2017, inter alia, on the grounds as mentioned in para 20 as reproduced hereunder:-

“The reservation has to be as per the constitutional scheme (for Scheduled Caste, Scheduled Tribe & Other Backward Class candidates) and not for the in-service candidates or Medical Officers in service, then there can be no scope for allowing 10% reservation in the open merit for the candidates who have served for a minimum period of five years in Rural Areas. In this view of the matter, Rule 15 of the J&K Reservation Rules, 2005, is required to be omitted being contrary to the Reservation Act, rules and also being contrary to the law laid down by the Hon'ble Apex Court, as referred to above. The respondents are required to have re-look of such reservation and consider omitting clause (ii)(f) of Rule 15 of the Reservation Rules.”

Whereas, the Hon'ble High Court vide aforesaid order has also held as under:-

The petitioners in all the three petitions are not in any manner getting benefitted by Rule 15(ii)(f), for the reasons as stated above in the judgment, OWP No. 449/2017 and SWP No. 678/2017 being without any merit are dismissed. Petitioners in SWP No. 458/2017 are not even entitled to the incentives as having not served in any “Remote” or “Difficult” area. Regarding challenge to the rural service quota reservation, the observations made hereinabove shall take care of the same SWP No. 458/2017 shall, also accordingly, stand disposed of.”

Whereas, one candidate Dr. Neeru Pangotra was earlier declared eligible under Rural Service Quota vide Notification No. 031-BOPEE of 2017 dated 19-04-2017; and

