

(2000) 10 P&H CK 0001
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 8492 of 2000

Dr. (Mrs.) Kumud Dharwal

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 10-10-2000

Acts Referred:

Constitution of India, 1950 — Article 226
Indian Medical Council Act, 1956 — Section 33

Citation : AIR 2001 P&H 139 : (2001) 1 RCR(Civil) 765

Hon'ble Judges : R.C. Kathuria, J;N.K. Sodhi, J

Bench : Division Bench

Advocate : Mr. Deepak Sibal, for the Appellant; Mr. Gurminder Singh, D.A.G. and Mr. P.S. Patwalia, for the Respondent

Judgement

R.C. Kathuria, J.—This order will dispose of Civil Writ Petition Nos. 8492 of 2000 Dr. (Mrs.) Kumud Dharwal v. State of Punjab and others and 8582 of 2,000 Dr. Satinder Pal Singh and others y. State of Punjab and others, in which common questions of law and facts have arisen.

2. Dr. (Mrs.) Kumud Dharwal, petitioner in Civii Writ Petition No. 8492 of 2000, had appeared in the entrance test conducted by Guru Nanak Dev University, Amritsar (hereinafter referred to as "the University") in terms of the Notification bearing No. 5/19/99/1H-83/1537 dated 18.5.1999 for admission to Post-graduate M.D./M.S. Courses commencing from academic session 1999. As per directions contained in the Notification, admission process was to be completed upto 30.9.1999. The petitioner was successful and was called for interview. She was offered M.D./M.S. course in various specialities. Since she was teaching Anatomy in Guru Ram Dass Medical College, Amritsar, she was keen to seek admission in the Course of M.S. (Anatomy). As the seats for the said Course has been filled up, she opted to remain in the waiting list. Being a meritorious canddiate after the candidate admitted in M.S. (Anatomy), she was at serial No. 1 of the waiting list maintained by the University. The Government of Punjab

extended the last date of admission in the said Courses upto 31.5.2000 vide Corrigendum bearing No. 5/19/99-5H-83/2206 dated 22.5.2000 (Annexure P-1). The petitioner was selected for M.S. (Anatomy) Course against the seat vacated on 3.2.2000. Accordingly, she submitted necessary documents and requisite fee to the University on 20.5.2000. While she was undergoing study in the said Course, her admission was cancelled as per letter dated 29.5.2000 (Annexure P-4) received by her from the Principal, Government Medical College, Amritsar (respondent No. 4). Impelled by the cancellation of her admission, she filed Civil Writ Petition No. 7388 of 2000, but the same was allowed to be withdrawn with liberty to file a fresh writ petition as she had associated other persons (i.e. petitioners in Civil Writ Petition No. 8582 of 2000) who had different cause of action. Thereafter, the petitioner had approached the Principal, Government Medical College, Amritsar (respondent No. 4) by way of representation dated 7.6.2000 (Annexure P-5) seeking reasons with regard to cancellation of her admission to the Course. The respondent No. 4, vide letter dated 14.6.2000 (Annexure P-6) intimated to the petitioner that her selection was provisional and subject to approval by Baba Farid University of Health and Sciences, Faridkot (respondent No. 3) and as the said University had refused to grant approval, it led to cancellation of her admission. Forced by these circumstances, she filed the present writ petition under Article 226 of the Constitution of India seeking quashing of the order dated 29.5.2000 (Annexure P-4) whereby her admission to the Course of M.S. (Anatomy) was cancelled.

