

(1998) 02 DEL CK 0031
In the Delhi High Court
Case No : CW No. 567 of 1997

B. Srinivas (Dr.)

APPELLANT

Vs

Assistant Registrar, Faculty of Medical Sciences

RESPONDENT

Date of Decision : 10-02-1998

Acts Referred:

Citation : (1998) 02 DEL CK 0031

Hon'ble Judges : Cyriac Joseph, J

Bench : Single Bench

Advocate : Ms. Anjani Aiyagari, for the Appellant; Mr. S.K. Kaul, for the Respondent

Judgement

Cyriac Joseph, J.—According to the petitioner, after doing MBBS he completed the Postgraduate course known as Diplomat National Board (DNB). The DNB is awarded by the National Board of Examinations (NBE) and is considered equivalent to M.D. or M.S. qualifications granted by the Universities in the country. The petitioner had applied for admission to D.M. (Cardiology), Super Specialities Postdoctoral course of the Faculty of Medical Sciences, University of Delhi for 1997 session. He was permitted to appear in the written/screening test conducted in February, 1997 but was not selected. The petitioner again applied for admission to the above course for 1998 session. However, he received a letter dated 7th January, 1998 from respondent No. 1, Assistant Registrar, Faculty of Medical Sciences, University of Delhi asking him to send documentary proof of having written a thesis along with the DNB examination failing which, he would not be allowed to appear in the screening test. The petitioner had not written a thesis along with his DNB examination as it was not necessary in the case of candidates registered prior to 1991. Hence in response to Annexure B letter dated 7th January, 1998 by which respondent No. 1 required the petitioner to produce documentary proof of having written a thesis along with the DNB examinations, the petitioner submitted a representation dated 14th January, 1998 requesting for a sympathetic consideration in view of the past practice of

permitting DNB candidates to do the thesis work during the Post doctoral course. However, by annexure F letter dated 27th January, 1998, respondent No. 1 informed the petitioner that he did not fulfill the eligibility conditions as mentioned in the Bulletin of Information for appearing in the written/screening test for admission to D.M. course in Cardiology since he had not done thesis work along with the DNB examination. Aggrieved by the above mentioned refusal of the respondents to admit the petitioner in entrance test for the Postdoctoral course, the petitioner has filed this writ petition seeking a direction to the respondents 1 and 2 to permit the petitioner to take the entrance test scheduled for 13th February, 1997 and issue admission ticket to the petitioner for the said purpose.

2. According to the petitioner, for candidates registered prior to 1.1.1991, the Prospectus for DNB did not require submission of thesis for the course. Since there is a time limit of 7 years for completion of the final course after passing primary examination, candidates enrolled for DNB without thesis before 1.1.91 could qualify the course till 1997. The petitioner had registered for DNB in 1989 and as such he was not required to submit thesis as per the syllabus. Thesis work for DNB was introduced only in 1991. Even then, there has been no change of Prospectus or conditions for candidates like the petitioner who had been enrolled earlier. There are large number of students of DNB earlier to 1991 who have been awarded the qualification without the thesis and whose degree is considered equivalent to M.D. or M.S. degree of any university. They are also eligible for admission to the Postdoctoral course of many prestigious institutions including the All India Institute of Medical Sciences, the Postgraduate Institute at Chandigarh, Nizam Institute of Medical Science etc.

3. It is further stated in the petition that the University of Delhi has been issuing Bulletin of Information with respect to Postdoctoral/Post graduate courses and the criteria for taking entrance test for D.M./M.Ch has been M.D., M.S. or DNB provided they have done thesis work. The requirement that DNB candidates should have done thesis work has been repeated in various Bulletins of Information issued by the University for the last more than 12 years. However, DNB candidates who had not done thesis work were being permitted to write the entrance test on condition that if the candidate qualified in the written and practical/viva examinations he would be granted provisional admission subject to an undertaking that he would submit the thesis within six months or an year. According to the petitioner such permissions were granted since, for the candidates registered prior to 1991, DNB syllabus did not include thesis work.

4. It is also contended by the petitioner that as per the rules of the Medical Council of India, the candidates who are admitted to the Post doctoral course of D.M./M.Ch in any discipline must satisfy the requirement of thesis/dissertation either at the stage of obtaining earlier qualifying Postgraduate degree or during the course of the Post doctoral studies before they are allowed to appear in the final Postdoctoral examinations.

5. It is pointed out by the petitioner that the question whether DNB candidates should have done the thesis work along with the DNB examination came up for consideration of the High Court of Delhi in C.W.P. No. 597/95 which was disposed of by judgment dated 26th May, 1995. Though the petitioners in the said writ petition were provisionally allowed to appear in the entrance test and vivavoce on the basis of the interim orders passed by the Court, they did not succeed in getting admission on the basis of the written test and viva voce. However, while disposing of the writ petition the Court, after referring to the averments in paragraph 7 of the reply filed by the University stating that the issues raised by the petitioners would be examined afresh by the Board of Research Studies for Medical Sciences and an appropriate decision would be taken before the next academic year, expressed the hope that the matter would be receiving attention as stipulated in paragraph 7 of the reply of the University. The Court also directed that till the new policy was framed in accordance with what was stated in paragraph 7 of the reply of the University, the past practice would govern admissions to D.M. and M.Ch courses.

