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**(1991) 02 MP CK 0041**  
**In the Madhya Pradesh High Court**  
**Case No : M.P. No. 1045 of 1990**

Dr. Meena Bathija

APPELLANT

Vs

State of Madhya Pradesh and Others

RESPONDENT

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**Date of Decision :** 07-02-1991

**Acts Referred:**

Constitution of India, 1950 — Article 14, 162

**Citation :** (1992) ILR (MP) 232 : (1991) JLJ 315 : (1991) MPJR 339 : (1991) 36 MPLJ 675 : (1991) MPLJ 675

**Hon'ble Judges :** S.K. Seth, J; B.C. Varma, J

**Bench :** Division Bench

**Advocate :** Rajendra Tiwari, for the Appellant; P.C. Naik, D.A.G. for Respondent Nos. 1 to 3 and R.P. Agarwal, for the Respondent

**Final Decision :** Allowed

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## Judgement

S.K. Seth, J.

The petitioner, Dr. Ku. Meena Bathija, had joined her first year of M.B.B.S. course in the Government Medical College, Jabalpur in 1983. The said college is affiliated to the Rani Durgawati Vishwavidyalaya, Jabalpur. The petitioner passed her final M.B.B.S. examination from the said college in April 1988. Thereafter, she obtained her full registration i.e. completed satisfactory one year of compulsory rotatory internship on 19-4-1989.

After that, when a combined merit list of all institutional candidates who had passed their final examination from the said college and applied for House Jobs for the year 1989 was prepared by the Dean in accordance with the rules made for the purpose the petitioner's name found place at serial No. 18 in the said list she having secured 1966 marks out of 3200. As far as the department of Obstetrics and Gynaecology is concerned, there were in all eleven House Jobs available in the said discipline in the said college. Out of them, four were alleged to be associated with four seats in post-graduate degree course in the said

discipline, two were alleged to be associated with two seats in post-graduate diploma course in the same, and the remaining five were alleged to be plain House Jobs.

According to the petitioner, since all the six House Jobs in Obstetrics and Gynaecology which were alleged to be associated with the six seats in post-graduate degree and diploma courses in the said discipline were allocated to more meritorious candidates than her i.e. to the candidates at serial Nos. 2 (Dr. Ku. Somshekahar), 5 (Dr. Ku. Neeta Seth), 6 (Dr. Ku. Arti Prakash), 9 (Dr. Ku. Alkarani Gupta), 11 (Dr. Ku. Asha Gugalia) and 12 (Dr. Ku. Vandana Nagpal) in the combined merit list, she i.e. the petitioner instead of opting for a House Job in the subject of her choice i.e. Obstetrics and Gynaecology had to settle for accepting the same in a subject like E. N. T. which assured her of a seat in post-graduate course at least in that subject.

Thereafter, according to the petitioner, while she was doing her House Job in E. N. T. in the College in question, the candidate at serial No. 6 Dr. Ku. Arti Prakash who had been allocated one of the four House Jobs in Obstetrics and Gynaecology associated with one of the four seats in post-graduate degree course in the said subject left the said job sometime in August 1989. As a result of the said change, the candidate at serial No. 11 (Dr. Ku. Asha Gugalia) who had been allocated one of the two House Jobs in Obstetrics and Gynaecology associated with one of the two seats in post-graduate diploma course in the said subject was awarded the House Job associated with post-graduate degree course in the said subject vacated by Dr. Ku. Arti Prakash. Thereupon she i.e. the petitioner made a request for the House Job in Obstetrics and Gynaecology alleged to be associated with post-graduate diploma course in the said subject vacated by Dr. Ku. Asha Gugalia to be given to her but her request was turned down on the ground that she had already commenced her House Job in another subject. Instead, another candidate namely respondent No. 4 Dr. Ku. Vandana Gupta who stood at serial No. 36 in the combined merit list with only 1875 marks out of 3200 to her credit was granted the said House Job.

According to the petitioner, it is in the abovesaid circumstances that when a less meritorious candidate than her i.e. respondent No. 4 Dr. Ku. Vandana Gupta was awarded a House Job in Obstetrics and Gynaecology alleged to be associated with one of the seats in post-graduate diploma course in the said discipline and her i.e. the petitioner's better claim in that regard was turned down by the authority concerned of the college, she i.e., the petitioner gave up her House Job in E. N. T. at the college and instead joined a House Job in the discipline of her choice i.e. Obstetrics and Gynaecology at the Central Railway Hospital, Jabalpur, which is one of the hospitals recognised for doing House Jobs by the Medical Council of India.

