
(2012) 12 CAL CK 0028
In the Calcutta High Court
Case No : Writ Petition No. 16366 (W) of 2012

Dr. Sampa Dutta Gupta

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 21-12-2012

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2013) 2 WBLR 308

Hon'ble Judges : Aniruddha Bose, J

Bench : Single Bench

Advocate : Arabinda Chatterjee and Ms. Rajarshi Halder Advocates, for the Appellant; Kishore Datta, Ms. Sumita Shaw, Debaki Nandan Maiti, Siddhartha Banerjee, Abhisek Baran Das Advocates, Mr. Subrata Talukdar and Mr. Abdul Momen, Advocate for State, for the Respondent

Final Decision : Dismissed

Judgement

Aniruddha Bose, J.—The dispute in this writ petition relates to selection for admission to Post Doctoral Medical Degree Course for the year 2012 under the West Bengal University of Health Sciences (the University). The petitioner and the respondent no. 10 both are with excellent academic background and competed for the Post Doctoral course in Cardiac Anesthesiology as "in service" candidates, implying that they were already in the service of State Government when they applied for admission to the said course. Selection of such in-service candidates is guided by a special regulation, entitled West Bengal Medical Education Service, the West Bengal Health Service and The West Bengal Public Health-cum-Administrative Service (Placement on Trainee Reserve) Rules 2008. I shall refer to this Rule in later part of this judgment as the TR Rules. The selection for admission into this course is undertaken by way of written test and interview, and admission is effected through the process counselling. In the merit list published on the basis of performance of the candidates in the written test-cum-interview for DM Cardiac Anaesthesiology in respect of in-service candidates, the respondent no. 10 was ranked first whereas the writ petitioner

was placed in the second position. The list contained the names of three candidates in total. In this writ petition, the petitioner has questioned the eligibility of the respondent no. 10 to participate in the selection process itself. In the event the respondent no. 10 is found ineligible for admission, the petitioner would be entitled to get admission in the said course, for which there appears to be one vacancy only for this particular discipline from the trainee reserve or in-service category. The petitioner has completed her MD in Anaesthesiology in the year 2005, and at present is in public employment.

2. The admission process and the eligibility criteria for admission to the course has been published by the University itself in a document entitled "Information Booklet, Regulations for Admission to Post Doctoral Medical Degree Courses 2012". The publication indicates that the executive council had approved holding admission test in its meeting held on 13 March 2012. u/s 17 of the West Bengal University of Health Sciences Act, 2002, the executive council of the University is vested with the power to make regulations to provide for admission and management of the affairs of the University. In the Information Booklet, a schedule of dates had been published and in the schedule it was specified that written admission test was to be held on 3 June 2012, to be followed with declaration of results of the written test and publication of eligibility list for interview. The latter exercise was to be completed on or before 12 June 2012. Date of interview and submission of attested copies and verification of original documents had been stipulated to be completed between 15 and 30 June 2012. Final result was to be declared on or before 30 June 2012. In the published schedule of dates, time for holding counselling and admission as well as last date of joining the allotted college and course had not been specifically mentioned. It has been indicated that these dates would notified in the university website in due course but the date on which the course is to commence has been specified as 1 August 2012. The eligibility criteria has also been mentioned in paragraph 2 of the booklet. The basic qualification for admission to this course is Post Graduate medical degree, referred to as MD/MS/DNB in concerned disciplines from any MCI recognized institution of India. There are certain other eligibility criteria specified in the booklet, but these are not of much significance so far as this proceeding is concerned. The booklet also specifies that in-service candidates working under the Health and Family Welfare Department, Government of West Bengal would be eligible to apply for admission to the seats reserved for Government sponsored candidates. Both the petitioner and the respondent no. 10 had applied for admission to the course from this category. The petitioner has questioned eligibility of the respondent no. 10 to appear in the selection process as a government sponsored candidate. For adjudication of the present proceeding, paragraph 2.3 of the booklet is relevant. It is provided in this paragraph:-

A candidate who is likely to obtain the requisite Post Graduate Medical degree qualification by 30 June 2012 may appear at WBPDMAT-2012, but he/she will not be eligible for admission unless he/she produces the proof of passing the said

examination from a MCI-recognised institution during interview to be conducted by the University (Date, time and venue of which will be notified in the University Website.)

