

**SUPREME COURT OF INDIA**

Kunal Pankaj Kumar Shah

Vs.

Justice R.J.Shah(Retd) Admn.Commit.

C.A.No.4713 of 2008

(B.N. Agrawal and G.S. Singhvi JJ.)

28.07.2008

**ORDER**

1. Heard learned counsel for the parties.
2. Leave granted.
3. By the impugned order, the High Court dismissed the Letters Patent Appeal against the order passed by the learned Single Judge whereby Special Civil Application filed by the appellant for issue of a direction to the respondents to admit him in first year of M.B.B.S. course in Surat Municipal Institute of Medical Education and Research, Umarwada, Surat, within the State of Gujarat, (Respondent No.2 herein) against N.R.I. quota was dismissed.
4. It is borne out from the record that while issuing notice of the Special Civil Application, the learned Single Judge passed an order for provisional admission of the appellant and during the pendency of Letters Patent Appeal, the Division Bench ordered that the appellant be permitted to attend the classes. This Court, at the time of issuance of notice, on 9th July, 2007, permitted the appellant to appear in the first year M.B.B.S. examination, which was scheduled to commence on 10th July, 2007, but directed that his result should not be declared.
5. It has been stated by the learned counsel appearing on behalf of the appellant that, pursuant to the aforesaid order, the appellant appeared in the first year M.B.B.S. examination and is prosecuting his further studies. He further stated that one vacancy in first year of the M.B.B.S. course has become available because one student left the course. This has not been denied by the counsel for the respondents. In view of this and in the facts and circumstances of the case, we feel that it would be just and expedient to direct Respondent No.2 to regularise the appellant's admission in N.R.I. quota. The result of the appellant, as regards first year M.B.B.S. examination, be published and he shall be permitted to prosecute his further studies, provided he has passed the examination.
6. The civil appeal is, accordingly, disposed of.