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C.A.No. 972 OF 2003

ITEM NO. 109

COURT No.2

SECTION XVIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 972/2003

Medical council of India

Appellant(s)

Versus

Deeba Farhat & Ors.

Respondent(s)

(with office report)

With C.A. Nos. 973/2003, 974/2003, 975/2003, 976/203

(With office report)

DATE : 20/12/2003

This/These matter/matters was/were
called for hearing today

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU

HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant(s)/Mr. P.P.Rao, Sr. Adv.

Respondent(s) Mr. A Mariarputham, Adv.

Mrs. Aruna Mathur, Adv.for

for M/s Arputham, Aruna & co.

Ms. Shabnam Lone, Adv.

Mr. M.N. Shroff, Adv.

Mr. Anis Suhrawardy, Adv.

DCIMr. Maninder Singh, Adv.

Mrs. Pratibha M.Singh, Adv.

M/s Angad Mirdha, Kirtiman Singh, Adv.

Ms. K Sarada Devi, Adv.

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Mr. Kailash Vasdev, Sr. Adv.

Mr. Ashok Shrivastava, Adv.

Mr. Rajiv Nanda, Adv.

Mr. Prateek Jalan, Adv.

Mr. Ajay Sharma, Adv.

Ms. Rekha Pandey, Adv.

Mr. D.S. Mahra, Adv.

Ms. Purnima Bhat, Adv.

UPON hearing counsel the Court made the following
O R D E R

Learned senior advocate/learned counsel for the parties made their submissions from 12.15 p.m. to 3.30 p.m.

The appeals are dismissed in terms of the observations made in the signed order.

[Meenu Sethi]
Court Master

[Om Prakash]
Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.972/2003

Medical Council of India

...
Appellant

VERSUS

Deeba Farhat & Ors.

...
Respondents

With
C.A.No.973/2003, C.A. No.974/2003,
C.A.No.975/2003, C.A. No.976/2003

O R D E R

This batch of appeals arise out of a common order made by the High Court directing admission of certain students to medical colleges. The High Court proceeded to consider that in view of the peculiar facts arising in the case, the relief sought for by the writ petitioners before it should be granted.

In assailing this order of the High Court, learned senior advocate for the appellant relied upon the decisions of this Court in K.S. Bhoir Vs. State of Maharashtra & Ors. -

2001(10) SCC 264, M.C. Mehta Vs. Union of India & Ors. RE: Inder Mohan Bensiwal, RE: Bharat Petroleum Corpn. Ltd.- 1999(6) SCC 237, Medical Council of India Vs. State of Karnataka & Ors.- 1998(6) SCC 131, Union of India Vs. Era Educational Trust & Ors. - 2000(5) SCC 57 and urged that unless there is compliance with Section 10-A of the Indian Medical Council Act and the regulations framed thereunder as to the increase in intake of students to any medical college no relief as has been granted by the High Court could be given.

It is unnecessary to examine these aspects of the matter raised by the learned senior advocate for the appellant

in view of the fact that the High Court has particularly relied upon the various features of the case arising and peculiar to it and, therefore, we think it appropriate not to interfere with the discretion exercised by the High Court in exercise of its powers under Article 226 of the Constitution. We, however, do not approve the observations made by the High Court that regulations of the Medical Council as to increase in intake of students in cases of one time action. Subject to this observation these appeals are liable to be dismissed.

However, it is made clear that the students have to be admitted to the respective colleges to which they have been directed in the fresh academic year i.e. 2004-2005. Learned counsel for the contesting respondents submitted that there are only 43 students who are eligible in that category.

.....J (S. RAJENDRA BABU)

.....J.
(G.P. MATHUR)
New Delhi,
January 20, 2004.