3. On the aspect of the procedure to be adopted at the time of interview and counseling for selection of candidates for admission, paragraph 6 of the booklet states:-

6. Interview and counseling for selection of candidates for admission

6.1. The provisional panel of names of candidates qualified in the written test as well as the date, time and venue of interview will be available at the www.thewbubs.net. No information will be sent to individual candidate in this regard.

6.2 Candidates selected for admission must get themselves admitted by the specified date mentioned in the offer letter.

6.3 The candidate appearing at interview and subsequent counseling will have to bring the following documents in original along with attested copies of all relevant documents:

(i) WBPDMAT-2012 Admit Card

(ii) MD/MS/DNB certificate/Provisional passing certificate.

(iii) Registration Certificate issued by MCI/State Medical Council

(iv) School leaving certificate a proof of age

(v) Sponsorship certificate issued by the Government, if applicable.

(vi) Course completion certificate from appropriate authority as relevant.

(vii) Election Photo Identity Card (EPIC)/Permanent Account Number (PAN) Card. Candidates without original documents shall not be allowed to appear in the interview.

4. A Memorandum has also been issued by the Government of West Bengal, Department of Head of the Family Welfare on 25th October 2010 dealing with the admission procedure for medical and dental courses at different levels. The Memorandum bearing no. HF/O/MERT/1542/Admn./ME/STM-28-10 dated 25 October 2010 inter alia provides:-

In cancellation and supersession of all previous guidelines/principles regarding admission criteria of Undergraduate, Post Graduate and Post Doctoral students of both stream namely Medical and Dental, the undersigned is directed to convey the approval of this State Government to the following procedures in respect of admission to undergraduate/Post Graduate Degree or diploma/or Post Doctoral courses in the Government Institutions of this State, Institute of Child Health (ICH), Kolkata and Vivekananda Institute of Medical Sciences (VIMS), Kolkata.

1) Admission has to be made on the spot mandatorily during counseling in the Govt. Medical/Dental institute, ICH and VIMS according to merit list of selected students.

2) An admitted student will have to deposit the original copy of certificate of qualifying examination, original copy of mark sheet of qualifying examination and original copy of Medical Registration "Certificate in case of Post Graduate and Post Doctoral courses. Accordingly a MBBS/BDS student will have to deposit his/her" 10+2 Examination" certificate and original copy of mark sheet of 10+2 Examination. A "PG degree/diploma student will have to deposit his/her original copy of MBBS/BDS certificate, original copy of mark sheet of final year MBBS/BDS Examination" and original copy of Medical/Dental Registration Certificate. A Post Doctoral student will have to deposit his/her original copy of MD/MS Certificate, original copy of mark sheet of MD/MS Examination and Medical Registration" Certificate.

3) All the above documents required to be submitted by a student will have to be physically deposited to the admitting institution within 10 days of spot admission through counseling, failing which admission will be considered deemed to be cancelled and the seat will be offered to other student during re-counseling. On receipt of original documents from an admitted student, the concerned Head of the Institution will issue a certificate to the candidate indicating the details of documents kept under Institutional custody.

4) If a candidate desires to attend any recounselling session in this State, he/she shall appear in recounselling with the certificate issued to him/her by the "Head" of admitting institution of the first counselling, showing the details of documents kept under custody of the institution. Subsequently, documents of such a student, in the event of his/her admission to other institution, shall be transferred by the "Head" of admitting institution where at the student was admitted through the first counselling, to the Head of admitting institution on the basis of recounselling within 15 days by special messenger under proper receipt with intimation to the student concerned. On receipt of the said documents, the concerned Head of second institution will issue a certificate to the candidate indicating the details of documents kept under institutional custody.

