

Dr. Harihar Prasad Singh and Others

Vs

Principal, M. L. N. Medical College Allahabad and Others

With

State of Uttar Pradesh and Others

Vs

Dr. Atul Chandra Agarwal and Others

Civil Appeal Nos. 4329-33 and 4334-38 of 1990

(S. Ranganathan, K. N. Saikia JJ)

21.08.1990

JUDGMENT

S. RANGANATHAN, J. -

1. We have come to the conclusion that the High Court's decision under appeal has to be upheld. But, as the question raised is one of importance and difficulty, we have heard the counsel at length. We grant leave in all the petitions and proceed to give the reasons for our conclusion in detail.
2. Both sets of appeals are the off-shoots of a "Residency Scheme" for junior doctors introduced in the State of U.P. and they can be conveniently disposed of by a common order.
3. In the above State of U.P. post-graduate courses in medicine were of two types : degree and diploma. The duration of the degree course was two years and that of the diploma course, one year. The minimum requirement for admission to a post-graduate course (whether degree or diploma) was that the candidate should have passed the MBBS degree examination, then done one year's internship and then done a house job for one year.
4. The "Residency Scheme" was notified on August 22, 1989. This was the culmination of a long period of agitation by junior doctors in the State for better emoluments and conditions of service. This scheme was given retrospective effect from August 1, 1987, for para 8 of the scheme says : "The above residency scheme shall be deemed to have been enforced from August 1, 1987." Under the scheme, every candidate selected for a post-graduate degree course would have a tenure of three years which would also be the tenure of the course itself. All such candidates were to be called Junior Residents - 1st year, 2nd year and 3rd year respectively during their tenure. Each candidate selected for postgraduate diploma course would have a tenure of two years which would also be the tenure of the course and all such candidates were to be called Junior Residents - 1st year, 2nd year respectively. In other words, the duration of the degree course was raised to three years and that of the diploma course to two years. However simultaneously, the eligibility requirement of one year's experience in a house job was dispensed with, requirement of one year's experience in a house job

was dispensed with, the net result being that the total period needed, after taking a MBBS degree, to acquire a post-graduate degree/diploma remained the same as before.

5. The modifications introduced by the new scheme needed certain transitory provisions being made for two purposes. The first was to devise a formula of equation between the old and the new systems. This was done by redesignating all students, junior doctors, house officers and others in position in the manner set out in para 5 of the scheme. The original notification is in Hindi but a free translation of the first part of the above para, as set out in the judgment of the High Court, reads thus :

"Upon enforcement of the above Residency Scheme, all the House Officers, Junior Residents 1st year working since August 1, 1987 and similarly working all junior doctors ("all junior doctor similarly working" is perhaps a better translation) shall stand converted to the following new designation proposed in the residency :

#S.No. Present designation Designation upon enforcement of residency scheme.1. House Officer/Demonstrator, 1st Junior Resident 1st year. year.2. Junior Resident/RMO 1st Junior Resident 2nd year/RSO 1st year/RGO 1st year. year/Demonstrator 2nd year/P.G. Degree student 1st year/P.G. Diploma student 1st year.3. Senior Resident/RMO 2nd Junior Resident 3rd year/RSO 2nd year/RGO 2nd year. year/Demonstrator 3rd year/Registrar/P.G. Degree student 2nd year.##

The second provision necessary was in regard to their admission to the post-graduate course. This was done by the second sub-para of para 5 which ran thus :

"At the same time (iske sath hi sath) " the admission and registration of the House Officers, working at that time ("us samay") to post-graduate courses (degree/diploma course) shall be done after completion of their tenure and on the basis of their merit at MBBS and house job".

[Words in brackets give the original Hindi expressions used; emphasis added by us.]

6. The provisions of the scheme do not explicitly say that the category of persons dealt with under the second sub-para above will be admitted to the second year of the degree course (Junior Resident - 2nd year) of the Residency Scheme on the basis of inter se merit. A somewhat different line of thinking seems to have been adopted by the High Court in Dr. Sandeepa Srivastava case (to which we will be referring later). But, so far as the present appeals are concerned, all parties have proceeded on the footing that the scheme is a valid one and that it envisaged that a person who had completed house job for one year could get admission into the second year of the course (whether degree or diploma). The only controversy is whether this admission is open only to those persons who were in a house job as on August 22, 1989 and completed it before October 30, 1989 (hereinafter referred to as 'the appellants') or to all persons who had been in a house job on or after August 1, 1987. The question arose when a number of doctors (hereinafter referred to as 'the writ petitioners') who had done their MBBS, internship and house job by April 1988 and who (save for one) had even obtained admission, in March 1989, into a diploma course sought admission in the Motilal Nehru Medical College at Allahabad ('M.L.N. College', for short) into the second year of a degree course in the same or a different speciality by taking advantage of clause 5 of the Residency Scheme. Their applications were rejected on the ground that the relevant clause of the scheme was a transitory provision intended to benefit only persons who were on a house job as on August 22,

