

Supreme Court of India

Sharwan Kumar And Etc. Etc. vs Director General Of Health ... on 30 April, 1993

Equivalent citations: AIR 1994 SC 1448, 1994 (1) BLJR 37, (1993) 3 SCC 332

Bench: S Agrawal, S Mohan

ORDER

1. In W.P. (C) No. 176/93. In pursuance of the Order passed by this Court on December 11, 1992 in W.P. No, 443 of 1992, etc., the petitioner was allotted a seat in MBBS course against the All-India quota for the year 1991 in B. J. Medical College, Ahmedabad by the Director-General of Health Services by a letter dated December 18, 1992. The petitioner was required to report to the Director, Medical Education, Govt. of Gujarat, Ahmedabad on or before January 4, 1993 for admission to the MBBS course. In accordance with the said direction the petitioner deposited the fees for admission at B. J. Medical College, Ahmedabad on January 2, 1993, after obtaining the eligibility certificate from the Registrar, Gujarat University. The grievance of the petitioner is that eligibility certificate has been withdrawn by letter dated January 15, 1993 which was received much later by the petitioner and on that basis the admission of the petitioner to the MBBS course has been cancelled.

2. Having heard learned Counsel for the petitioner and Shri S. K. Dholakia, the learned Counsel for the respondent, we are of the view that the withdrawal of the eligibility certificate that was issued to the petitioner cannot be upheld and the cancellation of admission of the petitioner to the MBBS course on that basis must be quashed.

3. The writ petition is, therefore, allowed and impugned Order of withdrawal of the eligibility certificate granted to the petitioner and the consequent cancellation of his admission to the MBBS course in B. J. Medical College, Ahmedabad quashed and it is directed that the petitioner shall be given admission to the MBBS course in B. J. Medical College, Ahmedabad on his reporting to the Principal of the said college on or before May 10, 1993. As regards the attendance of the classes and examinations, the petitioner will have to abide by the directions that are given by the college authorities in that regard. No Order as to costs.

In W. P. (Civil) Nos. 181/93 and 37/93

4. We have heard learned Counsel for the petitioner. We do not find any merit in these writ petitions. These writ petitions are accordingly dismissed.

In W. P. (Civil) Nos. 133, 135, 161, 144 and 153/93

5. The petitioners in these writ petitions have been selected for admission to the MBBS/BDS course against the All-India quota for the year 1992 and they were allotted seats in the medical colleges in the State of Gujarat. They were being denied admission by the colleges on the ground that the Gujarat University, respondent No. 2 had refused to grant the eligibility certificate. On the basis of the interim direction given by this Court the petitioners have been given admission to the courses.

6. Shri Dholakia, the learned Counsel for University, has urged that in view of the lapse of time since the commencement of the course of study these admissions should be relatable to the quota for the year 1993. We are unable to agree with this submission. It is, therefore, directed that admissions of these petitioners should be treated against the All-India quota for the year 1992. The petitioners will, however, have to abide by the directions that are given by the college authorities with regard to attendance of classes and examinations in the respective colleges.

7. The writ petitions will stand disposed of accordingly.

In W. P. (Civil) Nos. 443, 458, 510 and 557 of 1992

8. In our Order dated August 14, 1992, we have taken note of the criticism that the existing process of allotment of candidates to the various colleges for admission to MBBS/BDS courses against the 15% All-India quota is inordinately protracted and selection process does not conclude till February of the year following the one for which admissions are intended and made, and have observed that time is ripe to evolve an appropriate procedure so that at least from 1992 onwards the whole procedure could be completed within a reasonable time frame, say, before 30th October each year. Since the process for selection for the year 1992 had already commenced under the existing process the same 'was allowed to be completed under that process. For the year 1993 onwards Shri Subba Rao has placed before us suggestions in the form of a draft scheme prescribing the procedure whereby it would be possible to complete the process of allotment of the 15% All-India quota for admission to the MBBS/BDS courses in various colleges in the country by September 30. We have perused the said draft scheme. Keeping in view the said scheme we hereby approve the scheme prescribing the procedure to be followed for allotment of 15% All-India quota for admission to MBBS/BDS courses in the various colleges in the country. The said approved scheme is attached herewith as Annexure I to this Order. It will be operative for selection to be made for the year 1993-94 and the examination to be held for such selection in May, 1993. The said scheme will operate for future selections also.