5. The other relevant provision which I shall examine for adjudicating the present petition is clauses 3(a)(ii) and (iii) of the TR Rules, which provide:-

(ii) Officers, who had acquired any post-graduate degree, irrespective of the fact whether such degree was acquired with or without Government sponsorship, shall only be allowed to undergo post-doctoral courses and in no case shall be allowed any trainee reserve facilities for undergoing any other post-graduate degree or diploma courses. Officers with post graduate degree may be allowed trainee reserve for certain relevant and recognised or authorized Post Doctoral Diploma courses provided that there are scopes of utilisation of the qualification in the service, and/or this is necessary for upgradation of the concerned

discipline, as would be determined by the health and Family Welfare Department from time to time. Officers in possession of any post-graduate diploma acquired with Government sponsorship shall only be eligible for trainee reserve in post-graduate degree courses of the concerned discipline, allied disciplines and dearth disciplines as specified in Schedule A of these rules.

Provided that in case of the officers of the West Bengal Public Health cum Administrative Service, above the level of Public Health-cum-Administrative Officer: Group B, who had acquired any postgraduate degree, irrespective of the fact whether such degree was acquired with or without Government sponsorship. May be allowed trainee reserve facilities for certain relevant post graduate courses in the disciplines of Public Health, Epidemiology, Health Management, Hospital Management and related courses as enumerated in Schedule B of these rules.

(iii) officers once placed on trainee reserve shall not be allowed any other facilities of trainee reserve, apart from any manner laid in clause (ii) of this Rule;

6. So far as the respondent no. 10 is concerned, he had undergone MD Anaesthesiology course in the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh. The duration of the course is three years and the petitioner had taken admission in the said course in the month of July, 2009. When the respondent no. 10 had applied for the subject course, his result in the MD programme was yet to be published by the said Institute. According to the petitioner, the respondent no. 10 is ineligible for the said course as his result in postgraduate medical degree was published only on 1 July 2012 and hence he could not have produced proof of passing the said examination on the date he appeared in the interview, being 26 June 2012. Drawing my attention to paragraph 6.3 of Information Booklet, it has been argued by Mr. Chatterjee, learned Counsel for the petitioner that at the time of interview, the petitioner did not have the sponsorship certificate or the course completion certificate from the appropriate authority, as per the requirement of sub clauses (v) and (vi) of the aforesaid paragraph. Case of the petitioner is that the respondent no. 10 has been illegally permitted to participate in the selection process and subsequently in counseling as the booklet specifically stipulates that candidates without the original documents shall not be allowed in the interview. Mr. Chatterjee has also referred to another Regulation, being MEDICAL COUNCIL OF INDIA SALIENT FEATURES OF POSTGRADUATE MEDICAL EDUCATION REGULATIONS, 2000. Clause 10(1) of this Regulation stipulates:-

10. PERIOD OF TRAINING

The period of training for the award of various post graduate degrees or diplomas shall be as follows:

(1) Doctor of Medicine (M.D.)/Master of Surgeon (M.S.). the period of training for obtaining these degrees shall be three completed years including the period of examination.

Provided that in the case of students having a recognized two year postgraduate diploma course in the same subject, the period of training, including the period of examination, shall be two year...

He has submitted that three years could be completed in the case of respondent no. 10 only in the month of July, 2012, as the course commenced in the month of July 2009. Though in the case of the respondent no. 10 the result of the written examination was published in May, 2012, the course would have completed only in July this year, as postgraduate courses and curriculums are programmes, not mere examinations.

7. Dealing with the memorandum dated 25 October 2010, it has been contended on behalf of the petitioner that the applicable Regulation would be the one which is formulated by the executive council of the University, as reflected in the said booklet. Clause 3 of the memorandum dated 25 October 2010 cannot be applied in this case as a regulation cannot be superseded by circular, and the regulation specified in the booklet ought to prevail as the same has statutory strength in terms of Section 17 of the 2002 Act.

