

Bhawana Narula (Ms) and Others

Vs

Manju Chaudhry (Ms) and Others

Civil Appeals Nos. 2312-2317 of 1996

(A. M. Ahmadi, S. C. Sen, K. s. Paripoornan JJ)

23.01.1996

JUDGMENT

SEN, J. -

1. Special leave granted.

2. These appeals relates to admission to the Second Professional MBBS course in the Maharishi Dayanand University by migration from other universities. The case of the appellants, Ms. Bhawana Narula, Manish Jain and Anjali Hooda, is that they have satisfied the requirements stipulated by the Medical Council of India and also Maharishi Dayanand University and were granted migration from the colleges where they were pursuing the MBBS course. They joined Maharishi Dayanand University on the strength of migration granted by the University. On 4-6-1994, the appellants received communication from Maharishi Dayanand University that their applications for migration to the Second Professional MBBS course in Maharishi Dayanand University had been granted. On receipt of this intimation, they left the colleges in which were studying in Karnataka and joined Maharishi Dayanand University, Rohtak. Since June 1994 they were pursuing their studies in Maharishi Dayanand University.

3. Some of the persons, who could not obtain migration to Maharishi Dayanand University from the other universities filed writ petitions challenging the validity of the migration granted to the appellants. These writ petitions were heard along with the bench of other cases relating to the migration to the BDS course of Maharishi Dayanand University. It appears from the affidavit filed by the Registrar on behalf of the University that there is one fundamental difference in the principle followed by Maharishi Dayanand University for considering the cases of migration of candidates for MBBS course from the manner in which migration was allowed in the BDS course. For considering the case of migration to MBBS course, the Maharishi Dayanand University set up a committee to examine the cases of various students who seeking migration. The Committee was comprised of :

(a) Professor Ravi Parkash, Head of the Department of Bio-Science, M. D. University, Rohtak.

(b) Professor R. K. Tuteja, Head of the Department of Statistics, M. D. University, Rohtak.

(c) Dr. S. B. Siwach, Professor & Head, Department of Medicine, Medical College, Rohtak.

(d) Asstt. Registrar (R&S), M. D. University, Rohtak.

The recommendations made by the Committee were accepted by the University without making any change at all. There is no allegation of bias against any of the members of the Committee. It has been stated in the affidavit of Devender Singh, IAS, Registrar, Maharishi Dayanand University, that out of 20 eligible students seeking migration, 7 of the top 14 students in merit were granted migration. Since there is no question of bias or personal animus against any member of the Committee, it will not be fair at this stage to set aside the selection made by the Committee.

4. The judgment of the High Court dated 23-2-1995 is set aside. It is directed that the candidates selected by the Committee set up by the Maharishi Dayanand University for migration to the MBBS course will be entitled to pursue their studies in the MBBS course conducted by the Maharishi Dayanand University in accordance with the rules of the University.

5. The appeals are disposed of as above.