

Dr. Dinesh Kumar and Others

Vs

Motilal Nehru Medical College, Allahabad and Others

Civil Miscellaneous Petitions Nos. 23448-52 and 24791-A of 1985 in Writ Petitions Nos. 348-52 of 1985 with Civil Miscellaneous Petitions Nos. 24472-73 and 24473-A of 1985 in Writ Petition No. 6091 of 1983

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

08.07.1985

ORDER

1. All intervention applications are allowed.

2. There are several civil miscellaneous petitions before us arising out of the main judgment delivered by us on June 22, 1984 (Pradeep Jain v. Union of India, ((1984) 3 SCC 654) and the supplementary judgment given on May 1, 1985 (Dinesh Kumar v. Motilal Nehru Medical College, ((1985) 3 SCC 22) and the order passed on July 26, 1984 (Reita Nirankari v. University of Delhi, ((1984) 3 SCC 706). It has been pointed out to us by the applicants in these Civil miscellaneous petitions that in view of the fact that neither the Government of India nor the Medical Council of India is in a position to hold an all-India entrance examination for the purpose of filling in 30% seats of the open category in the First Year MBBS Course and 50% of the open seats in the Post-Graduate Course until the year 1986, it is necessary that the implementation of the directions given by us earlier should not be insisted upon for the current academic year 1985, because otherwise each State Government will have to hold an entrance examination and it will cause hardship and inconvenience to the students to go from place to place at the examinations held by various State Governments and moreover, of the State Governments are yet ready to hold such examination and there is not only confusion but almost a chaotic situation preliminary in the matter. We, therefore, direct that, save and except in those cases where entrance examination has already been held by any State Government or any Government of Union Territory or any University pursuant to the directions given by us in our judgment such directions shall be implemented only from the academic year 1986 and shall not be effected for the current academic year 1985. Where, however, the entrance examination has already been held or was being held even before the delivery of our main judgment on June 22, 1984, this order made by us shall not affect the validity of such examination which might have already been held or which may be held hereafter. We may again make it clear that the implementation of our directions shall not be effective for the current academic year 1985 in regard to those Universities where entrance examination has not already been held or was not being held prior to the delivery of our main judgment on June 22, 1984. We are making this order so that hardship and inconvenience to the students may be avoided, because primarily our concern is to ensure protection of the interest of the students. While making this order we would once again emphasise that the directions given by us shall be effective from the next academic year 1986 and not from the current academic year 1985 and the modalities of holding of all-India entrance examinations by the Medical Council of India or by any other appropriate authority Council of India or by any other appropriate authority shall be discussed and finalised and appropriate directions given at the time when these matters are heard on July 22, 1985. We may also add that if any

admissions have been made in implementation of the directions given by us, they shall not be affected nor shall they be invalidated.

3. Mr. Damania appearing on behalf of the applicants in CMP No. 24472 of 1985 has sought clarification from the Court whether the directions given by earlier in our judgment are also binding on the medical college run by the municipal corporations. Every municipal corporation is a local authority and hence a State within the meaning of Article 12 of the Constitution and therefore medical colleges run by municipal corporations are bound by the directions given by us.

4. We would direct that copies of this order shall be forwarded immediately to all the State Governments, Governments of all Union Territories, Central Government and also to the Medical Council of India.

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