

PETITIONER:
AMANJIT SINGH GILL ETC.

Vs.

RESPONDENT:
DIRECTOR GENERAL OF HEALTH SERVICES ETC.

DATE OF JUDGMENT 21/11/1988

BENCH:
DUTT, M.M. (J)
BENCH:
DUTT, M.M. (J)
NATRAJAN, S. (J)

CITATION:
1989 AIR 386 1988 SCR Supl. (3) 905
1989 SCC (1) 231 JT 1988 (4) 469
1988 SCALE (2) 1373
CITATOR INFO :
F 1989 SC1513 (7)

ACT:
Professional Colleges--Admission to.

HEADNOTE:

Medical Colleges--Admission to--All India Entrance Examination for MBBS/BDS course Vacant seats as a result of drop out in number of candidates allocated seats--Guidelines issued by Court for allocation of vacant seats.

The petitioners in the writ petitions had been allotted seats in MBBS/BDS courses in various Medical/Dental Colleges. They sought change, and wanted admissions in colleges which were near their home- towns.

The Union of India, respondent in the writ petitions also filed Civil Miscellaneous Petitions seeking directions of the Court in the matter of the allocation of 532 vacant seats in the medical colleges in the MBBS/BDS courses pursuant to the result of the All India Entrance Examination conducted by the Central Board of Secondary Education, New Delhi.

Disposing of the Writ and Civil Miscellaneous petitions the Court laid down guidelines to be followed:

HELD: 1. The candidates, who have been allocated seats to the Dhanbad Medical College which is not a recognised College, by the Medical Council of India should first be reallocated to the recognised medical colleges having vacancies keeping in view the minimum distance from their home-towns. [907H;908A]

2. Those candidates who have exercised their choice for MBBS course only or to MBBS course by way of first preference and to BDS course by way of second preference and admitted to BDS Course for want of seats in the MBBS Course shall, if they or any of them desire to be admitted in the MBBS Course, be absorbed against the available vacant seats in order of merit. [908B-C]

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3. The vacant MBBS or BDS seats, thereafter available should be offered to the candidates on the waiting list in order of merits. [908C]

4. The candidates will be given maximum time of twenty days to join the medical colleges, failing with the seats will be declared vacant. [908F]

5. The allocation of MBBS seats already made shall not be disturbed. [908F]

6. The Director General of Health Services, shall consider the question of allotment to candidates, who have been already admitted to MBBS or BDS Course, nearer to their home-town in order of merit. [908G]

[The Director General of Health Services to deal with the cases of the petitioners in the different writ petitions and also the cases of the other candidates in accordance with the above guidelines and dispose of the same within a period of three weeks.] [910B]

JUDGMENT:

ORIGINAL JURISDICTION: Writ Petition (Civil) No. 961 of 1988 Etc.

(Under Article 32 of the Constitution of India).

Kuldip Singh, Additional Solicitor General, Rajindra Lal Chopra, A.S. Pundir, Bharat Sangal, Dr. (Mrs.) Roxna S. Swamy, M.C. Dhingra, Prem Malhotra and Ms. A. Subhashini for the Petitioners.

Madan Lokur, Manik Karanjawala, C.M. Nayyar and S.K. Mehta for the Respondents.

The Judgment of the Court was delivered by

DUTT, J. These writ petitions relate to the allocation of seats in medical colleges in the MBBS/BDS Course pursuant to the result of the All India Entrance Examination conducted by the Central Board of Secondary Education, New Delhi, in respect of 15 per cent of the total number of MBBS/BDS seats in medical colleges of different States.

Before dealing with the individual writ petitions, we may refer to an application made by the Union of India being

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C.M.P. No. 29264 of 1988 in Writ Petition (Civil) No. 348-52 of 1985 praying for suitable directions in the matter of allocation of vacant seats. It has been stated in this application that the results of the All India Entrance Examination conducted by the Central Board of Secondary Education for admission in the MBBS/BDS Course were declared on July 15, 1988. A merit list of 1,600 candidates together with a waiting list of 1,000 candidates was sent to the Director General of Health Services by the Central Board of Secondary Education for making allocations of candidates to various medical colleges for admission to MBBS/BDS Course, as the case may be. The Director General of Health Services allocated 1,428 candidates to MBBS Course and 111 candidates to BDS Course in the various medical/dental colleges. Further, it is stated that on the basis of information received in the office of the Director General of Health Services, 532 candidates have not joined in all these courses and, accordingly, the said 532 seats have been lying vacant.

In order to decide the criteria to be adopted for allocation of vacant seats as a result of drop-outs in the number of candidates who had been allocated MBBS/BDS seats in various medical/dental colleges, a meeting was held under the chairmanship of the Secretary, Ministry of Health and Family Affairs. In this meeting, the Chairman of the Central Board of Secondary Education, Secretary, Medical Council of India, and representatives of the Ministry of Law and Justice participated, besides others from the Ministry of

Health and Family Affair and the Directorate General of Health Services. The Committee took a decision regarding the allocation of seats in the MBBS/BDS Course. The Committee has also made certain suggestions regarding the guidelines to be followed for the purpose of filling up the vacant seats in the MBBS/BDS Course.

