

Reita Nirankari

Vs

Union of India

Civil Appeal No. 6392 of 1983 (CMP No. 26636 of 1984)

(P. N. Bhagwati, A. N. Sen, Ranganath Misra JJ)

26.07.1984

ORDER

1. Some of the students seeking admission to the MBBS course in this academic year have made an application to this court that the Judgment delivered on June 22, 1984 in the medical admission cases may be given effect to only from the next academic year, because admissions have already been made in the medical colleges attached to some of the Universities in the country prior to the delivery of the Judgment on June 22, 1984 and moreover, some time would be required for the purpose of achieving uniformity in the procedure relating to admissions in the various Universities. We accordingly issued notice on the application to the learned advocates who had appeared on behalf of the various parties at the hearing of the main writ petitions as also to the Attorney-General and after hearing them, we have come to the conclusion and this is accepted by all parties that in view of the fact that all formalities for admission, including the holding of entrance examination, have been completed in some of the States prior to the Judgment dated June 22, 1984 and also since some time would be required for making the necessary preparations for implementing the judgment, it is not practicable to give effect to the judgment from the present academic year and in fact compelling some States to give effect to the Judgment from the present academic year when other have not, would result in producing inequality and if all the State were to be required to implement the judgment immediately, admissions already made would have to be cancelled and fresh entrance examinations would have to be held and this would require at least 2 or 1 1/2 months delaying the commencement of the academic term apart from causing immense hardship to the students. We therefore direct that the judgment shall be implemented with effect from the next academic year 1985-86. Whatever admissions, provisional or otherwise, have been made for the academic year 1984-85, shall not be disturbed on the basis of the judgment. We may make it clear that the judgment will not apply to the States of Andhra Pradesh and Jammu and Kashmir because at the time of hearing of the main writ petitions, it was pointed out to us by the learned advocates appearing on behalf of those States that there were special constitutional provisions in regard to them which would need independent consideration by this Court.

2. This order will form part of the main judgment delivered on June 22, 1984.

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