

Dr. Vikas Jaiswal and Others

Vs

Banaras Hindu University

I.A. Nos. 1 and 2 in Petition for Special Leave to Appeal No. of 1991

(CJI Ranganath Misra, R. M Sahai JJ)

22.11.1991

ORDER

1. Students of the 1986 batch, studying medicine in the medical institute of Banaras Hindu University (BHU in short), due to become eligible for post-graduate courses commencing from January 1, 1992, have filed these applications for direction to the BHU not to hold competitive examination for selection to MD/MS courses for 1992 in pursuance of notification issued by it one June 11, 1991. Another application has been filed by a few students of the same batch opposing the prayer in these applications. Objection has been filed, even by those students of 1985 batch who were petitioner in the High Court in Writ Petition No. 25986 of 1990 which was disposed of by the Allahabad High Court on February 15, 1990. The special leave petition against this decision was dismissed in April 1991. The applications were filed in August 1991.
2. Notification dated June 11, 1991, has been issue by the University in pursuance of observation made by the High Court while disposing of the Writ Petition No. 25986 of 1990, that admission to postgraduate courses in MD/MS should be regulated through a competitive examination. This was, however, made prospective as the University during pendency of the petition had created additional seats, and every student of 1985 batch was accommodated and grievance of all stood redressed.
3. From observation in the High Court's judgment it appears that the University proposes to adopt the pattern suggested by this Court from 1993 when uniform policy of horsemanship shall be adopted. Dispute is about 1992. The method of admission to MD/MS course prior to the notification has been the percentage of marks obtained in the professional examination. No difficulty arose till 1985 as the number of seats in MD/MS has been equal to the number of students doing intership and horsemanship. In 1985 some students of 1984 batch were also admitted. This disturbed the proportion. It was, however, got over during pendency of the writ petition by creating additional seats.
4. We have heard learned counsel for parties. We do not think it would be proper to disturb the prevailing system as the University proposes to switch over to the selection method from 1993. So for admission to MD/MS in the year 1992, therefore, we propose to issue the following direction :
  - (1) Selection to post-graduate courses, shall be made on the same basis as it was being made earlier, that is, on marks obtained in professional examination.
  - (2) In case the number of candidates is more than the seats, then the University shall hold a competitive test for deciding eligibility for admission to MD/MS courses.

5. The applications are disposed of accordingly.

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