According to the petitioner, it was in the abovesaid background that when the applications were invited by the Dean, Government Medical College, Jabalpur for the year 1990 for selecting candidates for admission to post-graduate degree

and diploma course in various disciplines i.e. for filling up the particular number of seats in merit quota meant to be filled up on the basis of merit from amongst the institutional candidates i.e. the students passing their final M.B.B.S. examination from the said college - she i.e. the petitioner fulfilled the qualification of being a candidate who would be completing her House Job in the concerned subject i.e. Obstetrics and Gynaecology within that calendar year and therefore made an application for admission to one of the seats in post-graduate diploma course in the said discipline accordingly.

A merit list of institutional candidates, who applied for admission to post-graduate diploma course in various disciplines for the year 1990, issued by the Dean, Medical College, Jabalpur, discipline-wise, on the basis of effective percentage of marks obtained by them in the final M.B.B.S. examination has been filed by the petitioner as Annexure-P/7 along with her petition. It appears from a perusal of the said document that as far as the post-graduate diploma course in Obstetrics and Gynaecology is concerned, there were in all six institutional candidates who had applied for admission to the same. However, as a perusal of the said document further shows, the said six applicants were not put under one category but were divided into two. The first category of the said applicants was styled as "candidates completing House Jobs in the concerned subject (i.e. Obstetrics and Gynaecology) in Medical College and Hospital, Jabalpur and the names of five out of six applicants, namely, (1) Dr. Ku. Vandana Nagpal (62.37%), (2) Dr. Ku. Vandana Gupta (58.59%), (3) Dr. Ku. Meena Khatri (57.68%), (4) Dr. Ku. Poonam Shrivastava (56.90%) and (5) Dr. Ku. Rama Verma (52.32%) were arranged under it in order of merit in accordance with effective percentages of marks obtained by them in the final M.B.B.S. examination. On the other hand, the second category of the applicants was styled as candidates completing House Jobs in the concerned subject in other Medical Colleges Institutions in the State" and the name of the remaining sixth applicant i.e. the petitioner was put under it along with the fact of she having secured 61.43% as the effective percentage of marks obtained by her in the final M.B.B.S. examination.

The abovesaid discipline-wise merit list of the institutional candidates who had applied for admission to post-graduate diploma course in various disciplines for the year 1990 was issued by the Dean, Medical College, Jabalpur in March 1990. Thereafter, pursuant to the decision of the post-graduate council taken in its meeting held on 16-4-1990, the names of the institutional merit candidates who were actually selected for admission to various diploma courses for the year in question were declared by the Dean, Medical College, Jabalpur vide his order dated 18-4-1990. A copy of the said order has been filed by the petitioner as Annexure-P/9 along with her petition. As is clear from a perusal of the said document, the name of the petitioner did not figure amongst the candidates selected for admission to post-graduate diploma course in the particular discipline i.e. Obstetrics and Gynaecology. The candidates who were selected for admission to the said course in the said discipline were Dr. Ku. Vandana Nagpal

and respondent No. 4 Dr. Ku. Vandana Gupta. It is being aggrieved by her non-selection for admission to the particular seat in the post-graduate diploma course in Obstetrics and Gynaecology in spite of being more meritorious than one of the candidates who was selected for admission to it i.e. respondent No. 4 Dr. Ku. Vandana Gupta that the petitioner has filed the present writ petition under Article 226 of the Constitution of India.

In order to appreciate the point raised by the petitioner in this petition in support of her case, it is necessary to take stock of the relevant rules by which the matter relating to selection of candidates for admission to post-graduate degree and diploma courses for filling up the available number of seats in the merit quota from amongst the institutional candidates i.e. students passing their final M.B.B.S. examination from the same college i.e. the Government Medical College, Jabalpur is governed.

In the first instance, the Government of Madhya Pradesh has made certain rules called "The M. P. Selection for Post-graduation Courses (Clinical, Para-clinical and Non-clinical Courses) in Medical Colleges in Madhya Pradesh Rules, 1984". The said rules are hereinafter referred to as the P. G. Rules". There are similar rules made by it pertaining to the diploma course. They are hereinafter referred to as "the Diploma Rules". Both the said rules have been amended from time to time. Though both the said rules are titled as "rules" it is not in dispute that they are nothing more than executive instructions issued by the State Government under Article 162 of the Constitution.