3. Dr. Satinder Pal Singh, Dr. Aman Sood and Dr. Meenu Sharma, petitioners in Civil Writ Petition No. 8582 of 2000, had appeared in the entrance test for admission to Post-graduate M.D./M.S. Courses conducted by the University and were declared successful. They appeared for interview. Dr. Satinder Pal Singh (petitioner No. 1) was offered various specialities, but he was keen to take admission to the Course of M.D. (Medicine) and for that reason opted to remain on the waiting list maintained for the said course. His name was at serial No. 7 of the waiting list. Dr. Aman Sood (petitioner No. 2) opted to remain on the waiting list for doing M.D. (Psychiatry). He was at serial No. 1 of the waiting list maintained of the said Course. Dr. Meenu Sharma (petitioner No. 3) opted to be on (he waiting list maintained for the course of M.D. (Psychiatry). Her name was earlier at Serial No. 2 of the said waiting list but since candidate at serial No. 1 was absent, she was placed at serial No. 1. It has been averred in the petition that thereafter the petitioners were sent telegrams requiring them to bring their original documents and deposit their fees on 31.5.2000 failing which they would not be admitted. A copy of such telegram received by petitioner No. 1 from the Principal Government Medical College, Patiala (respondent No. 5) has been annexed with the petition as Annexure P-2. Telegrams were also sent to persons who were higher in merit than petitioner No. 1 i.e. Dr. Arun Bhandari, Dr. Shalinder Singh Sainra, Dr. Vishal Verma and Dr. Sachin Jindal. All the said doctors except Dr. Vishal Verma gave in writing that they were not interested in taking admission in the said courses since they had already joined the Courses of

their preference in some other Medical Colleges. However, when the petitioners went to deposit their fees, the same were not accepted. In this petition, the petitioners have prayed that the respondents be directed to admit the petitioners to M.D./M.S. Courses to which they have been selected in accordance with their merit and preference.

4. In both the writ petitions, common stand has been taken by Baba Farid University of Health and Sciences, Faridkot (respondent No. 3) by way of filing separate written statements. Government Medical College, Patiala (respondent No. 5) filed written statement in Civil Writ Petition No. 8492 of 2000. It has been pleaded by respondent No. 3 that admissions to the Post-graduate M.D./M.S. Courses for the session 1999 were made as per the Punjab Government Notification dated 18.5.1999. It has further been stated by the time of Corrigendum (Annexure P-I) whereby last date for admissions to the said Courses was extended upto 31.5.2000 by the Punjab Government came to be issued, the process for selection and filling up the seats of the next session i.e. 2000-2001 had already commenced. Since the process of selection had already commenced, respondent No. 3 immediately wrote to the Principals of the Medical Colleges, Patiala and Amritsar that they should not make any admission on the basis of Corrigendum (Annexure P-I) till the necessary approval was granted in this regard by respondent No. 3. Thereafter, clarification was sought by respondent No. 3 from the Medical Council of India as to whether the last date for admissions could be extended by almost one year especially in view of the fact that the process of filling up the seats for the session 2000 had already commenced. The Medical Council of India, by its letter dated 30.5.2000 (Annexure R-3/2), clarified that the last date could not be extended in this fashion particularly in view of the fact that students of the 25% quota against the All India Post Graduate seats had already been allocated to these Medical Colleges for the session 2000-2001. It has also been stated by respondent No. 3 that on the representation received from the petitioner, Dr. Kumud Dharwal petitioner was informed that there was no provision for making admissions against the seats which had fallen vacant long after the cut-off date and process of selection was over.

5. Respondent No. 5 had pleaded that petitioner Dr. Kumud Dharwal had obtained 576 out of 1200 marks in Post-graduate Entrance Test 1999 and opted to remain on waiting list maintained for admissions to M.S. (Anatomy) under 40% quota sets as she could not get seat of her choice on merit. At the same time, it has been pleaded that after the date of admission to the Post-Graduate Courses had been extended upto 31.5.2000 by Punjab Government Notification/Corrigendum dated 22.5.2000 (Annexure P-1) in partial modification of the Notification dated 18.5.1999, some seats in Post-graduate Courses had become vacant for the academic session 1999 in the State Medical Colleges, Patiala and Amritsar and the same were offered provisionally to the next candidates in waiting subject to approval by respondent No. 3 to which these colleges are affiliated. It has further been stated respondent No. 3 vide letter dated

30.5.2000 (Annexure R-1) disallowed admissions in the said Courses made pursuant to the Corrigendum dated 22.5.2000.

6. We have heard Mr. Deepak Sibal, learned counsel for the petitioners, Mr. Gurminder Singh, learned Deputy Advocate General, Punjab for respondent Nos. 1, 2, 4 and 5 and Mr. P.S. Patwalia, learned counsel for respondent No. 3 and have gone through the records of the case.

