

SUPREME COURT OF INDIA

Medical Council of India

Vs.

Naina Verma & Ors.

(Ruma Pal and C.K. Thakker, JJ.)

C.A.No.451 of 2005

13.01.2005

ORDER

Ruma Pal, J.

1. Leave granted.

2. Respondent 1 had filed a writ petition in which it was claimed that the respondent belonged to the reserved category of candidates for admission to the MBBS course for Academic Year 2003-2004. Her contention in the writ petition was that another candidate who had been given admission in the MBBS course against the reserved category should have been given admission on the basis of that candidate's merits against a general vacancy. If ^ this had been done, then Respondent 1 would have been able to get admission in the MBBS course.

3. The writ petition was filed on 4-7-2003. During the pendency of the writ petition, Respondent 1 was admitted in the dental course for a BDS degree. The writ petition was ultimately allowed on 28-11-2003 by which time the MBBS course for 2003-2004 had long since started. The writ & petition allowed, the respondent to be admitted to the MBBS course. In compliance with the High Court's direction, on 9-1-2004 the respondent was admitted to the MBBS course.

4. Needless to say that the direction of the High Court was wholly contrary to the decision of this Court in Medical Council of India v. Madhu ^ Arising out of SLP (C) No. 7119 of 2004 Medical Council Of India V. Naina Verma 627 Singh in which this Court has categorically laid down that the time schedule framed by MCI should not be interfered with by the Court. The principle is a that the courses having begun, apart from maintaining the discipline in the matter of education, it was imperative that the students had the benefit of education which is to be imparted from the first day on which the students started prosecuting their studies to become doctors ultimately. There is no question of giving a retrospective education in such matters and this is particularly so in matters pertaining to medical training. b 5. The

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respondent, however, claims that she has been prosecuting MBBS course and has in fact taken the first semester examination in that course. She says that she should not be disturbed now as that would mean that she would waste not only Academic Session 2003-2004 but also Academic Session 2004-2005 which has since commenced.

6. We are of the view that this is not a matter which calls for any compromise. The respondent must complete the MBBS course with effect from day one. There is no short-circuiting the process of education by means of litigation or otherwise. We are supported in the view that we have taken by the decision of this Court in *Muskan Dogra v. State of Punjab*[^]. In that case the writ petitioner had been admitted in the BDS course whereas according to his ranking he should have been permitted to join MBBS course. By the time

the writ petition was disposed of and the matter came up to this Court, the writ petitioner had been studying for one-and-half year in the dental course. This Court while upholding the petitioner's claim to be admitted in the MBBS course made it clear that he would have to forego one-and-half years spent in the dental course and start the MBBS course from day one. e 7. The situations brought about by the various orders of the High Court would not have occurred, had the High Court in compliance with the directives of this Court, also ensured that the Medical Council was made a party before passing any such order relating to admissions in the medical courses. 8, In the circumstances of the case, we dispose of the appeal by allowing Respondent 1 to be admitted in the MBBS course for Academic Session 2005-2006 within the permissible capacity of Rajinder Prasad College, Tanda.

9. The appeal is disposed.