8. So far as sponsorship certificate is concerned, admitted position is that the same had been made available to the petitioner on 9 July 2012. Counselling was held on 20 July 2012. On that date the respondent no. 10 was directed to get admitted in the institute by 30 July 2012. The petitioner had raised objection on selection of the respondent no. 10 for the course by making a demand for justice on 17 July 2012. Thereafter this writ petition has been filed. Three authorities have been relied upon by Mr. Chatterjee in support of the petitioner's stand that it is impermissible to shift from the conditions guiding selection process for a particular course, once these conditions or criteria are published in the advertisement. These are:-

(i) Alka Ojha Vs. Rajasthan Public Service Commission & Anr. [(2011) 9 SCC 438]

(ii) Priya Gupta Vs. State of Chhattisgarh & Ors. [(2011) 7 SCC 433]

(iii) Bedanga Talukdar Vs. Saifudaullah Khan and Others,

In particular, reference has been made to the following passage in the case of Bedanga Talukdar (supra):-

29. We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There cannot be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant statutory rules. Even if power of

relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised, has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due publicity would be contrary to the mandate of equality contained in Articles 14 and 16 of the Constitution of India."

9. The respondent University as well as the State have defended the stand of the University and consequentially validity of admission of the respondent no. 10. Case of the respondent no. 10 is that the schedule of dates indicated in the said booklet were not absolute, and minor variation was permissible in respect of individual cases. While date and time of admission test was specified as 3 June 2012, there was no specification given as regards the exact date on which result of written test was to be disclosed and publication of list of eligible candidates would be effected. This was specified to be "on or before 12 June 2012". Similarly, a span of 15 days has been referred to as dates for holding interview and submission of attested copies and verification of original documents. The dates fixed for this purpose is between 15 and 30 June 2012. The date of final result has been stipulated to be on or before 30 June 2012. Referring to paragraph 2.3 of the booklet, it has been argued on behalf of the respondents that the said booklet requires a candidate to be eligible for the DM course if he is likely to obtain the requisite Post Graduate Medical degree qualification by 30 June 2012. According to Mr. Dutta, learned counsel for the respondent no. 10, that is the basic requirement. He submitted that since the time within which such post graduate medical degree was required to be obtained stretched till 30 June 2012, it would be obvious that in the interview which was held on 26 June 2012 all the eligible candidates could not have had produced the requisite documents signifying completion of course in original on the day of the interview. Even if result was published on 30 June 2012, it was unlikely that in case of a student whose result was published on 30 June 2012, he would have been in a position to produce the certificate thereof by that very date as distribution of certificates takes place as per the prevailing practice on days subsequent to the day on which result is published.

10. It has been argued on behalf of the respondent no. 10 on this point that on 15 June 2012 itself the institute in which he pursued the MD course had made available "Provisional Result Intimation" to the Registrar of the University. Course completion certificate was issued on 30 June 2012, by the Registrar of the PGIMER, a copy of which has been made Annexure "P1" to the affidavit-in-opposition of the said respondent. The communication intimating the provisional result originating from the Registrar of the said institute was addressed to the Director of Health Services & Ex-officio Secretary, Department of Health & Family Welfare, Government of West Bengal. On the strength of these documents, Mr. Dutta submits that his client had fulfilled the eligibility criteria as stipulated in

paragraph 2.3 of the booklet. So far as paragraph 6.3 (vi) is concerned, according to him, submission of the course completion certificate at the time of interview could be deferred as the said respondent was required to complete the course by 30 June 2012 in terms of the said booklet only. On the question furnishing of sponsorship certificate in terms of paragraph 6.3, admitted position is that the respondent no. 10 did not have the sponsorship certificate in original on 26 June 2012. The respondent no. 10 claims to have produced it before taking admission in the said course at the time of counselling.

11. Against the sub-heading Eligibility Criteria in the said booklet, it has been specified that a candidate would be eligible to apply if he was likely to obtain Postgraduate medical degree by 30 June 2012, but such candidate would not be eligible for admission unless he or she produced the proof of passing the examination from an MCI recognized institute during interview to be conducted by the University. The form in which such proof is to be given has not been specified in the booklet. In this case, PGIME&R had informed the Registrar of the University through a confidential communication that the respondent no. 10 had passed the examination. A photocopy of this communication was made available before me by the learned counsel appearing for the University. I find from this intimation that the University had been informed that the petitioner had passed the examination in first attempt. It is also stated in the intimation that the same was being given "only for the purpose of admission of the candidate concerned to higher course of study or employment.....". This confidential intimation constitutes proof of passing, which was sent to the University for the benefit of the respondent no. 10 by the institute from which he passed the examination. In this perspective, I do not think it was necessary for the said respondent to independently produce proof of passing. I am thus satisfied that the eligibility requirement contained in paragraph 2.3 of the Information Booklet stood satisfied in the case of the respondent no. 10.

