

---

**(1986) 10 RAJ CK 0029**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 1197 of 1986**

Gautam Kapoor

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

---

**Date of Decision :** 01-10-1986

**Acts Referred:**

Constitution of India, 1950 — Article 14, 226

Rajasthan Rules of Admission to Medical Colleges in Rajasthan, 1986 — Rule 3

**Citation :** AIR 1987 Raj 174 : (1987) RLW 59 : (1987) 1 WLN 548

**Hon'ble Judges :** J.S. Verma, C.J;N.M. Kasliwal, J;I.S. Israni, J

**Bench :** Full Bench

**Advocate :** G.S. Singhvi, for the Appellant; N.L. Jain, General, for the Respondent

---

## Judgement

J.S. Verma, C.J.—The short question for decision by us is whether the provision made prescribing the minimum age limit of 17 years to be completed during the calendar year of admission to the First year of the M. B. B. S./B. D. S. course is invalid. This reference to a larger Bench has been made on the ground that there appears to be a conflict in the decisions of this Court on this point. The other questions, which have been referred, do not call for any answer as we shall indicate hereafter. The questions referred to us for our decision are as under : --

"(1) Whether the Clause 3(c) of the Rules for the admission in Medical Colleges in Rajasthan which reads as under is ultra vires or not?

"Provided further that the candidates for admission to the first M. B. B. S./ B. D. S. Course must have completed the age of 17 years on or before 31st Dec. of the admission of the year."

(2) Whether the Division Bench can declare any Rules as ultra vires without assigning any reason?

(3) Whether the judgment of a single Judge can be set aside by the Division Bench without assigning any reasons?"

2. The only material facts leading to this reference are these : --

Petitioner Gautam Kapoor applied for appearing at the Pre-Medical Test held in the year 1986, but his application was rejected on the ground that he would not complete the age of 17 years on or before 31st Dec. 1986. This decision was taken on account of the prescribed minimum age limit for admission to the First Year course in a Medical College. The petitioner, therefore, challenged the validity of the provision prescribing the minimum age limit. This provision is contained in Clause 3 of Rules of Admission to Medical Colleges in Rajasthan, 1986, which prescribes the conditions of eligibility and the relevant portion therein for our purpose is as under : --

"Provided further that the candidates for admission to the First M. B. B. S./B. D. S. Course must have completed the age of 17 years on or before 31st December of the admission of the year."

There appears to be a printing mistake at the end of the above proviso, wherein the expression "the age of 17 years on or before 31st December of the admission of the year" is written in place of "the age of 17 years on or before 31st December of the year of admission." However, this is the manner in which it has been understood throughout. We are mentioning this fact only to point out the printing mistake in the Rules published in the Rajasthan Gazette.

3. The only question for our decision is whether prescribing the minimum age limit of 17 years for entry into a Medical College violates Article 14 of the Constitution as urged strenuously by learned counsel for the petitioner, Mr. G. S. Singhvi, learned Counsel contends that there should be no minimum age limit prescribed for the purpose and a candidate should be eligible for admission on passing the qualifying examination, which is the First Year of the Three Years Degree Course after passing the Higher Secondary Examination. Based on the normal calculation, learned counsel concedes that ordinarily minimum age of a candidate at the time of passing the qualifying examination would be 16 years at the time of that examination in March/April of the year of admission. The question, therefore, is whether the prescribing of the minimum age limit is unreasonable or arbitrary, which has no rational nexus with the object sought to be achieved by the provision. We are unable to accept this contention.

4. It cannot be doubted that a certain degree of maturity of body and mind is essential in a student joining the medical course and it is not unusual to reckon the same with reference to the age of the person. Undoubtedly there may be exception to the general rule, but a general rule is not to be based on exceptions. The Medical Council of India, which is constituted under the Medical Council Act, 1956 and is a body of experts in the field, is also required to prescribe the minimum standards of medical education. It is also empowered by the Act to make Regulations generally to carry out the purpose of the Act and particularly for the matters specified expressly in Section 33 of the Act. One of the recommendations made by the Medical Council of India in exercise of its

statutory power is that the minimum age limit of 17 years at the time of entry into a Medical College should be prescribed. There is no dispute that this minimum age limit is being followed throughout the country and for a long time. We have also, therefore, to bear in mind this fact while deciding the question whether such a restriction on age limit can be treated as unreasonable or arbitrary so as to violate Article 14 of the Constitution.

5. It would be useful in this context to bear in mind the guidance provided by the Supreme Court while construing the validity of such a provision. In *Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs. Paritosh Bhupeshkumar Sheth and Others*, while interpreting the validity of Regulation made relating to the examination of candidates, their Lordships observed as follows :--

"As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them. It will be wholly wrong for the court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice."

