Supreme Court of India
Guru Nanak Dev University vs Parminder Kr. Bansal And Another ... on 29 April, 1993
Equivalent citations: AIR 1993 SC 2412, (1993) 4 SCC 401
Bench: V . M.N., . D Thommen, S Mohan
JUDGMENT

1. Special leave granted.

2. Guru Nanak Dev University is aggrieved by the orders dated 17th August, 1992 of the High Court in Civil Writ Petitions Nos. 2732 and 4928 of 1992 respectively, directing the regularisation of the admission of the first respondent in each of these appeals, to the Internship Course.

3. Regulation 27 of the Guru Nanak Dev University regulating eligibility for ad mission to the Internship Course provides:

(a) Compulsory Rotating Houseman-ship:

Every candidate, on passing the final MBBS examination, shall undergo 12 months training as laid down by the Faculty of Medical Science before he is allowed full registration by the State Medical Council. The work done in a Military Hospital or any other recognised Institute (names given in the appendix) shall be accepted for this training.

(Emphasis supplied)

(b) There shall be an oral test at the end of the internship programme to be conducted by a Board of the College set up by the Principal of the College. The Board will review the certificates of the work given by the Heads of the Departments or the Head of the Hospital where the candidate has worked also assess the candidate through an oral examination. If the Board is not satisfied with the performance of the candidate, the candidate shall be required to put in extra three or six months of internship. Provided that in the case of a student who goes abroad for internship training and cannot appear in the test at the end of the term being in a foreign country, the test may be conducted in his respective Institution and report sent to the Principal of the concerned College from which the student had gone, along with the report of his work and if the Principal is satisfied he may recommend to the University for grant of a degree.

The validity of this regulation, though sought to be raised, was presumably not argued and has not been gone into by the High Court. Prima facie, there is no valid ground to assail the constitutional validity of this regulation.

4. The High Court, by its interim orders, directed the admission of the two respondents to the Internship. Course with effect from the 1st of April, 1992, on which date, admittedly, they did not possess the requisite eligibility. They had not passed the M.B.B.S. examination. Pursuant to the interim orders the respondents were so admitted. Thereafter, by the final order dated 27-8-1992, the High Court as a logical corollary and consequence of the implementation of the interim orders,

directed that their internship be regularised.

5. Sri Gambhir, learned Counsel for the University says that the very implication of the idea of regularisation contained within it the promise that the initial admission itself was irregular. He submitted that the University was confronted with a fait-accompli by virtue of interlocutory orders. The final order in the writ petition did no more than validate and perpetuate the interlocutory error without any pronouncement on or adjudication of the basic issues of eligibility. Sri Gambhir aired a serious grievance that this type of orders would introduce an element of indiscipline in academic life and expose the system to ridicule and render any meaningful control of academic work impossible. He relied upon certain pronouncements of this Court to support his contention that in academic matters courts should be vary in directing the admissions to colleges by means of interim directions which would create complications later and expose even the beneficiaries of such orders to, difficulties when the final adjudication goes against them.

learned Counsel for the respondents, however, sought to maintain that the two candidates had now completed the 12 months of their internship and it would be hard on them if their internship is reckoned from the date of the passing the M.B.B.S. examination.

6. Sri Gambhir is right in his submission. We are afraid that this kind of administration of interlocutory remedies, more guided by sympathy quite often wholly misplaced, does no service to anyone. From the series of orders that keep coming before us in academic matters, we find that loose, ill-conceived sympathy masquerades as interlocutory justice exposing judicial discretion to the criticism of degenerating into private benevolence. This is subversive of academic discipline, or whatever is left of it, leading to serious impasse in academic life. Admissions cannot be ordered without regard to the eligibility of the candidates. Decisions on matters relevant to be taken into account at the interlocutory stage cannot be deferred or decided later when serious complications might ensue from the interim order itself. In the present case, the High Court was apparently moved by sympathy for the candidates than by an accurate assessment of even the prima facie legal position. Such orders cannot be allowed to stand. The Courts should not embarrass academic authorities by itself taking over their functions.

7. In the circumstances, we allow these appeals and set aside the order of the High Court. No costs.