7. It is a common case of the parties that admissions to the Post-graduate Courses were to be made in terms of the Punjab Government Notification dated 18.5.1999, which had been made part of the Prospectus. The relevant Clause 6 of the Notification dated 18.5.1999, having a bearing on the controversy, reads as under :-

"6. Choice "of subject and college -i. xx xx xx xx

ii. xx xx xx xx

iii. Once admission is taken, no change of speciality shall be allowed. Candidates may, however, choose to remain on the waiting list for a particular speciality after forgoing selection in the subject offered to them. The last date for admission will be 30.9.1999.

iv. For each subject a waiting list will be prepared and vacancy(ies), if any, will be filled from waiting list(s) latest by 30.9.1999. After that, no admission will be made."

8. Admittedly, in terms of clause iv, reproduced above, the life of the waiting list was limited upto 30.9.1999. By this time, no seat-in any of the disciplines for which admissions were sought by the petitioners had fallen vacant. The main contention of the learned counsel for the petitioners is that, as the last date of admission to various disciplines was extended upto 31.5.2000 by the State Government vide Notification/Corrigendum, dated 22.5.2000 (Annexure P-1), therefore, the life of the waiting list of the particular speciality was automatically extended upto 31.5.2000 and for that reason the respondents were duly bound to admit the petitioners in their respective discipline, seats for which had fallen vacant for the Post-graduate Courses for the Session 1999, as admitted by respondent No. 5 in its written statement.

It has not been disputed by the respondents that a seat in M.S. (Anatomy) had fallen vacant on 3.2.2000 in Government Medical College, Amritsar. Against the said seat, admission was granted to Dr. (Mrs.) Kumud Dharwal on 25.5.2000. On 29.5.2000, her admission to the said Course was cancelled and intimation to this effect was communicated to her by the Principal, Government Medical College, Amritsar, vide letter dated 29.5.2000 (Annexure P-4). The grievance of the petitioner is that no reasons were furnished for cancellation of her admission. Controverting the stand of the petitioner, three-fold justification has been stated from the side of the respondents for the cancellation of admission granted to her. Firstly, that she was granted admission to M.S. (Anatomy) course provisionally

which was subject to the approval of respondent No. 3 and as the necessary approval was not granted, her admission was cancelled. Secondly, that the petitioner could not be admitted on 25.5.2000 for the vacancy which had fallen vacant on 3.2.2000 as the process for selection was already over and by that time the Directorate General of Health, Medical Examination Cell, Daily Allotment Information, Nirman Bhawan, New Delhi, vide letter dated 13.3.2000 (Annexure R-3/5) had already allotted to the Medical Colleges in the State of Punjab seats to the candidates under 25% All India Quota, 2000 on the basis of All India Entrance Test, so conducted, and for that reason for candidates . who were on the waiting list of the Session 1999 could not be granted admissions. Thirdly, that the Medical Council of India, vide its letter dated 30.5.2000 (Annexure R-3/2) had taken objection to the admissions granted after the close of the Session 1999 and there was no provision for making admissions against the backlog vacancies of the previous academic sessions into the new academic session 2000.

9. We have given our thoughtful consideration to the respective stands of the parties taken before us. Necessarily, the first question which requires determination is - whether against the vacancy which had fallen vacant in the discipline of M.S. (Anatomy) on 3.2.2000, admission could be granted by the authorities. This question had directly arisen in the case of Dr. Ajay Pradhan v. State of Madhya Pradesh and others and Ajay Pradhan Vs. State of Madhya Pradesh and Others, . In that case for the academic year 1986-87 commencing from September, 1986 nine seats reserved for Post-graduate course in the clinical subject of General Medicine for the G.R. Medical College, Gwalior, were filled up strictly on the basis of merit on the recommendation of the College and Hospital Council. Dr. Ajay Pradhan, who was appellant before the Apex Court, was placed at serial No. 15 and for that reason, he could not get admission to the Post-graduate Course in M.D. in General Medicine. Consequently, he was placed at serial No. 6 in the waiting list. Later on, he was given admission to the Diploma Course in Radiology on 4.10.1986 and he joined the said Course on 6.10.1986. On 11.7.1987, Dr. Arun Yadav, who was one of the candidates selected having stood first in the merit list and was admitted to the Post-graduate Course in M.D. in General Medicine, had died in a road accident towards the end of the academic year. Thereafter, Dr. Ajay Pradhan put up his claim against the seat so vacated by Dr. Arun Yadav under Rule 10 of the Madhya Pradesh Selection for Post-Graduation Courses (Clinical, Para-clinical and Non-clinical Courses) in Medical Colleges of Madhya Pradesh Rules, 1984 (hereinafter referred to as "the Rules of 1984") and the same was rejected by the College authorities. Thereafter, Dr. Ajay Pradhan challenged the action of the College authorities, but the High Court dismissed his writ petition holding that his claim in terms of Rule 10 of the Rules of 1984 was misconceived. Thereafter, he filed Special Leave to Appeal before the Apex Court.

