

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4253-4261 OF 2008

(@SPECIAL LEAVE PETITION (CIVIL)NOS.23911-23919 OF 2005)

MEDICAL COUNCIL OF INDIA

Appellant(s)

VERSUS

SUDIEP SHRIVASTAVA & ORS.

Respondent(s)

O R D E R

Leave granted.

These appeals, preferred by the appellant–Medical Council of India (for short 'M.C.I.') are against the order passed by the High Court of Judicature at Bilaspur, Chhattisgarh. By the impugned judgment, the High Court was pleased to direct that for the academic session 2005–06 the strength of the students be increased by ten. This part of the order is challenged by the appellant herein.

Heard learned counsel for the M.C.I. and also the learned counsel for the respondents.

It is pointed out by learned counsel for M.C.I. that strength of the students is fixed by M.C.I. When the order of approval is granted to the college and various factors are taken into consideration for fixing the number of students. If any unilateral increase is made as per the direction of the Court it will cause various problems and this fact was indicated by this Court in the decision reported in State of Punjab Vs. Renuka Singla, (1994) 1

SCC p.175, wherein this Court had observed :

“The High Courts or the Supreme Court cannot be generous or liberal in issuing such directions which in substance amount to directing the authorities concerned to violate their own statutory rules and regulations, in respect of admissions of students...”

The above direction was issued in respect of the Dental Council of India. Similar provisions are also applicable to the M.C.I. Therefore, the direction to increase the seats by ten for the academic session 2005–06 was not justified and we are told that further admissions were not made. We set aside this part of the impugned order of the High Court and the appeals are allowed to the extent indicated above. No costs.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(P. SATHASIVAM)

.....J.
(J.M. PANCHAL)

NEW DELHI;
7TH JULY, 2008.