
(2008) 01 MP CK 0074
In the Madhya Pradesh High Court

Aman Khanuja

APPELLANT

Vs

State of Madhya Pradesh and Others

RESPONDENT

Date of Decision : 22-01-2008

Acts Referred:

Madhya Pradesh Medical and Dental Undergraduate Entrance Examination Rules, 2007
— Clause 9.5

Citation : (2008) ILR (MP) 469 : (2008) 1 MPHT 520

Hon'ble Judges : R.K. Gupta, J;Dipak Misra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Dipak Misra, J.—The petitioner appeared in Pre Medical Test (PMT 2007) and secured 185.17 marks out of 200. He appeared in All India Pre Medical Entrance Examination, 2007 and was placed at Sr. No. 674 in the All India Quota in the general category. He attended the counselling of All India PMT at New Delhi on 19-6-2007 and was allotted a seat at Udaipur in a Govt. Medical College, namely, RNT Medical College, Udaipur with a direction to join the College on or before 20th June, 2007 with a further stipulation to submit all the original mark-sheets and papers along with the fees latest by 2-7-2007. As set forth, the petitioner proceeded to Udaipur and submitted his original documents alongwith the mark-sheets in original in the office of the Principal, RNT College. An acknowledgment was issued by the Competent Authority of the said Medical College to the petitioner.

2. It is averred in the petition that RNT College, Udaipur took an undertaking from the petitioner in which it had been mentioned that on being re-allocated a course or college, he would immediately vacate the seat allotted to him. The petitioner was issued a certificate to the effect that all the original documents deposited with the College would be returned if he would seek admission in the MGM Medical College at Indore as both the Colleges are Govt. Medical Colleges. The said Certificate dated 2-7-2007 has been brought on record as Annexure

P-2. The petitioner was also issued attested copies of the original documents. It is further averred that the petitioner was called for counselling on 19-7-2007 at Bhopal for counselling of M.P. PMT General Category candidate in which he submitted copies of the documents as well as the certificate issued by RNT Medical College, Udaipur. All the documents were duly attested by the Notary and hence, he was found eligible for getting a seat allotted. Thereafter, on 15-7-2007, he was allotted a seat in MGM Medical College, Indore. The counselling committee on scrutiny of the attested copies of the documents had allotted a seat in MGM Medical College, Indore. He was directed to join MGM Medical College by 29-7-2007. He reached the College and completed all the formalities by 20th July, 2007. At that juncture, the petitioner was required to appear in the second counselling and join the college after attending the counselling at New Delhi. He attended the second counselling of All India PMT, i.e., CPMT, 2007 and since he was allotted a College at Pune which is a Govt. Medical College, he left the seat at Udaipur Medical College and received the allotment letter for Pune Medical College. After leaving the seat of Udaipur Medical College on 28-7-2007, the petitioner was having the allotment of a seat in Pune Medical College with him. As 29th July, 2007 was a Sunday, he could not get the original documents submitted at Udaipur Medical College, though he was required to submit the same to MGM Medical College, Indore to get the seat. On 29-7-2007, he was orally informed by the College that on completion of all the formalities he will be allotted a seat on 30-7-2007. Thereafter, he was told that he would be required to get all the documents scrutinized by the Committee and if the minimum of five Committee Members approve/recommend for depositing the fee and admission, he would be granted admission in MGM Medical College, Indore. The petitioner appeared before the Committee alongwith the attested documents. The Committee and its members found the document to be absolutely in order and accordingly issued a letter that he was eligible for admission in MGM Medical College, Indore. The MGM Medical College informed the petitioner to immediately make a demand draft and deposit the same with them. The petitioner made a demand draft for a sum of Rs. 39,850/- dated 30-7-2007 in favour of the Dean and requested him to grant him admission. But, to his utter surprise he was informed that he could not be extended the benefit of admission in MGM College, Indore because he had not submitted the original documents as per rules.

3. As pleaded, the petitioner informed the Dean that all the original Documents were with Udaipur Medical College and hence, he was not in a position to deposit the original documents and he be granted admission as he had filed attested copies of the documents.

4. The petitioner was required to be present at Indore on 30-7-2007 and he had to obtain original documents from Udaipur on that date. Because of this peculiar situation, the petitioner took admission in Pune Medical College, Pune, although he had an intention to get admission in MGM Medical College, Indore as he is a resident of Ujjain and his first option was the seat in Government MGM Medical

College, Indore. It is urged that due to highhandedness approach of the third respondent, he has been deprived of the said benefit. It is contended that both RNT Medical College, Udaipur and MGM Medical College are Government Colleges and he had obtained the certificate from the authorities of Udaipur College, and further the Scrutiny Committee had accepted the attested copies of the documents to be correct, yet the petitioner was not given admission in MGM Medical College, Indore and a seat was allotted (sic: was not allotted) to him at Indore as a result of which he was put to immense suffering and jeopardy.

5. In this obtaining factual matrix, a prayer has been made to issue a writ of mandamus commanding the respondent No. 3 to allot him a seat in the MGM Medical College, Indore and to pass such other order/orders as may be deemed fit and proper in the facts of the case.

