

SUPREME COURT OF INDIA

Medical Council of India

Vs.

Harshitha & Ors.

C.A.No.9252-9308 of 2016

(Anil R.Dave,J., Uday Umesh Lalit and L.Nageswara Rao,JJ.,)

28.09.2016

ORDER

1. We have heard the learned counsel appearing for the parties.
2. Upon perusal of the record, it is crystal clear that admission given to the students concerned to MBBS course was conditional. The fact with regard to conditional admission, which was dependent upon the final outcome of the writ petition, was duly informed to the students, as one can see from the admission letter issued to the students.
3. In the aforestated circumstances, the students concerned do not have any right to continue their studies in the same college or to get admission in any other college. Moreover, many of them have not passed the requisite examination of NEET, which is very much necessary to get admission to MBBS course. Needless to say that it would be open to those students, who are qualified to get admission on the basis of their performance in NEET, to get admission elsewhere and they must have participated in the counseling.
4. In the aforestated circumstances, in our opinion, the High Court ought not to have given any direction for accommodating the students in any other college and therefore, the impugned order giving direction to the Government authorities to accommodate the students in other medical colleges is neither fair nor legal and therefore, the impugned order is set aside.
5. The interlocutory applications are accordingly disposed of and the appeals are allowed with no order as to costs.

September 28, 2016.