1989. They alone could take advantage of the scheme as soon as they completed the house job; not persons who had completed their house job much earlier to that date. The writ petitioners went to court and this time they were successful. A Division Bench of the Allahabad High Court held, interpreting Rule 5, that Rule 5 extended the privilege of admission to second year of the degree course to all persons who were working as house officers on or after August 1, 1987. The State, as well as certain doctors who were in house jobs as on August 22, 1989 and who had been admitted to post-graduate degree courses on the basis of the State's interpretation of the scheme but lost their seats as a result of the High Court's decision, have preferred these appeals.

7. Four questions arose for the consideration of the High Court -

- (1) Is the concession contemplated by Rule 5 of the scheme limited only to doctors in house jobs as on August 22, 1989 or available to all those who were in house jobs as on August 1, 1987 and later ?
- (2) Is a candidate who has already been admitted to, and is undergoing a diploma course eligible to seek admission to a degree course under Rule 5 ?
- (3) Is it open to a candidate who is a student in a post-graduate diploma course in one speciality to seek admission to the post-graduate degree course in any particular speciality ?
- (4) Is it permissible for a candidate who is undergoing a diploma course to abandon it in the middle and join a degree course ?

The High Court expressed no opinion on the latter two questions leaving it to the Principal of the College to decide the same in due course but answered the first two questions in favour of the writ petitioners. We are concerned here only with these two questions.

8. We may take the second of these questions first. The writ petitioner say that a direct answer to this question is provided by a notification issued on August 13, 1987 by the Governor of the State in pursuance of the provisions of Article 348 of the Constitution read with Section 28(5) of the Uttar Pradesh State Universities Act (Act 10 of 1973), as amended by Act 29 of 1974. This notification effects an amendment to an earlier notification dated December 15, 1982 (as subsequently amended) by adding a new para thereto. The new para provides :

"(7-A) If any candidate has been admitted in post-graduate diploma or degree course in one speciality he shall not be eligible for admission in post-graduate diploma or degree course in any other speciality. For removal of doubts it is clarified that if a candidate has been admitted in post-graduate diploma course in one speciality he may be allowed admission in post-graduate degree course in that very speciality".

If this is correct, there can be no doubt that none of the writ petitioner can be denied registration and consideration for admission to the degree course merely on the ground that he has earlier been admitted to a diploma course in some speciality. It is urged on behalf of the appellants that this rule has lost its force on the promulgation of the new scheme. It is difficult to see why this should be so because its principle could be applied, mutatis mutandis, to the Residency Scheme as well. But even if this is correct and this para is kept out of consideration altogether, there is no rule which prohibits a person (even though he may already be a student in a post-graduate course) from seeking admission to the second year of junior residency, the eligibility clauses for admission to which he

fulfills. The High Court was, therefore right, while expressing no view on the question whether any of the writ petitioners are eligible to be admitted to any particular speciality, in holding that they could not be excluded from consideration for admission to the second year of the degree course merely because they are already students in a diploma course.

9. The first question, however, is a more difficult one. We have considered the contentions of both sides carefully and we have come to the conclusion that there is no reason to disturb the High Court's conclusion. Prior to the enforcement of the scheme, all candidates who had completed their MBBS together with one year of internship and one year of house job were eligible for admission to a post-graduate degree or diploma course and a particular candidate could make repeated attempts for being considered for admission to a particular post-graduate speciality, irrespective of the batch to which he belonged or the particular year in which he was admitted to the MBBS course or the particular year in which he passed the final MBBS examination. That liberty is available after the introduction of the new scheme also to all MBBS graduates who have completed one year of internship. Irrespective of the year in which they qualified in the MBBS degree examination, it is open to all such candidates to seek admission to the first year of the new three year degree/two year diploma course. That is not in dispute. The question only is whether any of them are entitled to claim admission in the second year of that course on the ground that they had also completed their house job earlier. The answer to this question must depend on the interpretation of - the none-too clear - para 5 of the Residency Scheme.

