

Miss Anamika Bishnoi

Vs

Manju Chaudhry and Others

Civil Appeal Nos. 2321-26 of 1996

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

23.01.1996

JUDGEMENT

SEN, J. :-

1. Special leave granted.

2. The appellant, Anamika Bishnoi, was an applicant for migration during the year 1993 to the Maharishi Dayanand University, Rothak. Even though her position was No. 2 in the order of merit, she was not granted admission since the mark-sheet of the First Professional Entrance Examination was not annexed to her application. This mark-sheet was submitted later on. On a representation made by the appellant to the Maharishi Dayanand University, her case was referred to the Medical Council of India. The Medical Council of India, after taking into consideration the fact that the appellant was No. 2 in the order of merit directed the University to grant migration to the appellant by adjusting her for the quota for the year 1994. In compliance with the direction given by the Medical Council of India, the Maharishi Dayanand University allowed the appellant to join MBBS course. It appears that in the judgment under appeal dated 23rd February, 1995, the High Court has failed to take into consideration the special aspect of the case of the appellant. The admission of the appellant on migration cannot be quashed at this stage, particular when she has been admitted on the strength of marks obtained at the examination and on the recommendation of Medical Council of India. It has been stated in her affidavit in rejoinder that she is at present undergoing the Third Professional MBBS course in Maharishi Dayanand University. This is her final year. She has already successfully completed the Second Year MBBS course. The result of the examination of Second Professional MBBS course held in May, 1995 has been declared in July, 1995 and she has obtained high marks at this examination. She is not on the verge of completing the MBBS course and it will not be fair to cancel her admission at this stage. No ground at all has been given for quashing her admission to the MBBS course of the Maharishi Dayanand University. In that view of the matter, it is directed that Anamika Bishnoi should be allowed to pursue her studies in the MBBS course in the Maharishi Dayanand University. The appeals are disposed of accordingly. Order accordingly.