In the connected appeal filed by Dr. Sanjay Kumar Shrivastava, which was also disposed of by the Apex Court along with the appeal of Dr. Ajay Pradhan, the

facts were that Dr. Sanjay Kumar Shrivastava, who had sought admission to the Post-graduate Course in M.S. in Obstetrics and Gynaecology in Medical College, Jabalpur, was at serial No. 7 of the waiting list for the academic session 1986-87 commencing from August 1986. On 2.3.1987 the State Government ordered transfer of the seat occupied by Dr. Smt. Dhurupkar in Obstetrics and Gynaecology from the Medical College, Jabalpur to Medical College, Bhopal, in order to accommodate her. Dr. Sanjay Kumar Shrivastava then sought admission to the Post-graduate Course in M.S. in Obstetrics and Gynaecology in Medical College, Jabalpur on the ground that the seat had fallen vacant because of the transfer of Dr. Smt. Dhurupkar and, therefore, he had become available in terms of Rule 10 of the Rules of 1984. His claim was disallowed by the College authorities. He challenged the action of the College authorities in the High Court, but his writ petition was dismissed in limine holding that the seat occupied by Dr. Smt. Durupkar had been transferred with her and hence the same in fact was not available.

In view of the above-noted facts and circumstances, two questions which came to be agitated before the Apex Court were: (i) as to whether in terms of Rule 10 of the Rules of 1984, there is a right to admission to a seat in the Post-graduate Course in M.D./M.S. falling vacant in a Medical College in the midst of or towards the end of an academic year to which it pertains, and (ii) to whether the State Government has the power to transfer a seat in any of the disciplines in the Postgraduate Course in M.D./M.S. reserved for a Medical College to another Medical College in the State in order to accommodate a particular Post-graduate student.

The provisions of Rule 10 of the Rules of 1984, which came under consideration before the Apex Court in the above-noted case, specifically provided that the seats available in any particular year will be filled up in that year and no candidates will be admitted against the seats remaining vacant from previous year. While interpreting the above provisions, it was observed by the Apex Court that:

"7. We must interpret Rule 10 by the written text. If the precise words used are plain and unambiguous, we are bound to construe them in their ordinary sense and give them full effect. The argument of inconvenience and hardship is a dangerous one and is only admissible in construction where the meaning of the statute is obscure and there are alternative methods of construction, where the language is explicit its consequences are for Parliament, and not for the courts, to consider.

8. On a plain construction, Rule 10 is in two parts. The power to admit a student under the first part arises when a seat falls vacant in a particular year. The words "filled up in that year" necessarily qualify the preceding words "the seats available in any particular year". It must logically follow that a necessary concomitant of the power under the first part of Rule 10 is the "availability" of the seat being filled up in the academic year to which it pertains. The words "filled

up in that year" which follow clearly imply that the vacancy cannot be carried over to the next academic year or years. That construction of ours is reinforced by the second part of Rule 10 which, by the use of negative language, clearly creates a bar against the seat being filled up in the next or succeeding academic year. What is implicit in the first part of Rule 10 is made explicit in the second part. The use of the negative words in the second part "No candidates will be admitted.... etc." are clearly prohibitory in nature and exclude the applicability of the carry forward rule. It follows that if a seat falls vacant for any reason, namely, that the candidate selected in order of merit does not join the PG course in MD/MS in a medical college or by reason of his death or otherwise, and due to inaction on the part of the authorities the seat is not filled up the academic year to which it pertains, there is no question of the vacancy being carried forward to the next academic year.

