

(2004) 03 AP CK 0125

In the Andhra Pradesh High Court

Case No : Writ Petition No. 5619 of 2004

Master Pradheer Gupta, rep. by his natural guardian and
mother Smt. Usha Gupta

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 31-03-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 4 ALT 5

Hon'ble Judges : N.V. Ramana, J

Bench : Single Bench

Advocate : Sameer Kumar and B. Shiva Prasad, for the Appellant; C. Kodandaram and Ramakrishna Rao Siddartha, A.S.C. for Central Government, for the Respondent

Final Decision : Dismissed

Judgement

N.V. Ramana, J.—The petitioner, who is aged 15 years and obviously a minor, represented by his natural guardian and mother, has filed this writ petition praying for the following relief:

To issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of respondent No.2 in returning the petitioner's demand draft and not permitting him to appear for the Entrance Test for admission into MBBS Course Session 2004-05 scheduled to be held on 30-5-2004 on the ground of under age, as illegal, arbitrary, improper and unconstitutional, and consequently direct respondent Nos. 2 and 3 to permit the petitioner to appear for the said Test basing on the age relaxation given to the petitioner by the Government of A.P. in SSC and Intermediate Examinations.

2. On the ground that the petitioner is under-aged respondent No. 2 declined to issue application to enable him appear for MBBS Entrance Test. The mother of the petitioner states that the petitioner is extraordinarily intelligent, and when he studied SSC, he was only 13 years, and though he was ineligible to appear SSC

Examinations, the Government keeping in view his extraordinary intelligence has issued orders in G.O. Rt. No.11, dated 5-1-2002, relaxing the Rules relating to minimum age in the case of the petitioner and directed the authorities to permit him to appear for the SSC Examinations in March, 2002. Upon being successful in the SSC Examinations, the Government also permitted him to prosecute Intermediate Course (Bi.P.C.), and presently he is appearing for Intermediate Examinations being held during March, 2004. The petitioner states that he submitted his application for appearing EAMCET-2004 for entry into MBBS Course. But, when he applied for issuance of application for appearing for Entrance Test in MBBS Course in respondent No.2-Institute along with the Demand Draft, the same was returned on the ground that the petitioner is under-aged and no age relaxation can be given. It is this action of respondent No. 2-Institute, which the petitioner seeks to challenge in this writ petition on various grounds. It is stated that though the petitioner's father had represented to various authorities in the hierarchy of the State Government, namely Registrar, NTR University of Health Sciences, Vijayawada, A.P., the Principal Secretary, Higher Education Department, Government of A.P., Hyderabad, Hon'ble Minister, Ministry of Health & Medical, A.P. Secretariat, Hyderabad, the Secretary, A.P. State Council of Higher Education, Hyderabad and the Director, Medical and Health Education, A.P., Hyderabad, to give age relaxation to his son for appearing in the State and National Level Medical Entrance Examinations during 2004-05 for seeking admission into MBBS Course, no action had been taken thereon.

3. Heard the learned counsel for the petitioner, the learned Additional Standing Counsel for respondent No.1-Central Government, and the learned Standing Counsel for respondent Nos.2 and 3-Institute.

4. The learned counsel for the petitioner submits that though the petitioner is under-aged, his mental faculties are fully developed, and is completely fit to appear for MBBS Examination, and as such, respondent Nos. 2 and 3, ought not to have refused the application to the petitioner for appearing MBBS Entrance Test. In support of his submission that the petitioner is mentally and physically fit to take MBBS Entrance Test, he relied on the Certificate issued by the Civil Surgeon Specialty, which certifies that the petitioner is physically and mentally fit to appear for the ensuing State and National Level Medical Entrance Examinations, 2004. The learned counsel for the petitioner submits that the action of respondent Nos. 2 and 3 in fixing the minimum age as 17 years for appearing for MBBS Entrance Test, is arbitrary and unjust, for it deprives the fundamental right of a citizen to right to life and livelihood under Article 21 of the Constitution of India. The learned counsel for the petitioner submits that inasmuch as the petitioner was permitted to appear for SSC and Intermediate Examinations by granting age relaxation, he should be granted age relaxation for appearing in MBBS Entrance Test being conducted by respondent Nos. 2 and 3-Institute. He, thus prayed that the condition which prescribes the minimum age of 17 years for appearing for MBBS Entrance Test, be set aside.

5. The learned Additional Standing Counsel for the Central Government and the learned Standing Counsel for respondent Nos. 2 and 3-Institute submitted that inasmuch as the petitioner was under-aged, no exception can be taken to the action of respondent Nos. 2 and 3-Institute in not issuing application to the petitioner for appearing the Entrance Test for admission into MBBS course. They submit that the age limit for appearing in Entrance Tests is fixed by academic bodies keeping in view several factors, and it would not be proper for this Court to interfere in such academic matters, under Article 226 of the Constitution of India.

6. It is required to be noticed that admissions to medical courses, is regulated by the guidelines and regulations issued by the Medical Council of India, which is a statutory body, constituted under the Indian Medical Council Act, 1956. The Medical Council of India normally prescribes the age, qualifications and other requisites for admission into medical courses, and on the basis of such prescription, the Universities offering the medical courses fix the age limit for appearing in the Entrance Tests for admission into such medical courses. None can dispute the fact that fixation of age limit for appearing in the Entrance Tests/Examinations for admission into specialized courses, is within the realm of academic bodies, and this Court does not normally interfere in such academic matters in exercise of its jurisdiction under Article 226 of the Constitution of India. The fixation of age limit for prosecuting a particular course depends upon various considerations, such as severity of the course, and the age at which one's mental characteristics fully develop, such as intelligence, aptitude, mental fitness, power of understanding complex things etc., and therefore, such matters have to be left to the judgement of the academic bodies. Inasmuch as medical education requires a high degree of intelligence and power of understanding the subjects taught, it cannot be said that fixation of minimum age at 17 years for appearing Entrance Test for admission into MBBS course by respondent No.2, cannot be said to be illegal or arbitrary. Respondent No. 2 being a National Institution, and governed by the guidelines issued by the Central Government and Medical Council of India, cannot be directed to reduce the minimum age limit from 17 years to 15 years in the case of the petitioner having regard to the fact that the Government of Andhra Pradesh had relaxed the minimum age of the petitioner and permitted him to appear for SSC and Intermediate Examinations. In that view of the matter, no exception can be taken to the action of respondent No.2-Institution in not issuing application to the petitioner for appearing the Entrance Test for admission into MBBS course on the ground that he is under-aged.

7. In the result, the writ petition has no merit, and the same is accordingly dismissed. This order, however, does not preclude the authorities to whom the petitioner's father is alleged to have made representations, to consider grant of age relaxation, considering the fact that the Government having regard to the extraordinary intellect of the petitioner had relaxed the minimum age in the case of the petitioner and permitted him to appear for SSC and Intermediate

Examinations, though he was under-age and not entitled to appear for the said Examinations. No costs.