

Dr. Subodh Nautiyal

Vs

State of U.P. and others

Writ Petn.(C) No.1215 of 1990

(CJI Ranganath Misra, R. M. Sahai, A. M. Ahmadi JJ)

10.01.1991

ORDER:-

1. We have heard Mr. Pandey at some length.
2. Recently we had occasion to deal with the practice prevailing in the seven Medical Colleges of Uttar Pradesh and we have highlighted the legal position that the Medical Council of India is entitled to make prescription of requisite qualifications and those are binding. In view of that clarification of ours and particularly the fact that we had directed the Principals of the Medical Colleges to take note of the changed position, we do not think it would be appropriate at this stage to interfere in favour of the petitioner and direct that he be admitted. The main ground on which counsel has pressed this petition is that till as late of 4-1-1991 some admissions have been given. We have already indicated in our previous orders that the course throughout India is intended to commence on a particular date and, therefore, admissions must be over prior to the date of such commencement. The intention of this Court has been to appropriately regulate the teaching in Medical Colleges both at the Under-Graduate as also in the Post-Graduate level. The happenings which have been noticed by this Court and which are being placed before the Court now and then clearly indicate that the intention of this Court is not being kept in view by the authorities charged with the implementation. Therefore, the scheme is not getting enforced in the proper way.
3. Even according to Mr. Pandey the course has started in September for the session. This is a technical course and to admit a student four months after the commencement would not at all be correct. We accordingly reject the application.
4. We have been told that the selection examination would be some time this month. Mrs. Dikshit for the respondents has agreed that if the petitioner has not applied on account of the fact that this writ petition was pending, he would be permitted to make his application within a week from now to take the selection examination.

Order accordingly.

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