Mr. Kuldip Singh, learned Additional Solicitor General, submits that this Court may approve of the suggestions made by the said Committee or lay down the guidelines for the purpose of filling up the vacant seats. After hearing the learned Counsel of the petitioners in these writ petitions and after considering the suggestions of the committee and the submissions made by the learned Additional Solicitor General, we direct that the following guidelines should be followed for the purpose of filling up the said 532 seats in the MBBS/BDS Course.

1. The candidates, who have been allocated seats to the Dhanbad Medical College which is not a recognised College by the Medical Council of India after 1982, should first be reallocated to the recognised medical colleges having vacancies keeping in view the aspect of the minimum distance from their home-towns.

2. Those candidates who have exercised their choice for MBBS Course only or to MBBS Course by way of first preference and to BDS Course by way of second preference and admitted to BDS Course for want of seats in the MBBS Course shall, if they or any of them desire to be admitted in the MBBS Course, be absorbed against the available vacant seats in order of merit. The change from BDS Course to MBBS Course will, however, be at their own cost and responsibility.

3. The vacant MBBS or BDS seats, thereafter available, should be offered to the candidates on the waiting list in order of merit. Allocation may be made to medical colleges on the basis of the five preference indicated by the candidates in the application forms. Any allocation of seat made to a candidate in the waiting list either in the MBBS or BDS Course shall be final and no request for change from one course to the other will be entertained. In the case of those candidates in the waiting list, who cannot be allocated to medical colleges on the basis of five preferences given by them in the application forms, the Director General of Health Services will allocate them colleges as near to their places of residence as possible subject to availability of seats in those nearby colleges.

4. The candidates will be given maximum time of twenty days to join the medical colleges allotted to them, failing which the seats will be declared vacant.

5. The allocation of MBBS seats already made shall not be disturbed.

6. The Director General of Health Services shall consider the question of allotment of medical colleges to candidates, who have been already admitted to MBBS or BDS Course, nearer to their home-towns in order of merit.

7. Absorption in the said 532 vacant seats of candidates who have already been admitted in the BDS Course and reallocation of medical colleges to candidates also already admitted in the MBBS or BDS Course, as the case may be,

home-towns, and the reallocation to the recognised medical colleges of candidates who have been already allocated seats to the Dhanbad Medical College, shall be made within a period of three weeks from today.

The petitioner Amanjit Singh Gill in Writ Petition (Civil) No. 961 of 1988 is a resident of Punjab. He has been

admitted in the MBBS Course in the Tamil Nadu Medical College. He prays that the respondent may be directed to allot a seat in Patiala Medical College, Punjab, which is near to his residence.

The petitioner Shalu Sood in Writ Petition (Civil) No. 1110 of 1988 has been allotted a seat in the BDS Course in S.C.B. Medical College, Cuttack, and she has since joined the said College. According to her two seats in BDS Course are lying vacant in Delhi. No particulars have, however, been given by her as to in which medical college in Delhi, the two seats are lying vacant. Be that as it may, she prays for the allotment of one of such seats to her in order of merit.

In Writ Petition (Civil) No. 1071 of 1988, the petitioner Vimal Mehta, who is a resident of Faridabad, Haryana, has been allotted a seat in the MBBS Course in Darbhanga Medical College, Bihar, which is far off from the place of residence of the petitioner. On behalf of the petitioner preference has been given first to a medical college in Delhi and second to a medical college in Rohtak in the State of Haryana.

The grievance of the petitioner Mahesh Dutt in Writ Petition (Civil) No. 1056 of 1988 is that although 7 seats in the MBBS Course have been lying vacant in the Medical College Rohtak in respect of which he gave his first preference, he has been allotted a seat in the Medical College Dhanbad. The home-town of the petitioner is in Haryana and it is prayed by him that he should be allotted a seat in the MBBS Course in the Medical College Rohtak. The petitioner has, however, already joined the Medical College Dhanbad.

The case of Kumari Shilpa Mehra, the petitioner in Writ Petition (Civil) No. 936 of 1988, is that she has been allotted a seat in the BDS Course at the Government Dental College, Bombay, although candidates who have secured less marks than her have been admitted in MBBS Course. The petitioner has already joined the BDS Course in the said Government Dental College, Bombay. It is prayed by her that she may be allotted a seat in the MBBS Course in any medical college in Bombay in order of merit.

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The guidelines for filling up the said 532 seats in the MBBS/BDS Course cover the cases of the petitioners in the different writ petitions mentioned above. Instead of giving separate directions in each of the writ petitions, we direct the Director General of Health Services to deal with all the above cases and also the cases of other candidates in accordance with the above guidelines laid down by us. All the cases shall be disposed of by the Director General of Health Services within a period of three weeks from today. The Director General, after disposal of the representations of the writ petitioners and others with regard to the filling up of the said 532 vacant seats in the MBBS/BDS Course, shall submit a report to this Court within six weeks from today.

The writ petitions and C.M.P. No. 29264 of 1988 are disposed of as above. There will, however, be no order as to costs in any of them.

N.V.K.

Petitions disposed of