12. If this clause is treated as the standalone provision relating to eligibility criteria, then the petitioner could be said to have had the fulfilled the eligibility criteria as he was likely to obtain Post Graduate Medical degree by 30 June 2012 and the provisional intimation of passing was available with the University at the time of interview, which was held on 26 June 2012. The very fact that the interview was scheduled on 26 June 2012, four days before the stipulation relating to clearing the post graduate degree qualification would have lapsed, leads to an inference that on the basis of provisional result also a candidate could have been accommodated in the interview, and his success there would make him eligible for admission. Before taking admission, if a candidate was unable to produce such proof of passing then he could always be denied admission. Paragraph 6.3 of the said document requires production of sponsorship certificate as well as course completion certificate from appropriate authority as relevant. These two documents relate to eligibility criteria and the object of the clause appears to be to ensure that at the time of interview the interviewer could verify the authenticity of the documents by which eligibility of the candidate to

participate in the course is established. Ordinarily, if I was to construe the content of Information Booklet as a statutory instrument, I might not have had undertaken the exercise of finding out the object of the particular clause. If plain reading of the text of a statute revealed certain meaning, there is no scope on the part of the Court to speculate what was going on in the mind of the author of the instrument. In this case, on application of the same rule, the eligibility criteria should be deemed to have been fulfilled by the said respondent so far as obtaining Post Graduate qualification is concerned. On the question production of sponsorship certificate and course completion certificate, the respondent no. 10 had been issued the latter on 30 June 2012 whereas the former certificate was obtained by him on 9 July 2012. The object of production of the course completion criteria for is verification that a candidate had completed the course within certain time. The institute from where the petitioner had obtained his postgraduate degree had given intimation directly to the University as regards passing of the examination. It was argued on behalf of the petitioner that by virtue of the Regulation of 2000, the course could be completed only after three years and that merely passing of the examination did not constitute completion of the course. As the course of the respondent no. 10 in the institute at Chandigarh commenced in the month of July 2009, three years would have been completed on end of June 2012, if we take July to June cycle as one year. The Information Booklet required a candidate to obtain Postgraduate degree by 30 June 2012. The candidates who were likely to complete the course by that date were entitled to appear in the admission process. The respondent no. 10 has obtained the Postgraduate medical degree by 30 June 2012 and proof of obtaining the degree was produced to the University by the institute itself. In this prospective, production of course completion certificate on the date of interview cannot be a fundamental requirement. Since the respondent no. 10 had passed the examination and completed the three year cycle on 30 June 2012, there was no breach of any fundamental requirement which would have disentitled the petitioner from appearing for admission in the said course.

13. The three authorities on which reliance has been placed primarily lay down that there cannot be any dilution of the requirement of the advertisement and a candidate would be required to strictly adhere to the stipulation or schedule of dates as published in the advertisement. This principle has been laid down in the aforesaid passage in the case of Bedanta Talukdar (supra). But for the purpose of admission on the basis of the Information Booklet, construction of these clauses become necessary because of an element of inconsistency which is sown in the booklet itself. The booklet stipulates that a candidate has to obtain requisite Postgraduate medical degree by 30 June 2012. If that is the cut off date, then the candidate whose result is declared after holding of the interview on 26 June 2012, would have become disqualified in spite of fulfilling the eligibility criteria specified in the booklet itself. I do not think, in the given circumstances, the specification contained in paragraph 6.3 of the Information Booklet would be required to be construed in absolute term. The production of these documents

have not been described as eligibility criteria in the booklet. I am of the view that the documents which have been stipulated to be produced at the time of interview are mainly to assist to the interviewer for verifying the authenticity of the qualification and other particulars of a candidate. The emphasis in paragraph 6.3 is on original. So far as Sponsorship and Course completion certificates are concerned, the former is required to be produced if applicable, and the latter, "as relevant". Stipulation for production of documents after sub-clause (vii) is to ensure that copies of these documents would not suffice, but a candidate would have to produce such documents in original. Seven categories of documents have been specified in paragraph 6.3, but there is no stipulation that if a candidate cannot produce any of these documents, he would be disqualified automatically. It would be within the power and jurisdiction of the interviewer to waive any of these requirements if the interviewer is otherwise satisfied with a candidate's eligibility and authenticity of his candidature.