10. In interpreting the scheme, it is first necessary to point out that the preamble to the notification sets out a two fold objective of prescribing a policy/procedure (a) for the conversion of the existing designations in the departments to equivalent designations and (b) for specification of the number of seats for various degree/diploma courses and for "eligibility examination for selection thereon". [sic : Apparently, this should read : "eligibility, examination or selection thereto".] One further important factor to be borne in mind is that the scheme was given effect to from August 1, 1987. To ask persons, who had already completed a one-year house job, to undergo the three year degree/two year diploma course would be a severe handicap to them as, earlier, they could have got their post-graduate degree/diploma after two years/one year. In order to adjust them into the new scheme the State designated holders of house jobs as "Junior Residents (1st year)" under the new scheme. This enabled the holders of house jobs to get into the second year course under the Residency Scheme. It has been stated, in the appellants' rejoinder, that a large number of candidates who had completed their MBBS even ten years earlier and some candidates who were even on the verge of completing a post-graduate degree course had applied for registration as Junior Residents (2nd year) along with appellants and the writ petitioners. This kind of situation would be impractical. Obviously, the scheme could not be stretched and converted into a limitless provision making it possible for all persons who had completed their house jobs at some distant past to compete for admission to the second year of the degree course. That is why para 5 limited the scope of the redesignation and admission. The first part of it limited the equation above referred to only to persons who were working on house jobs since August 1, 1987. The High Court was clearly right in saying that the words "1st year" used in column of the table in para 5 against serial No. 1 govern only "demonstrator". It is clear that the words "House Officer", "Junior Resident" and "Senior Resident" used against serial Nos. 1, 2 and 3 redesignate all such officers working since August 1, 1987 as "Junior Residents - 1st, and 2nd and 3 year" respectively. That being so, both the writ petitioner as well as the appellants before us are all "Junior Residents (1st year) " and should be eligible for admission to the second year of the Residency Scheme course.

11. But, it is said, this cannot be, for two reasons. One is that the second sub-para of para 5 is

restricted only to those who were House Officers on August 22, 1989. We think that this contention has been rightly repelled by the High Court. To accept this construction would mean a segregation of the two parts of para 5 and the substitution of the words "on August 22, 1989" for the words "since August 1, 1987" used in the first para of para 5. The words "us samay" clearly establish a nexus between the two parts of para 5 and can only refer to the period referred to in the first part viz. "since August 1, 1987". It is difficult to see how a reference to two different periods could have been intended by the two parts of para. That this could not be so is also clear for the scheme, though announced on August 22, 1989, was to be effective from August 1, 1987. That is why a line is drawn as on that date and all persons who are working as house officers, junior resident doctors or senior resident doctors since that date are all assimilated into the new scheme. There is no justification to read such assimilation as partial, as contended for by the State. It was contended that the scheme was the outcome of negotiations with junior doctors in the State who were agitating for better conditions of service and higher emoluments and that the settlement with them was only that higher emoluments will be paid w.e.f. August 1, 1987. Necessary material to substantiates this plea was not placed before the High Court or before us. But even assuming that the negotiations and agreement had a limited scope, we have to interpret the scope of para 5 on its language. The reference to the period since August 1, 1987 in para 5 fits in with the declaration in para 8 that the scheme should be deemed to have come into force on August 1, 1987. In this context, it is of significance that the scheme notified on August 22, 1989 states that the scheme has been introduced in pursuance of proposals submitted to the State Government "for the desired improvement in under-graduates/postgraduate training" in all colleges and hospitals but makes no reference to the revision of the scales of pay of the junior doctors. It is, therefore, difficult to accept the plea that the date August 1, 1987 has significance only in the matter of pay scales and nothing else. This objection is not, therefore, sustainable.

12. The second point made by the State and the appellants is that the writ petitioners, under the scheme, are already, "Juniors Residents - 2nd year" as they are already in the first year of a post-graduate diploma course and they cannot, therefore, be eligible for admission to the second year of the degree course where also they will be designated as "Junior Residents - 2nd year ". In our view, the objection is untenable. In the first place, it is only a variation of the argument that a person already undergoing a diploma course cannot be admitted to a degree course, which we have rejected already. But that apart, there is nothing wrong in the writ petitioners being admitted to the second year degree course and being called "Junior Residents - 2nd year" there instead of in the diploma course. In this context, it is necessary to point out that they have been admitted into the diploma course only in March 1989 and that they are not seeking any credit for the period of education they have undergone in the diploma course.