9. Rule 10 is a specific provision made for the benefit of the merit candidates who are placed in the waiting list. Normally, the question of a seat being filled up must arise at the commencement of the academic year or soon thereafter. In our considered opinion on the terms of Rule 10 as it exists, no other view is possible. When a seat falls vacant in any particular academic year there is a corresponding duty cast on the authorities to take immediate steps to fill up the same. There is no question of a right of admission to a seat falling vacant in the midst of or towards the end of the academic year."

Apart from the above-noted grounds, the claim of the appellants was rejected on other grounds as well keeping in view the syllabus prescribed by the Medical Council of India for Post-graduate Courses in M.D./M.S. it would be appropriate to refer to the discussion contained in paras 5 and 10 of the judgment in this regard, which reads as under :-"Para 5. The Medical Council of India constituted under the Indian Medical Council Act, 1956 and one of whose duties is to prescribe the minimum standards of medical education, made recommendations on February 12/13, 1971 prescribing uniform standards for Post-graduate medical education through India which having been approved by the Government of India and as revised from time to time, have the status of Regulations u/s 33 of the Act. The Regulations framed by the Medical Council of India provide inter alia for the different specialities for which PG courses in MD/MS as also diploma courses in certain disciplines may be conducted, and the norms for admission of students to the PG courses in MD/MS as also to the Diploma courses. According to the Regulations framed by the Medical Council of India, the student-teacher ratio for the PG course in MD/MS is to be maintained at 1:1. The relevant regulation prescribing a student-teacher ratio at 1:1 for the PG course is MD/MS made with a view to maintain the minimum standards of medical education for the PG course in MD/MS insofar as relevant is as follows :-

"General

(1) For MD/MS degree in clinical subjects, there shall be proper training in basic medical sciences related to the disciplines concerned as well as paper in these

subjects at the examination. In the case of M.D. and M.S. in basic medical sciences there should be training in applied aspect of subject and a paper on the subject.

(2) In all post-graduate courses, whether clinical or basic medical sciences, preventive and social aspects should be emphasised.

(3) This should be a part of the examination in the degree courses as this gives training in research methodology,

(4) The student teacher ratio should be such that the number of post-graduate teachers to the number of post-graduate students admitted per year be maintained at 1:1.

For the proper training of the post-graduate students, there should be a limit to the number of student admitted per year. For this purpose every unit should consist of at least 3 full time post-graduate teachers and can admit not more than 3 students for post-graduate training per year. If the number of post-graduate teachers in the unit is more than three then the number of students can be increased proportionately. For this purpose one student should associate with one post-graduate teacher.

XXX XXX XXX XXX

(5) The selection of post-graduates both for degree and diploma courses should be strictly on the basis of academic merit.

Para 10. As per the Regulations framed by the Medical Council of India, the PG course in MD/MS is a three-year course including one year's house job. This is followed by a two-years' degree course. The two years' degree course in a medical college are prescribed by the Medical Council of India is a period of intensive training. A postgraduate student has not only to write a dissertation or thesis under the supervision of the Professor or Associate Professor who is his guide, but has also to take part in seminars, group discussions, clinical meetings besides attending classes. There is also emphasis on in service training and not on didactic lectures. The in-service training requires the student to be a resident in the campus and he has the graded responsibility in the management and treatment of patients entrusted to his care. For this purpose, adequate number of posts of clinical residents or tutors are created. The period also includes adequate training in the basic sciences of Anatomy, Physiology, Bio-Chemistry, Bio-Physics, Pharmacology and Pathology in all aspects relevant to the speciality concerned. He is also required to participate in the teaching and training programmes of under- graduate students or interneers in their subjects. The examination for the PG course in MD/MS consists of (i) thesis or dissertation, (ii) written papers, (iii) clinical, oral and practical examination. There are four theory papers for the post-graduate degree examination, of which one has to be on Applied Basic Sciences. The clinical examination is aimed at eliciting the knowledge of the student to undertake independent work as a Specialist. The

oral and practical examinations are meant to test his knowledge on investigative procedures, techniques and other aspects of the speciality. The syllabus prescribed by the Medical Council of India for the PG course in MD/MS as also the student-teacher ratio of 1:1 virtually negate the right to admission to a seat falling vacant in the midst of or towards the end of the academic year to which it pertains.