9. If in the implementation of the scheme any difficulties are felt by the Director-General of Health Services or by any other person including the authorities in the States or by the Universities, they can approach this Court for necessary direction.

#### ANNEXURE-I SCHEME

1. The Entrance Examination will be conducted in the month of May and the dates will be so fixed that the result is declared by July 15.

2. Candidates shall appear for Entrance Examination, without giving their preference for courses (MBBS/BDS) and college choices.

3. A merit list equal to total number of seats plus a waiting list of 50% of the total number of seats shall be prepared.

4. The successful candidates whose names are included in the merit list shall appear in person for allotment to seats on notified dates.
5. About 200 candidates will be called for personal appearance on a notified date in accordance with the rank in the merit list, i.e., rank Nos. 1 to 200 on the first day, rank Nos. 201 to 400 on the second day and so on.
6. The seats available will be displayed on computer screen and the Notice Boards and thus the candidate will stand informed about the available seats at the time of allotment.
7. On the day of personal appearance the allotment will be made in Order of merit, out of the seats available for allotment at his/her rank, through computer.
8. Candidates will have an option to either
  - (a) Select any one of the seat/ seats available OR
  - (b) Reject the available seat/seats and forfeit the claim for a seat under All-India quota.
9. A candidate who is unable to appear in person on the notified date can send his/her authorised representative with authority letter duly signed by him/her for allotment on the notified date.
10. Candidates allotted seats on a particular day will be issued allotment letters on the next day. The last date of joining will be 15 days from the date of personal appearance.
11. The candidates who fail to appear on notified date in person or through his/her authorised representative shall forfeit the claim for a seat under All-India quota.
12. The candidates who do not join the allotted college by the last date of joining, shall also forfeit the claim of a seat under All-India quota.
13. The first round of allotment by personal appearance would be from August 1 to August 14 covering all the successful candidates including waiting list candidates.
14. The Dean/Principal of the College shall notify to the Director-General of Health Services, New Delhi, by September 5, the vacancy position due to non-joining of a candidate/ candidates allotted seat/seats in the first round. In case the vacancy position is not communicated by September 5 the seats allotted to the college will be treated as vacant and allotment of candidates will be made against these deemed to be vacant seats and it shall be the responsibility of the Dean/ Principal of the concerned college to give admission to those candidates.
15. The second round of allotment by personal appearance will be for (a) candidates who were allotted a seat in the first round and who wish to change their allotted college/ course and wish to join the same against vacancies arising due to non-joining of the candidates allotted in the first

round of personal appearance; and (b) for candidates on the merit list who could not be considered for allotment in the first round.

16. The candidates who were allotted a seat in the first round and who desire to change their allotted college/ course for the vacancies arising due to non-joining of allotted candidates will have to apply to DGHS in writing by registered post. Their applications, duly forwarded by Principal/ Dean of the allotted colleges should reach the DGHS by registered post on or before September 5. They will have to give an under taking that their earlier allotment will stand cancelled and the seat will be vacated by them in case the change is made to them.

17. The second round of allotment by personal appearance will be from Septembers to September 12.

18. Each day candidates up to 600 rank numbers will be covered i.e. the candidates from rank Nos. 1 to 600 will appear on September 8, from rank Nos. 601 to 1200 on September 9 and so on.

The fact that a candidate has appeared in the second round of allotment shall not entitle him for a change as the same will be subject to availability of a seat and the acceptance of the available seats at the rank of the candidate by him/ her.

19. The candidates who have been allotted a seat in the second round will have to join the college within 15 days from the date of their personal appearance.

20. The whole allotment and admission process to the 15% seats for All-India quota will be over by September 30 and any seat remaining vacant thereafter will be deemed to have surrendered back to the colleges/ States.

21. In the year 1993, the venue for this allotment process will be Delhi. In subsequent years it may be extended to four metropolitan cities by linking the venue in these four cities to the mother computer, located in Delhi through Satellite. As and when the linkage of four metropolitan cities becomes successful, the network will be spread to the other State Capitals also.