It is provided in Rule 3.1 of the Diploma Rules that the criteria for selection of diploma candidates shall be the same as laid down for post-graduate courses both for merit candidates as well as for Assistant Surgeons (or officers in equivalent posts). Accordingly, we have to turn to the relevant P. G. Rules with a view to find out the criteria for selection of diploma candidates. According to Rule 8.1 of the P. G. Rules, merit candidates in clinical subjects shall be selected from out of those who are completing their House Jobs within the calendar year. Rule 8.2 provides that candidates Under Rule 8.1 shall be selected by the Dean of the Medical College, strictly on the basis of merit from amongst the students passing from the college, on the recommendation of the College and Hospital Council or the P. G. Council of the College. Rule 8.3 lays down that the merit list of candidates Under Rule 8.1 and 8.2 would be prepared by each Dean of the college every year and notified on the college notice-board. Rule 8.4 enjoins that candidates Under Rule 8.1 shall lose their eligibility for admission if they do not complete the House Job, or are guilty of misconduct or any act of gross indiscipline which in the opinion of the Dean renders them liable to such punishment or who after finishing their regular House Job, take up service outside the State. Rule 8.5 stipulates that the criteria for giving weightage to the marks obtained in M.B.B.S. examination for the merit candidates Under Rule 8.1 would be the effective percentage of marks obtained by them and calculated in the manner laid down in the said rule.

As far as "priority for admission" is concerned, Rule 1.2 of the Diploma Rules lays down that the same would be as under : (i) the candidates completing House Job in the concerned subject and in the same college; (ii) the candidates completing House Job in the concerned subject and in other medical colleges in the State; (iii) the candidates completing internship in the same medical college; (iv) the candidates completing internship in other medical colleges in the State; (v) the candidates completing House Job in the concerned subject in the medical colleges outside State; and (vi) the candidates completing internship in the medical colleges outside State.

As stated earlier, the Government Medical College, Jabalpur is affiliated to the Rani Durgawati Vishwavidyalaya, Jabalpur. Accordingly, apart from the abovesaid rules, made by the State Government in exercise of its executive power, there are two Ordinances i.e. Nos. 57 and 58 made by the Rani Durgawati Vishwavidyalaya, Jabalpur in exercise of power vested in it Under Sections 37 and 38 of M. P. Vishwavidyalaya Adhiniyam, 1973 governing the subject. While Ordinance No. 57 relates to post-graduate degree course in the faculty of Medicine, Ordinance No. 58 relates to post-graduate diploma course in the said faculty. The relevant provision for our present purpose is contained in clause (2) 2(a) of Ordinance No. 58 according to which it is obligator}" for a candidate seeking admission in any clinical subject in the post-graduate diploma course that he has worked as a House Officer in a hospital attached to the medical college for a period of one year of which at least six months have been spent in the subjct concerned.

It is not denied on behalf of the respondents that the petitioner as well as the respondent No. 4 Dr. Ku. Vandana Gupta were both institutional candidates having passed their M.B.B.S. examination from the Government Medical College, Jabalpur in the same year. It is also not denied on their behalf that as per the effective percentage of marks obtained by the two candidates, the petitioner was more meritorious than respondent No. 4 Dr. Ku. Vandana Gupta. However, placing reliance on the relevant Diploma and P. G. Rules referred to above, as also on clause (2) 2(a) of Ordinance No. 58 of the Rani Durgawati Vishwavidyalaya, it is explained by them that since out of the said two candidates one of them i.e. respondent No. 4 alone fulfilled the condition relating to completion of House Job in the concerned subject from the same college she was certainly entitled to priority over the other candidate i.e. the petitioner in the matter relating to admission to post-graduate diploma course in the particular discipline in spite of being less meritorious than her. On the other hand, according to the petitioner, as between the institutional candidates, in so far as the merit quota is concerned, unless there was a good reason for exclusion of a more meritorious candidate, any preference based on a consideration other than "order of merit" could not stand the test of Article 14 of the Constitution. In the said connection, it is pointed out on her behalf that the preference based on completion of House Job in the concerned subject from the same college does not serve any object which could be justified on a rational basis. Accordingly, it is

submitted on her behalf that the relevant provisions of Diploma and P. G. Rules and of Ordinance No. 58 in so far as they give effect to such preference are void and inoperative, being violative of Article 14 of the Constitution.