13. It is then argued that the words "us samay" occurring in the second part of para 5 of the scheme is really a mistake for "at this time" or "is samay" or "vartaman mein". In support of this contention, it is pointed out that the Director of Medical Education had written to the Secretary to the Government on November 2, 1989 requesting that the word "vartaman" be substituted in place of "us samay" in the notification of August 22, 1989 "so that the meaning of the above lines shall clear". It is also submitted that the reference to such persons being eligible for admission "after the completion of the tenure" in the house job also makes it clear the persons who has already completed their house jobs in 1987 or 1988 are not within contemplation. We are unable to agree. When the notification talks of "us samay", we cannot read it differently. The letter of Director of Medical Education dated November 2, 1989 finds a reference only in the appellants' rejoinder affidavit and the writ petitioners have had no opportunity to meet it. The state has not referred to this letter, or the action taken on it, anywhere. These difficulties apart, the letter patently seeks to

bring about a changes in the contents of the notification and is not a simple request for clarification as it purports to be. At best, it only reflects the Director's understanding of the notification and cannot bind the writ petitioners or the court. Also, no information has been furnished by the appellants or the state as to whether the request of the Director has been accepted and an amendment published by the government for the amendment suggested can become effective only on such publication. It may be pointed out a propos this contention that the notification of August 22, 1989 itself had been published in the gazette only on November 25, 1989, much subsequent to the Director's letter. Even assuming that her suggestion has since been accepted and the words "at that time" stand replaced by the words "at the present time" by a proper notification later, that amendment cannot affect the parties before us. The date material for the purposes of their admission was September 30, 1989, the last date by which the applications has to be sent in. That being so, the words "us samay" used in the second sub-para of para 5 are the operative words. They clearly embody a reference to an anterior point of time and this can only be a reference to the period since August 1, 1987 which finds specific mention in the first sub-para and which is the period subsequent to the scheme coming into operation. Thus, all persons doing house jobs after August 1, 1987 are covered by the seconds sub-para of para 5. The words "after completion of the tenure" had to be used here because the class of persons referred to also included those who were in house jobs as on August 22, 1989. Indeed this was how the scheme was understood by the Principal of the M.L. N. College and, perhaps, by the other principals too. We find that the terms of the advertisement issued by the Principal, M.L.N. College to which the writ petitioners had responded said this :

"Candidates must have passed MBBS degree from a University recognised by MCI, should have completed one year compulsory rotatory internship training and should have completed/will be completing one year horsemanship in the subject concerned by October 30, 1989"

This was the understanding of the scheme by the College Principal and admittedly the writ petitioners fulfilled these requirements. There is therefore, no substances in the second contention either.

14. Mrs. Shobha Dikshit, appearing for the State submitted that the interpretation placed by the High Court creates two types of major difficulties. The first is that though the High Court's decision related only to M.L.N. College at Allahabad, similar claims have also been made for admissions into post-graduate courses all over the State and in some cases, the High Court, following the present case, has issued directions to a like effect with the result that a large number of candidates who have secured admissions are now facing the loss of their seats and of the benefit of almost on year of study which they have already undergone by now. This argument, in our opinion, has no force. It does not appear to be correct to say that the High Court's decision in the present case will affect admissions all over the State. The respondents have stated thus in para 13 of their counter affidavit :

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"The admission in other Medical College of U.P. have been done on the basis of old rules i.e. on the basis of Government Notification dated December 15, 1982 and August 13, 1987 and the student who have completed their house job much earlier prior to August 22, 1989 were given admission in 2 years degree and 1 year diploma course according to their respective merits after the introduction of Residency

Scheme dated August 22, 1989.

This remains uncontroverted. Further, the validity of the admissions made to the other colleges would depend on those who had applied for admission there. If earlier batches of house officers had also applied for admission to those College and been refused admission as in the M.L.N. College the position may be similar to that in the present case. If however such persons had not at all applied or had been duly considered no question can arise now for their consideration. No unjustified revision of completed admissions is therefore likely to result. The plea that the appellants have already completed about a year in the course and should not lose the benefit thereof cannot also be given much weight because, by interim orders passed in the writ petitions, the High Court had made it clear that they were being allowed to continue in the course only on the specific understanding that their admissions will be subject to the result of the writ petitions.

