

State of Andhra Pradesh

Vs

Dar-U-Salam Education Trust and Others

Civil Appeal No. 4293 of 1986

(S. Natarajan, S. R. Pandian JJ)

26.07.1989

ORDER

1. Though arguments were advanced at length by the learned counsel appearing for the parties on the main question whether the private Medical College founded by the respondent. Trust should be given recognition by the Medical Council and affiliation by the University (there being a subsidiary issue as to whether the affiliation should be given by the Osmania University or the newly formed University of Health Services), the limited question requiring consideration at this stage is whether the students already admitted to the college should be permitted to appear at the university examinations to be held shortly. So far as this question is concerned, it is necessary to state that the first batch of 100 students admitted in the year 1984-85 and the second batch of 50 students admitted in the year 1985-86 have been admitted on the basis of the provisional permission granted by the State Government itself. The next batch of 100 students admitted in the year 1986-87 have been admitted by the College without obtaining any specific permission from the government or orders of court. During the year 1987-88 there were no admission. For the year 1988-89, this Court permitted the College to admit 100 students after taking into consideration the report given by the Medical Council and the performance of the students already admitted in the university examinations.

2. Taking these factors into consideration, we think the exigencies of the situation warrant the students being permitted to appear at the university examinations to be held shortly. In passing this order we have taken note of the orders passed by this Court on November 20, 1986 and July 20, 1988.

3. By reason of this order the University authorities will have to give time to the students to submit their applications through the college for their appearing at the examinations. Mr Subba Rao, learned counsel for the University of Health Services gave an undertaking that the University will give time till August 15, 1989 for the applications being submitted to the University. This undertaking is recorded.

4. Mr Subba Rao however stated that the University will appoint a Committee to find out whether the students have put in the requisite attendance and whether their teaching classes have been conducted by Professors having the prescribed academic qualifications, and only if the University is satisfied on these matters, the applications will be considered and hall tickets issued to the candidates. So far as this contention is concerned, the question whether the Professors have the requisite qualification to teach will arise for consideration only when the main appeal is taken up for hearing. Therefore we permit the University authorities to make verification only as regards the attendance qualification of the students and direct them to issue hall tickets to all those students who

have attended the prescribed number of classes for writing the examination.

5. Parties are given liberty to mention before the Hon'ble Chief Justice for early bearing of the appeal.

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