Now, before dealing with the main question arising for consideration in the present case, it is necessary to bear in mind the fact that so far as admission to post-graduate degree and diploma course in various disciplines in medical colleges is concerned, by providing for selection of candidates on the basis of institutional preference, a classification is sought to be made with the candidates of particular college or university passing their under-graduate course i.e. M.B.B.S. examination from that college or university in exclusion of all other candidates passing their said examination from the other colleges and universities. Such a classification has been held to be within permissible limits under Article 14 of the Constitution in a series of decisions of the Supreme Court. See : Dr. Jagdish Saran and Others Vs. Union of India (UOI), , Dr. Pradeep Jain and Others Vs. Union of India (UOI) and Others, and Dinesh Kumar v. M. L. N. Medical College, Allahabad AIR 1986 SC 1877 . The substance of what has been held by the Supreme Court in the said decisions is that quite a substantial percentage of open seats in post-graduate degree and diploma course in various disciplines in medical colleges may be validly reserved for being filled up on the basis of "institutional preference" i.e. from amongst the candidates passing their final M.B.B.S. examination from the same medical college or university. It is in the said sense that the resulting classification has been held to be a permissible classification within the meaning of Article 14. The only change which has been brought about by the two subsequent decisions of the Supreme Court in State of Rajasthan and Another Vs. Dr. Ashok Kumar Gupta and Others, and Municipal Corporation of Greater Bombay and Others Vs. Thukral Anjali Deokumar and Others, is that where there are more than one medical colleges affiliated to the same university institutional preference in order to be valid has to be "university-wise" and not "college-wise".

But, then, it is further necessary to bear in mind that within the class of institutional candidates so created also, the object sought to be achieved under the rules has to continue to satisfy the test of Article 14 of the Constitution i.e. the said rules have obviously to prefer merit for the post-graduate course and to exclude less meritorious candidates. As has been pointed out by the Supreme Court, so far as educational institutions are concerned, unless there are strong reasons for exclusion of meritorious candidates any preference other than "in order of merit" will not stand the test of Article 14. It follows that it is in the light of the abovesaid principle that we have to proceed to answer the main question arising for consideration in the present case.

Now, as stated earlier, there is no controversy in the present case on the point that the petitioner as well as the respondent No. 4 Ku. Vandana Gupta were both institutional candidates having passed their M.B.B.S. examination from the Government Medical College, Jabalpur in the same year. It is also not in

controversy that having obtained better effective percentage of marks at the M.B.B.S. examination the petitioner was more meritorious than respondent No. 4 Ku. Vandana Gupta. It is only by taking shelter under the relevant Diploma and P. G. Rules referred to above as also on clause (2) 2(a) of Ordinance No. 58 of the Rani Durgawati Vihwavidyalaya that it is tried to be justified by the respondents including the authorities concerned of the State Government and the College that since as between the two candidates the respondent No, 4 alone fulfilled the condition relating to completion of House Job in the concerned subject from the same college she was granted priority over the petitioner in the matter relating to admission to post-graduate diploma course in the particular discipline in spite of being less meritorious than her. It is in the said context that in view of the plea to the said effect raised on behalf of the petitioner, and in view of the legal position as explained above, the main question which arises for consideration in the present case is whether the preference based on completion of House Job in the concerned subject from the same college did not serve any object which could be justified on a rational basis and whether consequently the relevant provisions of Diploma and P. G. Rules and Ordinance No. 58 in so far as they gave effect to such preference were void and inoperative being violative of Article 14 of the Constitution.