15. The second point made by the State counsel is that it compels the batch of students working in a house job as on August 22, 1989 to face competition from earlier batches and this according to her is contrary to law. In support of this contention she referred to certain observations made by this court that it would not be correct to compare the merits of candidates in different examinations and different states. We see no force in this contention. As pointed out earlier before and after the introduction of the scheme, admission to the first year of the scheme was and will be by open competition between medical graduates who had completed house job or internships irrespective of the batch to which they belong. It is stated in an affidavit filed on behalf of the appellants that, though the writ petitioners, while getting admission to the post-graduate diploma course earlier had to compete with earlier batches of students, they were given some preference. We do not know on what basis such preference was given and it is too late now to examine that aspect. But the fact remains that they were considered along with candidates of earlier batches. We, therefore, see no justification for contending that great injustice will be caused to the appellants because it has become necessary for them to face competition from two earlier batches of students.

16. On the contrary as pointed out by the High Court, it is the interpretation pleaded for by the State that may offend Article 14 of the Constitution. We have held two earlier that the scheme, though introduced in 1989 is effective from August 1, 1987. If that be so, to place house officers working on August 22, 1989 alone in a better position than those who had completed house jobs in 1987, 1988 or earlier in 1989 would result in a discrimination in their favour and against the writ petitioner unrelated to - indeed, contrary to - the very object and purpose of giving the scheme retrospective effect from August 1, 1987.

17. One further contention raised on behalf of the State and the appellants is based on a decision of the High Court in the case of one Dr. Sandeepa Srivastava (Civil Miscellaneous Writ Petition No. 18419/89), a petition for special leave against which was dismissed by this Court (SLP 1380/89 dismissed on April 6, 1990), Dr. Srivastava had completed MBBS in 1987 and on year internship in June 1988 and had applied for admission to a house job but before the admission could be decided upon, the Residency Scheme had been introduced. She challenged the admission to the first year of the degree course granted by the M.L.N. College in preference to her, to one Dr. Surabhi Rai who had completed her MBBS in August 1987 completed her internship in 1988 and was in a house job as on August 22, 1989. A very peculiar situation seems to have arisen in that case. Dr. Surabhi Rai had applied for admission to the first year and not the second year of the new residency course though she was on a house job as on August 22, 1989. It appears she could not apply for the 2nd year like the writ petitioner because her house job could not be completed by October 30, 1989, the date mentioned in the advertisement with which we are concerned. Dr. Srivastava contended before

the High Court (a) that only the 1983 batch of students who had passed MBBS in 1988 were eligible for admission to the degree course and not those who had passed out earlier; and (be) that Dr. Surabhi Rai should have sought admission to the second and not the first year of the Junior Residency course. The court rejected the first contention which was patently untenable and this was sufficient to dispose of the writ petition. The court however also proceeded to consider the second contention and deal with it as follows :

The second contention of the petitioner has also no force. For this proposition the petitioner has relied on the last part of para 5 of the government order dated August 22, 1989. Para 5 of the government order has laid down that house officer and junior doctors working since August 1, 1987 will be converted into Junior Resident of 1st year, 2nd year etc. in accordance with the chart given in this para. Last part of this para lays down about these House Officer, who were working since August 1, 1987. This para does not provide for the criteria or deal with the admission of those candidate, who have joined the 1st year house job and have not yet completed even first year. The cases of those who have joined the course of house job but could not complete till the introduction of the new scheme of the residency, has been considered in the meeting of the Principals of all the Medical Colleges of U.P. and Director of Medical Education and Training on September 16, 1989. Para 6 of this resolution laid down that as the course of house job has been abolished after the enforcement of the Residency scheme and the candidates, who are undergoing training of house job cannot pursue their studies and training any more and as such all those candidates who are undergoing training of house job should be admitted in the 1st year course of Junior Residency on the basis of merit. This resolution of the principals of all the Medical Colleges appears to be fair and most reasonable. As the course of house job has been abolished and the candidates undergoing this course cannot possibly pursue their studies and if they are not admitted in the 1st year of the Junior Residency, they will suffer great hardship and irreparable loss because they have been deprived of their right to pursue their course of house job in the middle of the session.

When the course of house job has been abolished it is impossible for the persons undergoing the course of house job to pursue their studies any more. In fact respondent 3 would have been happy, if she was promoted to continue and conclude the on year course of house job, because in that case after few months she would have got admission in the second year of junior Residency and would have become senior to the petitioner and all others, who will be joining the 1st year of Junior Residency course now, but on account of the abolition of the system of house job it became impossible for respondent 3 to continue with the course and as such, she had to be contented with the admission in the 1 st year of Junior Residency course."

