

Supreme Court of India

Dr. Anil Kumar vs State Of Bihar And Ors. on 27 January, 1998

Equivalent citations: JT 1998 (9) SC 166, (1998) 9 SCC 405

Bench: S Agrawal, S Ahmed, A Misra

ORDER

1. Special leave granted.

2. This matter relates to the admission to the postgraduate medical course on the basis of the result of the Postgraduate Medical Admission Test, 1992. In the merit list prepared on the basis of the said test the appellant was placed at Serial No. 1 in the reserved category of Scheduled Caste candidates. He had opted for M.S. (General Surgery) degree course in Patna Medical College Hospital. He was, however, placed in the general category and since in the general category his merit position was lower, he could not get admission in any of the subjects for the postgraduate course. He filed a writ petition in the High Court which was dismissed by the learned Single Judge and the letters patent appeal filed by the appellant against the said judgment has also been dismissed by the Division Bench of the High Court by the impugned judgment on the basis of the judgment of this Court in State of Bihar v. M. Neethi Chandra, .

3. In M. Neethi Chandra¹ this Court, while holding that the circular of the Government of Bihar dated 7-2-1992 could not have the effect of operating to the prejudice of a candidate belonging to the general (sic reserved) category who is placed on a higher place in the merit list and has been placed in the general category without his consent, has said that the decision would not affect the candidates who have been granted admission.

4. Shri Sanyal, the learned Senior Counsel appearing for the appellant, has submitted that while the writ petition of the appellant was pending in the Patna High Court, he was granted admission to the M.S. (General Surgery) course in the Patna Medical College Hospital against a vacant seat on 16-3-1996 and that he joined the course on 18-3-1996. It is pointed out that the judgment in M. Neethi Chandra (Supra) was delivered on 10-9-1996, i.e., after the appellant had been given admission to the M.S. (General Surgery) course.

5. Having regard to the fact that the appellant had been granted admission against a vacant seat in M.S. (General Surgery) course in the Patna Medical College Hospital prior to the decision in M. Neethi Chandra (Supra) we are of the opinion that in the peculiar facts and circumstances of this case the said admission of the appellant in the M.S. (General Surgery) should not be disturbed and he may be allowed to continue with the studies for the said course. The appeal is, therefore, partly allowed and the impugned judgment of the High Court is set aside to the extent it disturbs the admission of the appellant to the M.S. (General Surgery) course in the Patna Medical College Hospital. No order as to costs.