

SUPREME COURT OF INDIA

Amit Singh Rawal

Vs.

D.G.H.S.

Writ Petn. (Civil) No. 475 of 1998

(Dr. A. S. Anand, C.J.I., S. Rajendra Babu and R. C. Lahoti, JJ.)

18.01.2000

ORDER

1. On 25th September, 1998, we expressed concern on being informed that some of the directions issued by this Court in Sharvan Kumar's case inter alia to the effect that for admitting students against 15% All India Quota, no insistence shall be made by any of the States, to confine admission only to the locals was alleged to have been violated in this case. We had, therefore, desired to examine the record and issued instructions in that behalf. Various affidavits came to be filed thereafter. In one of the affidavits filed by the Dean of Goa Medical College, respondent No. 2, on 16th September, 1998, it was stated as follows :-

"That under the circumstances mentioned above, the State of Goa had taken a decision directing the Dean Medical College to ask parents of students to give undertaking that the college authority will not be responsible if any untoward incident happens, although the Govt. of Goa will take all necessary precautionary measures to prevent such incidents and protect the students.

That aforesaid decision of the Govt. of Goa seeking undertaking from parents of students intending

to take admission to Goa Medical College was duly notified on notice Board of Goa Medical College.

That the parents of petitioners who had come to Medical College Goa were requested to give undertaking in the light of decision given by Goa Government."

2. On the other hand, in the affidavit filed on behalf of the State of Goa by respondent No. 4 on 28th December, 1998 it was asserted as follows :-

"With regard to the contentions undertaking as insisted by the Dean, Goa Medical College, I submit that the said undertaking was insisted upon by the Dean, Goa Medical College and the State Government has not taken any policy decision that the Dean, Goa Medical College should obtain such an undertaking. As per the convention, Dean Goa Medical college is responsible for maintenance of law and order within the Medical College Campus."

3. These averments prima facie cannot be reconciled.

4. We, thereafter, called upon the then Dean of the Medical College to file an affidavit. That affidavit as also an affidavit by the present Dean of Goa Medical College have been filed. An affidavit of the then Chief Minister of Goa had also been filed at the request of the present Dean of the Goa Medical College. The affidavits filed in this case prima facie appear to us to conceal more than what they reveal. It is a sad state of affairs and a serious matter. It appears that one or the other party is concealing truth and indulging in falsehood. It is a matter of concern that in the highest Court of the Land, effort has been made to conceal the truth and file affidavits prima facie containing false averments. Whichever party has done this, the matter needs to be dealt with sternly by law. Since, the averments contained in these affidavits are quite contradictory in nature and keeping in view the fact that the parties who had filed the affidavits include the former Chief Minister of Goa, the former Health Secretary Goa, the former Dean of Goa Medical College and the present Dean of Goa Medical College and others, we consider it appropriate and necessary to have this matter enquired into so as to pin-point the responsibility for filing the false affidavits insofar as the "direction" is concerned.

5. We, therefore, appoint the Registrar General of this Court, Shri L. C. Bhadoo, to hold an inquiry into the correctness or otherwise of the averments made in the various affidavits keeping in view the allegations made in the writ petition, which is supported by an affidavit. The learned Registrar General shall formulate his own procedure for holding the inquiry, of course, consistent with the principles of natural justice. He may conduct the inquiry wholly or in part at Delhi or Goa, as he may deem proper, and submit his report in this Court within four months. All parties are directed to

lend full assistance to the learned Registrar General.

6. A copy of the order be given to the learned Registrar General for information and compliance. The record shall be made available to him. List after four months.

W.P. (C) Nos. 429/99 and 559/99

7. These writ petitions are de-linked from writ petition No. 475/1998 and shall be listed for orders in the first week of February, 2000.

Order accordingly.