We must, therefore, give due weight to the recommendation of the Medical Council of India in this behalf which is being followed uniformly for a long time throughout the country and which is undoubtedly based on experience of experts in the field. It is their opinion that the requisite degree of maturity of body and mind for entry into a Medical College is not attained normally before the age of 17 years. The question, therefore, is whether the opinion of these experts in the field should be substituted by any other opinion, particularly when there is no dispute that a candidate for entry into a Medical College cannot ordinarily be less than 16 years in age, since it is not feasible to pass the qualifying examination before attaining the age of 16 years.

6. It is not necessary to burden our decision unnecessarily with authorities, since it is settled that classification on the basis of age is a reasonable classification unless the age prescribed is arbitrary or unreasonable. As pointed out earlier by us, the minimum age of 17 years for entry into a Medical College cannot be called unreasonable or arbitrary, since the argument itself concedes that it is not ordinarily possible to pass the qualifying examination below the age of 16 years. For framing the general rule it is the normal and not the exception which has to be taken into account. We find that a Division Bench of this Court in *Surendra*

Kumar Jain and Others Vs. Central Board of Secondary Education, Ajmer and Others, upheld the validity of a provision prescribing the minimum age of 14 years for appearance at the High School examination and 16 years for appearance at the Intermediate examination. A similar argument based on Article 14 of the Constitution was repelled. It was also pointed out that since the lower limit for age was prescribed for all candidates appearing at that examination, the provisions could not be treated as discriminatory. Similar view was taken in Miss Kuntal Gupta v. Board of Secondary Education, Rajasthan RLW 1967 157 while upholding the validity of a Regulation prescribing the minimum age of 16 years for appearing at the Higher Secondary examination. Kan Singh J. while rejecting the similar argument observed as follows : --

"Therefore, if examinations are taken to be the mile-stones in the progress of one's education and if the taking of education is made to depend upon the maturity of mind and body that a person develops with his or her age, then one cannot say that classification based on age for the taking of an examination is not rational or that it is not in keeping with the underlying object of the enactment. System of examinations is integral part of imparting of education and the education of a person is inevitably judged on the basis of an examination that one has passed..... Furthermore, the existence of the ban for taking the examinations is bound to induce the students and their parents or guardians in the long run to so plan their education that the course will be completed only by the time they reach the prescribed age and in this way the underlying object of inducing healthy growth of students in body and mind may very well be achieved."

With respect we are in full agreement with these observations of Kan Singh J., which are Very apposite.

7. Learned counsel for the petitioner also contended that the restriction of minimum age for entry into Engineering College prescribed earlier has been removed from this year. He argues that for the same reason there should be no restriction on the ground of age for entry into a Medical College. In our opinion, such an argument is not available to support the contention based on Article 14 of the Constitution. In the first place, students entering the Engineering College and those entering the Medical College constitute two different classes so that prescribing of different conditions of eligibility does not ipso facto result in violation of Article 14 of the Constitution. Moreover, for entry into Medical Colleges there is a definite recommendation of the Medical Council of India prescribing the minimum age limit, while no corresponding recommendation of any body of experts relating to the Engineering Colleges has been shown to us. This alone is sufficient to distinguish these two categories of students. This argument does not merit any further consideration.

8. Reliance was placed by learned counsel for the petitioner on a Division Bench decision in D. B. Civil Special Appeal (Writ) No. 252 of 1985, Pramila Gupta v. University of Jodhpur, decided on Jan 3, 1986 to which one of us (Israni J.) was

party. That was decision relating to a student claiming entry into Engineering College and the decision was given in his favour on the basis of a concession made by the learned Advocate General, who stated that the restriction of minimum age was likely to be soon removed. It is obvious that the Division Bench based its decision on this concession made by the learned Advocate General in respect of a student claiming admission to an Engineering College, to which entry is not restricted on the ground of age now even according to the learned counsel for the petitioner. We are, therefore, unable to construe that decision as taking a contrary view on this point.

9. Our conclusion, therefore, is that no invalidity attaches to the impugned provision prescribing the minimum age of 17 years to be completed in the year of admission for entry to a Medical College and that provision cannot, therefore, be struck down. This question has, therefore, to be answered accordingly.

10. In our opinion, the other two questions do not arise for decision, since the Division Bench deciding Pramil Gupta's case (*supra*), or cannot be read in the manner suggested by the learned single Judge making this reference. The aforesaid questions Nos. 2 and 3 need not, therefore, be answered.

11. Consequently, our answers to the questions referred to us for decision are as under : --

(1) The impugned provision prescribing the minimum age limit of 17 years to be completed in the year of admission to the First Year M. B. B. S./ B. D. S. Course by the candidate is valid.

(2) and (3) Questions Nos. 2 and 3 do not arise for decision and are, therefore, not answered.

There will be no order as to costs. The case shall now go back to the appropriate single Bench for decision of the petition on merits in accordance with the answers given by us to the questions referred.