In our opinion, in order to find an answer to the question whether in the context of selection of candidates for admission to post-graduate degree or diploma courses in various disciplines in any medical college when such a selection is to be made from amongst the institutional candidates, the preference based on completion of house job in the concerned discipline from the same college serves any object which could be justified on a rational basis it is pertinent to view the entire matter in the light of the criteria in the said regard laid down in the recommendations of the Medical Council of India on Post-Graduate Medical Education which have approved as Regulations u/s 33 of the Indian Medical Council Act, 1956. The reason for adopting such a course is not far to seek. u/s 20 read with Section 33 of the Indian Medical Council Act, the Medical Council of India, with the previous sanction of the Central Government, has been vested with powers to make regulations prescribing standards of post-graduate medical education for the guidance of universities and advising universities in the matter of securing uniform standards for post-graduate medical education throughout India. For the said purpose, Section 20 contains a provision for formation of an expert committee of post-graduate medical education for the purpose of assisting the Medical Council of India in the matter.

The criteria for selection of candidates for admission to post-graduate medical education, laid down in the Regulations made by the Medical Council of India u/s 20 read with Section 33 of the Indian Medical Council Act, are as follows - (a) students for post-graduate training should be selected strictly on merit judged on the basis of academic record in the under-graduate course; (b) the candidates would have obtained full registration i.e. they must have completed satisfactorily one year of compulsory internship after passing the final M.B.B.S. examination

and must have full recognition with State Medical Council, and (c) they must subsequently have done one year's Housemanship prior to admission to the post-graduate degree or diploma, Housemanship should preferably be for one year in the same subject or at least six months in the same department and the remaining six months in an allied department.

It is clear from a perusal of the abovesaid criteria laid down by the Indian Medical Council in exercise of its regulatory power under the Indian Medical Council Act that while it is intended under the said criteria that after passing the final M.B.B.S. examination, and after obtaining full registration i.e. completing satisfactorily one year of compulsory rotating internship, the candidate must do one year's Housemanship, it is not at all intended thereunder that doing of such Housemanship should carry with it any such "distinction" or "credit" on the basis of which as between the competing candidates the criterion of selecting them for post-graduation training strictly on merit judged on the basis of academic record in the under-graduate course i.e. on the basis of marks obtained by them in the final M.B.B.S. examination could be given a go by and a less meritorious candidate could be allowed to steal a march over a more meritorious one in the process.

Now, the Indian Medical Council being a regulatory body, and having been entrusted with the specific job of prescribing standards of post-graduate medical education, we see no reason why in the case before us the criteria for selection of candidates to post-graduate education laid down in the relevant Diploma and P. G. Rules made by the State Government and the relevant clause in Ordinance No. 58 made by the University should not be understood and judged in the same manner as has been explained above and the value to be attached to the condition of completion of House Job provided therein determined on that basis. Accordingly, in our opinion, there is no reason why in the context of the relevant Diploma and P. G. Rules and the relevant clause in Ordinance No. 58 it should at all be taken as intended that the completion of House Job carries with it any such "distinction" or "credit" on the basis of which as between the competing institutional candidates the criterion of selecting them for post-graduate course strictly on the basis of merit i.e. the effective percentage of marks obtained by them at the final M.B.B.S. examination could be given a go by and a less meritorious candidate could be allowed to steal a march over a more meritorious one in the process.

21-A. In the abovesaid view of the matter, in our opinion, it is not difficult to find an answer to the main question arising for consideration in the present case viz. whether the preference based on completion of House Job in the concerned subject from the same college provided in the relevant Diploma and P. G. Rules and in the relevant clause in Ordinance No. 58 does not serve any object which could be justified on a rational basis and is as such void and inoperative, being violative of Article 14 of the Constitution. In the said connection, it is not in dispute that apart from Government Medical College attached to various

universities there are a large number of hospitals including Government hospitals which are recognised by the Indian Medical Council under regulations framed by it for imparting the necessary House Job experience in various disciplines to the candidates desirous of seeking admission to post-graduate course. Needless to say, since the idea behind imparting such experience is only to equip the candidates with what is required to be the minimum practical experience in the concerned discipline necessary for them to acquire before they join post-graduate course, and it is not at all intended to assess comparative merits of the candidates pertaining to acquisition of such experience by them, it is reasonable and stands to logic that in the context of selection of candidates for admission to post-graduate course, even where such selection is to be made from amongst the institutional candidates, it should be immaterial and of no consequence whether a particular candidate has completed his House Job from that very college or from any of the hospitals recognised by the Medical Council of India for the purpose.

