

**SUPREME COURT OF INDIA**

Medical Council of India

Vs.

Diparani P. Deshmukh

(B.N. Kirpal and S. S. Quadri JJ.)

28.02.2000

**ORDER**

1. Special leave granted.

2. Respondent No. 1 was admitted into MBBS Course of Bharati Vidyapeeth Medical College, Pune in June 1995. On 27th December, 1997, she passed 1st MBBS Examination on second attempt from the said College and in April 1998 she moved an application for migration to the Medical College, Aurangabad. The Migration Sub-Committee of the Medical Council of India rejected this application whereupon a writ petition was filed on 30th July, 1998 in the High Court. By order dated 26th March, 1999, respondent No. 1 was allowed to attend the 2nd Year MBBS classes at the Government Medical College, Aurangabad and it is this order which is challenged in the present case.

3. The Regulation framed by the Medical Council of India pertaining to migration is Regulation 6. It inter alia provides that migration from one medical college to another is not a right of a student. It is only in exceptional cases on extreme compassionate grounds that migration can be allowed. Sub-clause (iii) of Note 1 in Regulation 6 stipulates that Medical Council reserves the right not to entertain any application which is not under the prescribed compassionate grounds. Note 2. reads as follows:

Note 2: Compassionate grounds criteria:

(i) Death of a supporting guardian.

(ii) Illness of the candidate causing disability.

(iii) Disturbed conditions as declared by Government in the Medical College area.

4. As we read the said Regulation and Note 2 in particular, it is clear that the extreme compassionate grounds criteria contemplated by the said Regulation are only three, namely, death of a supporting guardian, illness of the candidate causing disability and lastly disturbed conditions as declared by the Government in the medical college area. In *Dr. Preeti Srivastava and Another etc. v. State of M.P. and Ors. etc.*, this Court has held that these Regulations are mandatory.

5. The case of the respondent for migration did not fall under any of these three categories. The

reason stated by her for claiming migration was that there was matrimonial dispute which had resulted in a divorce with her husband and she felt threatened if she continued to stay in Pune. Even if this plea be correct, it does not in any circumstance fall within any of the categories of extreme compassionate grounds. The High Court, in our opinion, erred in granting relief to the respondent. We are conscious of the fact that the respondent had attended classes possibly for one year, but that does not make any difference and we expect the authorities concerned to take into consideration on her repatriation to Pune the attendance of the respondent in the Medical College, Aurangabad, for the purpose of enabling her to take the 2nd MBBS Course Examination in the Medical College, Pune.

6. For the aforesaid reasons, this appeal is allowed and the interim order passed by the High Court is set aside and the writ petition filed by the respondent in the High Court stands dismissed.