18. We do not wish to say anything about this part of the judgment as we are not aware whether any appeal has been sought therefrom. It is sufficient to point out that all the appellants before us are persons who were in a house job on August 22, 1989 and are claiming admission to the second year of the degree course. We shall, therefore, simply content ourselves by saying that, since all the parties before us have proceeded on the footing that persons in the position of the appellants are eligible for admission as Junior Resident - 2nd year, we are not called upon to consider the correctness of the judgment in Dr. Sandeepa Srivastava case on this point. That was case which dealt with an admission to the first year of the degree course and, since there is nothing in the

scheme which prohibits any person in the position of the appellants or Dr. Surabhi Rai from applying for admission as junior resident - 1st year, the decision of the High Court was clearly correct. The dismissal of the SLP in that case does not, therefore, affect our present discussion.

19. The judgment of the High Court in appeal before us, the judgment in Dr. Sandeepa Srivastava case and the other judgment to which Ms. Shobha Dikshit made a reference, however, make it clear that the interpretation of the clauses of the scheme is, by no means, an easy task. In practice also, the basis on which the principals - at least the Principal of the M.L.N. College - proceeded does not appear consistent with the letter of the Director of Medical education dated November 2, 1989. In this state of affairs we think that it is up to the State to find out a practical solution to ensure that the student community is not prejudiced by the ambiguities in the scheme. In this context our attention was drawn to the directions of this Court in the case of Mridula Avasthi v. University of Delhi ((1988) 2 SCC 572 : (1988) 3 SCR 762) : (SCC pp. 574-575)

"In this background we are of the view that the impasse created on account of the rival claims advanced by the freshers and the senior has to have a rough and ready solution - yet not arbitrary and as acceptable and satisfying as possible. We find that the two year degree course specialitywise has 149 seats while the three year degree course has 139 seats. For convenience we extract the particulars made available at page 4 of the Bulletin of Information. It may be pointed out that there are 1003 candidate as against total 270 vacancies (degree and diploma courses together) for the seniors; and there are 331 candidates as against 205 vacancies for the two courses for the freshers. With a view to providing some more seats for seniors we suggested to Mr. Rao appearing for the University that the number of seats may be increased and he has on instructions agreed, provided the Union of India provides funds and the Medical Council agree to accommodate. There are 21 specialities as indicated above. We direct that the University shall create one seat in every speciality and thus 21 additional seats will be available over and above the 149 seats fixed by the University representing the 75 per cent quota. To this enhanced number of seats that the 25 percent reservation of all India selection shall not apply. From the reserved seats made for the freshers, 21 seats being one from every speciality shall be taken away and made available to the seniors. Thus 42 seats in all will be available for the senior in the post-graduate course to be filled up on the basis of inter se merit keeping the seniors group apart.

The creation of the 21 seats will be involve additional funds to be provided by the Union of India. It will also require approval of the Medical Council of India and there will perhaps also be necessity for permitting the variation of guide student ratio. Since it is for on year and there would be no scope for recurrence and this has arisen in peculiar circumstances explained above, we direct the Government of India to take our order made without hearing it with a sense of understanding and make the necessary provisions. We also suggest to the Indian Medical Council to provide the necessary accommodation by relaxing the requirements. These may be done quickly so that the time schedule may not be affected."

Based on the above observation, an application has been filed before us praying that directions may be issued to the State to create, with the approval of the Medical Council of India, an adequate number of additional seats to accommodate all the applicants in the second years of the degree course in some speciality subject to the other rules in force in the state in this behalf. We do not

know how far this will be feasible having regard to the position prevalent not only in the M.L.N. Medical College but also elsewhere in the State. We do not know how many additional seats will have to be created on this footing and whether it is at all possible to do so. We, therefore, give no specific directions but leave it to the State Government to review the situation in the entire State and see if any solution that will accommodate all the contestants, who qualify on merit, can be found out. However, any such review should not stand in the way of the immediate consideration - subject to other rules in force - of the writ petitioners for admission as "Junior residents - 2nd years." They have already lost almost one year of the degree course though, presumably (except perhaps for one), they have been continuing their studies in the post-graduate courses where they had been earlier admitted. This should be set right and such of those as are admitted should be able to make up for the lost time and to complete their post-graduate course, if possible, by the end of 1991.

20. With the above observation, these appeals are dismissed. We, however, make no order as to costs.

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