The observations of the High Court in the case of Ajay Pradhan while dismissing his writ petition were also approved by the Apex Court, and the same are as under :-

"An academic course cannot be compressed to accommodate any particular candidate who comes late. Because, no separate or "special" arrangement can be made for a late comer for imparting instructions to him. Any other view would not make a reasonable reading or construction of the Rule in its context and setting for each candidate has to be not only examined periodically with respect to instructions imparted the prerequisite therefore has also to be fulfilled by rendering instructions to him during the whole period of the course. We have no doubt that when a seat is allotted a date has to be specified by which it has to be availed. Therefore, it shall not be deemed filled up if it is not availed. Indeed, it would then become the duty of the concerned authority to fill up the same by offering it to any other eligible candidate according to merit. In such a case, a decision has obviously to be taken to do so either before the session commences or very soon thereafter so that the new comer does not suffer serious loss of studies due to belated admission".

While dismissing the appeals, the Apex court has answered both the issues against the appellants.

10. Coming to the controversy raised before us, it cannot be disputed that the Government of Punjab has not framed any rules akin to the Rules of 1984. There is no other specified enabling provision in the Notification dealing with the eventuality arisen in the present case. The admissions to Post-graduate M.D./M.S. Courses were sought to be regulated by the Punjab Government notification dated 18.5.1999 and subsequent Notification/Corrigendum dated 22.5.2000, already noticed above. The outer limit of 30.9.1999 for granting admissions to the candidates who were in the waiting list, so maintained, had taken care of the fact that the process of selection of general category and reserved category candidates was over by that time and the candidates who were on the waiting list could be given admissions so as to complete the Courses within time schedule. Simply because by subsequent Notification/Corrigendum dated 22.5.2000, the Punjab Government had extended the date of admissions upto 31.5.2000 would not empower the University to ignore the requirement of completion of the courses within the time schedule fixed by it and Medical Council of India. It has to be noticed here that no reply has been filed by the Punjab Government. During the course of arguments, we had purposely asked the learned counsel representing the State Government of Punjab as well as counsel representing

respondent Nos. 3 and 5 as to what object was sought to be achieved by extending the last date of admissions for the said courses upto 31.5.2000. Not a single reason could be furnished to support the action of the State Government. The only possible justification which can be discernible from the circumstances brought on the record is that it was done so to fill up the vacancies which had arisen after 30.9.1999 to help particular candidates. Therefore, action of the respondents cannot be approved when the admission was granted to Dr. (Mrs.) Kumud Dharwal on 25.5-2000 against the vacancy which had fallen vacant on 3.2.2000 and the candidature of the other petitioners came to be considered in the month of May, 2000, because by that time academic session of 1999 was almost over.

11. In Civil Writ Petition No. 8582 of 2000, respondent Nos. 3 and 5 have not chosen to specify the exact number of vacancies and the dates on which they had arisen in various disciplines in the written statement. The petitioners have placed on record documents relating to correspondence which had taken place between the Principals of Government Medical Colleges of Patiala and Amritsar with some of the petitioners. Telegram dated 25.5.2000 (Annexure P-2) was sent to Dr. Satinder Pal Singh by the Principal of Government Medical College, Patiala, whereby he was directed to report for consideration on 31.5.2000 at Government Medical College, Amritsar, for selection in M.D. (Medicine) under 40% quota subject to approval by respondent No. 3. Dr. Satinder Pal Singh had also addressed letter dated 31.5.2000 (Annexure P-5) to the Principal, Government Medical College, Amritsar, whereby he had complained, that he was not granted admission when he reported in the College on 31.5.2000 on the plea that admission had been cancelled. Dr. Shalinder Singh Samra, who was also on the waiting list, vide his letter (Annexure P-3) had informed the Principal, Government Medical College, Patiala in response to the telegram dated 24.5.2000 regarding his selection in M.D. (Medicine) that he had already joined Paediatrics at D.I.C., Ludhiana, and for that reason was no longer interested to take admission against the seat offered to him. Dr. D.K. Bhandari, who is father of Dr. Arun Bhandari, had also informed the Principal, Government Medical College, Patiala, vide letter dated 25.5.2000 (Annexure P-4) in response to the telegram dated 23.5.2000 regarding admission of his son Dr. Anm Uhandari in M.D. (Medicine) that his son was already doing M.S. (General Surgery) at Ahmedabad and, therefore, was not interested to join M.D. (Medicine) Course at Patiala. The petitioner had sought admissions in the month of May, 2000, when the above-noted candidates on the waiting list declined to take admissions in the Post-graduate M.D./M.S. Courses against the seats offered to them because they had joined some other Medical Colleges. They were denied admissions for the reason intimated to Dr. (Mrs.) Kumud Dharwal (petitioner in Civil Writ Petition No. 8492 of 2000) by the Principal, Government Medical College, Amritsar, vide his letter dated 14.6.2000 (Annexure P-6). The cases of these petitioners are also on the same footing as the case of Dr. (Mrs.) Kumud Dharwal and they could not be granted admissions in the month of May, 2000, when the session 1999