6. A counter affidavit has been filed by the answering respondent contending, inter alia that the petitioner was given admission at Indore provisionally with the stipulation that he must produce the original certificates on or before 29-7-2007 but he failed to appear with the original documents. A reference has been made to M.P. Medical and Dental Undergraduate Entrance Examination Rules, 2007 (for short "Rules") which in Clause 9.5 postulates that it is mandatory for a candidate to produce his or her original testimonials before seeking admission. It is contended that the petitioner got himself admitted at Udaipur and thereafter he came to Indore but did not produce the documents in original. It is put forth that the rule does not permit any allowance in this regard and the rule has to be respected and followed strictly. Reliance has been placed on the decision rendered in *Mridul Dhar (Minor) and Another Vs. Union of India (UOI) and Others*, , which provides a cut off date by which the first counselling has to be completed. The last date for joining the College was till 30th July, 2007 and that having expired, the petitioner has no claim.

7. We have heard Mr. Aditya Sanghi, learned Counsel for the petitioner and Shri Deepak Awasthy, learned Govt. Advocate for the respondent.

8. At the very outset it is seemly to state that there is no dispute with regard to the facts. It is the admitted position that the petitioner had taken admission at Udaipur Medical College. While he was attending the counselling on 14-7-2007 at Bhopal for PMT general category, he was found eligible for getting a seat allotted and was, in fact, allotted a seat in MGM Medical College, Indore. There is no quarrel over the fact that the petitioner had not brought the original documents while seeking admission. Clause 9.5 of the 2007 Rules reads as under:

9.5 The candidate or his/her authorized representative without original documents, as mentioned in proforma 01, and alongwith set of two attested photocopies of original documents shall not be eligible to participate in the Counselling.

9. In this context, it is profitable to refer to Clause 10.1, which deals with the role of the Admission Committee which reads as under:

10.1 The Admission Committee consisting of Dean/Principal, two Professors and at least two Medical Teachers belonging to reserved category shall also verify the original documents and, if found eligible, shall give admission in a course and the college allotted to the candidate.

10. On a perusal of the aforesaid two rules, it is quite vivid that the original documents are to be produced and they are to be verified. At this juncture, it is fruitful to reproduce Clauses 10.2 and 10.3 which are as under:

10.2. Once admitted either through All India or State Quota, all original certificates shall be kept by the college and a certificate to that effect will be issued to the candidate by the College Authorities.

10.3. Original documents shall be returned to the candidates only on completion of their Course (internship) or their Resignation or leaving from the seat of the course and the college, due to any reason.

11. On a close scrutiny of the aforesaid provisions, there is no shadow of doubt that the production of the original certificates/documents and retention thereof by the college have a purpose.

12. The learned Counsel for the petitioner has urged with vehemence that when the two Government Colleges are involved and a certificate was issued by the first institution, no impediment should have been created by the third respondent. On a first flush, the aforesaid argument looks quite attractive but on a deeper scrutiny and keener probe, the same pales into insignificance because the rules have a purpose and the purpose is that a student cannot think of or conceive the notion that he can change an institution at the drop of a hat. If the same is permitted, not only it will cause violence to the rules, but, it will also usher in a state of unwarranted anarchy and chaos in the field of admission. The vacancies which can be filled up by others may not be available. That apart, a student, who takes the risk of admission in one particular college cannot afford to play with it by taking recourse to production of certificate. That will not be in fitness of things. It is worth noting that if the original documents are returned to a student after counselling it would enable him to participate in several other counsellings and block several seats in various colleges thus depriving other eligible students from seeking admission and it is with purpose of preventing such a situation that the rule in question has been incorporated. The sanctity of the Rule cannot be spoiled in MridulDhar's case (supra), the Apex Court, while dealing with a time schedule for completion of the admission process for First MBBS course, has expressed its anguish in following terms:

13. In various States, the first counselling and admissions in respect of State Quota seats were not over and many States had not even commenced the process even though second round of counselling for allotment of seats from waiting list for all-India quota becoming vacant, as a result of candidates getting admission under State quota, was to commence on 1st August, to be completed by 8th August. The effect of the aforesaid inaction and also not sending timely

intimation to DGHS is to deprive those who are high up in the merit list of All-India Entrance Examination and waiting to get admission in such vacated seats which otherwise would revert back to the State quota. The result is to effectively reduce 15% all-India quota and increase State quota seats. Directions that were issued to get requisite information from various States in respect of holding of counselling, and reporting of vacant seats to DGHS for admissions for 2004-05 have been earlier noticed. As stated above, despite such directions full and complete justice could not be meted out to all meritorious students regarding college of their choice as per their position in the merit list, on account of the time-frame and its all-India consequences on admissions and the possible result of extending the admissions and resulting the schedule date contrary to the aforesaid statutory regulations and resulting in grant of midstream admissions. To an extent possible, the seats of all-India quota would not revert to State quota. It was brought to our notice that in some cases the time schedule is deliberately not adhered to so that more number of seats may revert to State quota. If that be so, we deprecate the practice with a fond hope that such a practice would be discontinued failing which persons responsible therefore will have to face the consequences. Total impartiality is the need of the time and not the so-called loyalty to the State.

13. We have referred to the aforesaid paragraph only to highlight that there has to be some discipline in the matter of admission and the institutions cannot give vent to their own personal feelings or follow their own norms. When there is a rule, the same has to be followed. No deviation can be allowed in that regard. When deviancy occupies the centre stage, many problems do crop up and corrode the system. The same is impermissible as the law does not so countenance.

In view of the aforesaid analysis, we are of the considered opinion that the relief sought by the petitioner is wholly unfounded and, therefore, the writ petition being devoid of merit, stands dismissed. There shall be no order as to costs.