

Dr. Vijay Kumar Kathuria

Vs

State of Haryana and Others

Dr. Krishan Gopal Kalra

Vs

State of Haryana and Others

Dr. Vijay Kumar Kathuria, and Another

Vs

Dr. G. C. Mehrotra and Others

Special leave Petitions (Civil) Nos. 9009 & 9010 of 1982

(V. D. Tulzapurkar, V. B. Eradi JJ)

29.04.1983

JUDGMENT

ORDER

1. In the above matters since a dispute was raised as to whether the provisional admissions granted to the two petitioners had continued till October 1, 1982 or were cancelled long prior to that date, an issue was sent to the District Judge, Rohtak for enquiry and a finding thereon. The District Judge, Rohtak was required to submit his report within a specified time. Later for some reasons, which it is unnecessary to mention. The enquiry was transferred to the District Judge, Hissar who has now submitted his report to this court through his letter dated February 4, 1983. After holding a fullfledged enquiry during the course of which oral as well as documentary evidence was produced by the parties in support of their respective versions, the District Judge has recorded a finding against the petitioners to the effect that to their knowledge their provisional admissions had been cancelled by the concerned authorities much before the crucial date namely, October 1, 1982. In order words, it is clear that October 1, 1982 the petitioners made a false representation to this court that they were continuing their studies as post-graduate students of Medical College, Rohtak on October 1, 1982, and obtained an order of status quo as of that date on be maintained from this court. But for the misrepresentation this court would never have passed the said order. By reason of such conduct they have disentitled themselves from getting any relief or assistance from this court and the special leave petitions are liable to be dismissed.

2. Counsel for the petitioners attempted to challenge the finding recorded by the District Judge as also some of his observations made against the petitioner but after going through the report and other material and after considering all the contentions urged against it we are satisfied that it is a very thorough, balanced and satisfactory report and we accept the finding recorded therein. In view

of this C. M. P. No. 27798 of 1982 taken out by the petitioner for contempt as also the Special Leave Petitions Nos. of 1982 and 9010 of 1982 deserve to be dismissed.

3. Before parting with the case, however, we cannot help observing that the conduct or behaviour of the two petitioner as well as their counsel (Dr. A. K. Kapoor who happens to be a medico-legal consultant practising in courts) is most reprehensible and deserves to be deprecated. The District Judge's report in that behalf is eloquent and most revealing as it points out how the two petitioners and their counsel (who also gave evidence in support of the petitioners' case before the District Judge) have indulged in telling lies and making reckless allegations of fabrication and manipulation of records against the college authorities and how in fact the boot is on their leg. It is sad commentary on the scruples of these three young gentlemen who are on the threshold of their careers. In fact, at one stage we were inclined to refer the District Judge's report both to the Medical Council as well as the Bar Council for appropriate action but we refrained from doing so as the petitioners' counsel both on behalf of his clients as well as on his own behalf tendered unqualified apology and sought mercy from the court. We, however, part with the case with a heavy heart expressing our strong disapproval of their conduct and behaviour but direct that the petitioner will pay a sum of Rs. 2500 each as by way of costs to the respondents. The two S. L. Ps. and C. M. P. are thus dismissed with the aforesaid direction in regard to payment of costs.

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