was almost over.

12. Even otherwise, the provisional admission granted to Dr. (Mrs.) Kumud Dharwal by the Government Medical College, Amritsar, was not approved by respondent No. 3 after seeking clarification from the Medical Council of India. It would be appropriate to refer in detail (o the directions received by respondent No. 3 from the Medical Council of India which are contained in their letter dated 30.5.2000 (Annexure R-3/2). The contents of the letter are as under:

"Please refer to your fax message dated 29(h May, 2000 regarding extension of the time upto 31st May, 2000 for admission to Post-graduate Courses.

In your own fax letter, you¹ have clarified (hat the Post-graduate medical admissions for the session 1999-2000 started with the issuance of Notification by Punjab Government on 18.5.1999 and the same stood close on 31.10.1999. You have also intimated that the regular admissions for tHe sessions 2000-2001 are going to lake place in July/August, 2000 and further that the candidates selected for PG courses for the session 2000-2001 from CBSE quota have already been allocated PG Courses.

In the light of the above statements, you may kindly note that once the admissions against the previous academic session stand closed the new No-tification for re-opening the admissions to the closed session 1999-2000 cannot be accepted. Moreover, there is no provision for making admissions against the backlog vacancies of the previous academic sessions into the new academic session i.e. 2000-2001 particularly knowing fully the facts that the process for admission for the post-graduate courses against the 2000-2001 session quota has already started.

You are advised to strictly adhere to the procedures for making admission to post-graduate courses and further you are requested to send the list of students admitted in all PG Courses Degree/Diploma of all the Medical Colleges falling under the jurisdiction of Baba Farid University of Health Sciences urgently for the last three years. You are also requested io ensure that no extra admissions are made over and above the sanc-tioned"permitted post- graduate Degree/Diploma seats."

13. Petitioner Dr. (Mrs.) Kumud Dharwal cannot have any grievance regarding cancellation of her admission to the Course because her admission was made on provisional basis subject to the approval of respondent No. 3. The directions given by the Medical Council of India cannot be faulted. It has been, rather, admitted by the respondents that process of allotment of seats under 25% All India Quota, 2000, to various M.D./M.S. Diploma Courses had been completed by the Directorate General of Health, New Delhi, as is clear from the letter dated 13.3.2000 (Annexure R-3/5). Moreover, the Regulations framed by the Medical Council of India are binding upon the University and the same cannot he bye-passed by it. The position in ihis regard has been clarified not only in Dr. Ajay Pradhan"s case (supra) but also in the latest decision of the Apex Court in Dr.

Preeti Srivastava and another v. The State of Madhya Pradesh and others 1999(4) S.L.R. 687 : 1999(4) SCT 133 (SC). Therefore, respondent Nos. 3 and 5 were fully justified in cancelling the admission granted to petitioner Dr. (Mrs.) Kumud Dharwai (petitioner in Civil Writ Petition No. 8492 of 2000) and declining admissions to Dr. Satinder Pal Singh, Dr. Aman Sood and Dr. Meenu Sharma (petitioner in Civil Writ Petition No. 8582 of 2000).

For the aforesaid reasons, we find no merit in these writ petitions and the same are accordingly hereby dismissed.

14. Petitions dismissed