6. A copy of the writ petition was served on the counsel for the University of Delhi and he was requested by this Court to find out the factual position. After taking instructions, Mr. Kaul learned counsel for the University submitted that pursuant to the judgment dated 26th May, 1995 in C.W.P. No. 597/95, the Board of Research Studies for Medical Sciences of the University had at its meeting held on 29th August, 1995 considered the matter in detail in the light of the above mentioned judgment and decided that the eligibility conditions as prescribed in the Bulletin of Inform corporation for 1995 session for DNB candidates who had passed the said examination without thesis would remain the same. In other words, the decision of the Board was to insist on the requirement that DNB candidates should have done thesis work along with the DNB examination. A photocopy of the Minutes of the Meeting of the Board of Research Studies for Medical Sciences held on 29th August, 1995 was placed for my perusal. The said minutes showed that the Board decided to insist on the requirement of thesis work along with DNB examination, for the reason that "the standard of education and level of academic attainments expected of students seeking admission to D.M./M.Ch. courses cannot be compromised." Learned counsel for the University also submitted that the criterion that DNB candidates should have done thesis work along with the DNB examination is being strictly followed by the University. It was further submitted by the learned counsel for the University that the petitioner was not eligible to appear in the entrance test for the 1997 session but was permitted to appear in the entrance test for 1997 session by mistake.

7. In the light of the averments contained in the petition and the submissions made by the learned counsel for the parties, the only question to be considered is whether the petitioner is entitled to appear in the entrance test for admission to the Postdoctoral course (D.M.) for 1998 session. It cannot be disputed and it is not disputed that the University is competent to prescribe the criteria for eligibility for admission to the aforementioned entrance test. Admittedly the

University has prescribed the criteria and they have been published in the Bulletin of Information. As per the Bulletin of Information for the 1998 session, "candidates holding Diplomat of National Board of Examinations will be eligible for admission to postdoctoral course, provided they have done thesis work." Therefore, as per the criteria for eligibility laid down by the University, the petitioner is not eligible or entitled to appear in the entrance test.

8. Learned counsel for the petitioner contended that DNB candidates who had registered prior to 1991 are treated as eligible for admission to Postdoctoral courses of many prestigious institutions including the All India Institute of Medical Sciences, the Postgraduate Institute at Chandigarh and the Nizam Institute of Medical Sciences. The petitioner has not placed on record any material to support the above contention. However, even if DNB candidates who have not done thesis work are treated as eligible for admission to Postdoctoral courses of other institutions, the petitioner cannot be allowed to appear in the entrance test for admission to the Postdoctoral course in the Delhi University unless he satisfies the criteria for eligibility prescribed by the said University. The fact that thesis work was included in the syllabus for DNB examination only from 111991 cannot be a justification for interference by this Court to compel the University to admit the petitioner to the entrance test in violation or relaxation of the eligibility criteria. Pursuant to the judgment in C.W.P. No. 597/95 the Board of Research Studies in Medical Sciences had considered the matter in detail and decided to insist on the requirement of thesis work for the reason that the standard of education and level of academic attainments expected of students seeking admission to D.M./M.Ch course cannot be compromised. If the expert body of the University is of the opinion that in the case of DNB candidates insistence on thesis was necessary for maintaining the standard of education and level of academic attainments expected of students seeking admission to D.M./M.Ch. course, this Court cannot direct the University to ignore the opinion of the expert body and to admit candidates like the petitioner to the entrance test. In my view such matters should be left to be decided by the experts in the field. This court does not have the necessary expertise to review the decision of the Board of Research Studies in Medical Science on such academic matters.

9. Learned counsel for the petitioner submitted that it was not the fault of the petitioner that the DNB syllabus prior to 1991 did not include research work and hence he should not be put to a dies-advantage now in the matter of admission to the Postdoctoral course.

Admittedly, as per the eligibility criteria prescribed by the University, candidates holding Diplomat of National Board of Examination will be eligible for admission to Postdoctoral courses only if they have done thesis work. It is also admitted that from 1991, DNB syllabus includes thesis work. If the Board of Research Studies in Medical Science after detailed consideration felt that relaxation cannot be granted on the ground that the DNB syllabus did not include thesis work prior to 1991, I am not inclined to exercise my jurisdiction under Article 226 of the

Constitution of India to compel the respondents to grant such relaxation. In my view the University cannot be compelled to change or relax the eligibility criteria for admission in order to accommodate a few individuals at the risk of compromising the standard of education and level of academic attainments expected of students seeking admission to D.M./M.Ch. courses. The emphasis cannot be on making as many people as possible eligible for admission to such super speciality courses. The emphasis has to be on ensuring that only persons with required standard of education and level of academic attainments are eligible for admission. Hence the decision of the University does not call for any interference by this Court.

10. Learned counsel for the petitioner pointed out that as per the rules of the Medical Council of India, the candidates who are admitted to the Postdoctoral courses may satisfy the requirement of thesis during the course of Postdoctoral study. Even if the said submission is correct, the said rules of the Medical Council of India cannot stand in the way of the University prescribing that the thesis work should have been done along with the DNB examination. The power to prescribe the eligibility criteria for admission to the courses vests exclusively in the University and not in any other authority.

11. In the light of what has been stated above, I am of the view that the writ petition is devoid of merit and that the petitioner is not entitled to the reliefs claimed in the writ petition. Hence the writ petition is dismissed.