

ITEM NO.1501 Court 3 (Video Conferencing) SECTION X

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

Writ Petition(s)(Civil) No(s). 196/2018

TAMIL NADU MEDICAL OFFICERS ASSOCIATION & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

([HEARD BY : HON'BLE ARUN MISHRA, HON'BLE INDIRA BANERJEE, HON'BLE VINEET SARAN, HON'BLE M.R. SHAH AND HON'BLE ANIRUDDHA BOSE, JJ.])

WITH

W.P.(C) No. 252/2018 (X)

W.P.(C) No. 295/2018 (X)

W.P.(C) No. 293/2018 (X)

SLP(C) No. 26665/2019 (XVI)

SLP(C) No. 25487-25490/2019 (XVI)

SLP(C) No. 26448-26449/2019 (XVI)

SLP(C) No. 26507-26510/2019 (XVI)

SLP(C) No. 26648/2019 (XVI)

Diary No(s). 42890/2019 (XVI)

Date : 31-08-2020 These matters were called for pronouncement of Judgment today.

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Hon'ble Mr. Justice M. R. Shah and Hon'ble Mr. Justice Aniruddha Bose pronounced the reportable Judgment of the Bench comprising Hon'ble Mr. Justice Arun Mishra, Hon'ble Ms. Justice Indira Banerjee, Hon'ble Mr. Justice Vineet Saran and Their Lordships.

Leave & permission granted in the respective special leave petitions.

The operative portion of the Judgment pronounced by Hon'ble Mr. Justice M. R. Shah is reproduced hereunder :-

"27. In view of our above discussions and conclusions, the Civil Appeals are allowed in

the aforesaid terms and the impugned judgment of the High Court at Calcutta dated 01.10.2019 passed in MAT No. 1222 of 2019, connected with, MAT No. 1223 of 2019, MAT 1224 of 2019, MAT 1239/2019, MAT 1245/2019, MAT 1267 of 2019 and MAT 1333 of 2019 is hereby set aside. Writ Petition Nos. 196/2018 connected with Writ Petition No.252/2018, Writ Petition No. 295/2018 and Writ Petition No. 293/2018 stand allowed in the aforesaid terms. All connected interlocutory applications stand disposed of.

Before parting we acknowledge and appreciate the cooperation by the learned Senior Counsels and other Advocates appearing on behalf of their respective parties and assisting the Court in concluding hearing in such an important matter, through virtual court in a time when the entire world is facing pandemic and difficult time. Such a gesture and cooperation is highly appreciable."

The operative portion of the Judgment pronounced by Hon'ble Mr. Justice Aniruddha Bose is reproduced hereunder :-

"44. So far as the appeals against the judgment of the Calcutta High Court are concerned, we are of the opinion that the judgment and order of the High Court at Calcutta in MAT No.1222 of 2019 (Dr. Md. Babul Akhtar and Ors. vs. Dr. Md. Nazir Hossain & Ors.) along with the allied appeals were not founded on proper interpretation of law for the reasons we have already

discussed. We accordingly set aside the judgment under appeal, delivered on 1st October, 2019. All the appeals are accordingly allowed. The memorandum dated 18th April, 2013 is restored and the writ petition filed in the High Court at Calcutta (W.P. No.8990(W) of 2019) shall stand dismissed. The writ petitions filed before this Court being W.P.(Civil) No. 196 of 2018, W.P. (C) No.252 of 2018, W.P.(C) No. 295 of 2018 and W.P.(C) No. 293 of 2018 shall stand allowed in the above terms.

45. We, however, direct that the doctors who are already undergoing the postgraduate degree courses on the basis of being successful in the original writ petition filed in the High Court at Calcutta shall not be disturbed from pursuing the said course. The same direction shall also cover successful medical students who have already undertaken admission in postgraduate medical degree courses following the applicable admission process and are pursuing their postgraduate studies in the States of Gujarat, Haryana, Kerala, Maharashtra and Tamil Nadu.

46. All connected applications shall stand disposed of. Interim orders, if any shall stand dissolved.

47. There shall be no order as to costs."

**(JAYANT KUMAR ARORA)
COURT MASTER**

**(JAGDISH CHANDER)
ASSISTANT REGISTRAR**

(Signed Reportable Judgment is placed on the file)