21-B. Thus, in our opinion, the main question arising for consideration in the present case deserves to be answered in favour of the petitioner. It has to be held that as far as merit quota is concerned, even where selection of candidates for admission to post-graduate course is to be made from amongst the preferred class of institutional candidates, any preference based on completion of House Job from the same college does not serve any object which could be justified on a rational basis and as such does not provide any reason for allowing a less meritorious candidate to steal a march over a more meritorious one. It follows and it has to be further held that the relevant provisions of Diploma and P. G. Rules and the relevant clause of Ordinance No. 58 in so far as they give effect to such preference are void and inoperative, being violative of Article 14 of the Constitution.

It may be mentioned that it is a matter of gratification that what we have held above finds support from a Division Bench decision of this Court in *Ashish v. Union of India* 1988 MPLJ 113. It has been observed and held by the Division Bench in its said decision as follows : "The counsel for the respondents argued that unless a candidate had done housemanship in a hospital under the Medical College, Jabalpur, he would not be eligible for admission to the post-graduate classes. It is not suggested that the hospitals at Delhi, where the petitioners have done housemanship, are not recognised hospitals or incapable of imparting training as required under the "Regulations" approved by the Government of India u/s 33 of the Indian Medical Council Act, 1956. What is required under the "Regulations" is that the candidate should have done one year's housemanship in the subject in which he wants admission. A candidate, who has done housemanship in a recognised hospital, has equipped himself with the training which is requisite for admission to the post-graduate classes in the Medical College where the candidate is to be registered. The required qualification is the training in the subject by doing housemanship for one year. Of course, the house-job should have been done in a recognised hospital. The insistence that the

house-job should be done in a hospital under the Medical College concerned is an unreasonable condition."

Again, from another angle, the view taken by us finds support from yet another Division Bench decision of this Court in *Dr. Penil Sharad Kumar Doshi and Others Vs. State of Madhya Pradesh and Others*, It has been elaborately explained in the said decision as to how, under the existing House Job Rules made by the State Government, securing of a House Job of his choice by an institutional candidate in the same college depends on fortuitous circumstances. It follows from the said decision that any preference based on completion of House Job from the same college is bound to be unjust and illogical. The relevant discussion is contained in paras 76 and 77 of the said decision and is as follows : "The House Job Rules.....play an important part in the selection process. Rule 3 provides that only such candidates who have graduated and completed their regular internship from the same college during the calendar year would be eligible for consideration.... Rule 8 provides for calculation of effective percentage and weightage and the same method of calculation, as in the case of degree courses, is applicable. Rule 10 of the House Job Rules requires a choice to be exercised in respect of his subject and has to appear before the College and Hospital Council as the number of house-jobs is greater than the seats available for Post-Graduates. Similarly, there are house jobs with more or less assured admission to Post-Graduate Courses and House-Jobs with no such assurance known as plain House-Jobs. Accepting such House Jobs, totally depends on chance of vacancy occurring after selection or due to increase in the number of P. G. Seats in the particular subject. Since the vacancies cannot be known before-hand, even a candidate with higher position in the merit list has a difficult choice between an assured admission in a subject of lower priority in his choice, as exercised by him and a chance of admission in the subject of his top choice. Such a situation, leaving a meritorious candidate in a dilemma, cannot be said to be fair or just or in any manner conducive to the very object of selecting the best for P. G. Courses. It leads to and creates a situation where a meritorious candidate who has played safe, by taking a house job in a subject which assures him admission, though the subject is not his top-preference, finds to his dismay and disappointment that a candidate much lower in merit has got his subject ultimately because such candidate had opted for plain house-job in the subject and a fortuitous circumstance like occurrence of a vacancy of a seat in the P. G. Course in that particular subject or increase of a seat later on at a later stage in the subject. Merit cannot and should not be lost to chance."

For the reasons stated above, we allow the writ petition and direct the respondents 1 to 3 i.e. the authorities concerned of the State Government and the Government Medical College, Jabalpur to grant admission to the petitioner to post-graduate diploma course in Obstetrics and Gynaecology in the said college for the year 1990 subject to usual terms and conditions and to permit her to prosecute her studies in the relevant session accordingly.

As far as the respondent No. 4, Dr. Ku. Vandana Gupta is concerned, since she has already been admitted to the post-graduate diploma course in the said discipline under the impugned rules and the relevant session has already commenced, we do not think it proper to interfere with or disturb her said admission. We direct that necessary steps shall be taken by respondents 1 to 3 to regularise her admission.

There shall be no order as to costs.