

## SUREME COURT OF INDIA

Post Graduate Institute

Vs.

Dr J.S. Dilawari

(R M Ramaswamy J.)

07.09.1990

### JUDGMENT

#### **RANGANATH MISRA, J.**

1. The Post-Graduate Institute of Medical Education & Research, known as PGI and hereafter referred to as 'the Institute' at Chandigarh is an Institute of national importance created by a special parliamentary statute of that name being Central Act No. 51 of 1966. The subject-matter of these appeals by special leave centers round a dispute relating to the creation of the speciality of Pediatric Gastroenterology and the consequential filling up of the post of Professor therein. The contenders for that post in this round of litigation have been Dr. (Mrs.) Saroj Mehta and Dr. J.B. Dilawari. The High Court by the impugned judgment not only set aside the selection of Dr. (Mrs.) Mehta as Professor but also was very critical about the Institute and its functioning.

2. By an order dated April 26, 1988, made by this Court a part of the dispute was made final, namely, the creation of the speciality in Pediatric Gastroenterology and creation of the post of Professor, by saying:

For this bunch of appeals, therefore, the dispute over the creation of the post of Professor in the super speciality is indeed irrelevant and that question, therefore, shall be taken as so concluded.

3. The Court then directed by the said order that the qualifications for the post of Professor should be appropriately laid down by complying with the rules, regulations and procedure applicable to it and left the matter by observing:

We hope and trust that everyone concerned with the process we have indicated above, would act in an appropriate way as provided for in the Act, the Rules and the Regulations. The entire nation has reposed its confidence in the Institute with the hope that the Institute would ultimately be responsible for the health care of the nation. This trust can be discharged only when every organ of the Institute functions in an appropriate way within the limits set by the law.

4. The Institute could not finalise the matter within the time set by the Court and, therefore, more than one extension had to be given but ultimately the qualifications have now been prescribed and

are before the Court. An attempt has been made to challenge the process of finalisation by Dr. B. Ramachandra Rao who is appellant No. 6 in C.A. No. 2661/84 and is associated with the management of the Institute. Some acrimonious allegations have been made by the parties and Dr. Rao in regard to the procedure adopted for finalising the qualifications. We do not think at all necessary to go into the same and, in our opinion, it is irrelevant to examine the correctness of the allegations one way or the other. While brushing aside these allegations we would like, however, to say that public conduct of people in high places of trust should be commensurate with the positions they hold.

5. The qualifications as fixed by the Institute are accepted.

6. We have not examined whether by the standards laid down as qualifications which we now approve, both Dr. Mehta and Dr. Dilawari would be entitled to be considered for the post of Professor. The vacancy arose before the qualifications were laid down. We are, therefore, of the view that when the advertisement is made for filling up the post of Professor care should be taken to ensure that these two contenders are not eliminated at the threshold and they should be given a fair chance to be considered for the post of Professor. We hope and trust that PGI shall now proceed to fill up the vacancy and it would do well to do so by the 31st of December, 1990. Until then, Dr. (Mrs.) Mehta who is working as Professor may continue to hold the post as an interim measure.

7. We expunge the scathing criticism of the PGI by the High Court.

8. There shall be no direction as to costs.

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