14. Sponsorship certificate is guided by the TR Rules, and the provision relating to issue of sponsorship certificate is contained in Clause 5 of TR Rules. This provision lays down:-

Procedure for application and placement on trainee reserve.-the Officers of the West Bengal Health Service, the West Bengal Medical Education Service and the West Bengal Public Health cum Administrative Service only when eligible under the foregoing rules can directly apply to any University or Institution for appearing in the post-graduate Entrance Examination and after being selected or being invited for counseling before admission, shall apply to the Director of Health Services or to the Director of Medical Education for sponsorship certificates. In cases wherever the concerned University or Institution requires a sponsorship certificate, for appearing in the post-graduate Entrance Examination or otherwise only the eligible candidates can directly apply to the director of Health Service or Director of Medical Education who shall be the competent authority for such matter. After such process is over, placement orders for trainee reserve will be issued by the Department of Health and Family Welfare and thereafter such officers will proceed on trainee reserve and execute bonds as specified in rule 4 of these rules.

15. As would be evident from the aforesaid rule, ordinarily one would have to apply for sponsorship certificate after being selected or being invited for counselling before admission. The aforesaid Rule does not lay down that sponsorship certificate would be issued always at or before the time of interview. The aforesaid memorandum also provides for furnishing of documents within ten days of getting spot admission. A candidate is entitled to apply for sponsorship certificate as per the provisions of the TR Rules before admission. Paragraph 6 of the booklet requires production of document specified therein at the time of interview and counseling. This requirement for production of documents at the time of interview and subsequent counselling in my opinion vests the University authorities with discretion to defer the time of production of these documents at

the time of counseling if such document is not available with a candidate who otherwise qualifies in the selection process but is unable to produce any of the documents specified at the time of interview. If he is permitted to produce such documents at the time of counseling, I do not think such candidate would gain any unfair advantage over his or her rivals. If substantive qualification is obtained by a candidate at the time of interview, then time for production of evidence of such substantive qualification could always be extended by the interviewing body. If it was a case where other similarly situated candidates were being denied such opportunity which was extended to the respondent no. 10, then a case of discrimination could have been made out. Mere delay in issue of certificates after a candidate is selected on merit cannot disqualify him. While I accept Mr. Chatterjee's argument that a circular cannot override a regulatory provision, in the instant case in my opinion the memorandum dated 25 October 2010 can be reconciled with the provisions of paragraph 6.3 of the booklet if the content of the latter is construed in this manner. I would thus avoid a construction which would set provisions of the said memorandum in a collision course against the stipulation of the Information Booklet, and choose the construction which integrates provisions of these two instruments.

16. The other point raised by the petitioner was that the respondent no. 10 did not fulfill the requirement of clause 3(a)(iii) of the TR Rules. Clause 3(a)(ii) of the TR Rules deal with the fundamental eligibility criteria for issue of sponsorship certificate. So far as sub-clause (iii) is concerned, I find there is no violation of the aforesaid provision of the TR Rules in the case of the respondent no. 10. Mr. Chatterjee sought to argue that since before completion of his MD, the petitioner had applied for admission in the said course, he could not have been issued sponsorship certificate. I decline to accept this argument. At the time of admission or joining the course the petitioner had completed his postgraduate programme, from the "in service" category. Under sub clause (ii) he was entitled to pursue the aforesaid course as a sponsored candidate. Sub-clause (iii) does not stipulate that to get admitted as trainee-reserve for post-doctoral programme, sponsorship certificate would have to be obtained at the time of interview. For these reasons I do not find any irregularity in selection or admission of the respondent no. 10. The writ petition is accordingly dismissed. The interim order passed in this writ petition shall stand dissolved.

17. There shall however be no order as to costs. Urgent Photostat certified copy of this judgment be supplied to the learned Advocates for the parties with necessary formalities as expeditiously as possible.