

(1993) 05 SC CK 0057

In the Supreme Court Of India

Case No : Writ Petition (Civil) No. 48 Of 1993 With Writ Petition (C) Nos. 154, 333, 391, 370, 383 And 388 Of 1993

Saurabh Mathur and Others

APPELLANT

Vs

Director General Health Services and Another

RESPONDENT

Date of Decision : 19-05-1993

Acts Referred:

Citation : (1993) 4 SCC 87 Supp

Hon'ble Judges : M. N. Venkatachaliah, C.J;S. C. Agrawal, J;A. S. Anand, J

Bench : Full Bench

Final Decision : Allowed

Judgement

M.N.VENKATACHALIAH, J.—THIS pertains to the recurring grievance of the candidates successful at the competitive tests for selection for admission to the 15 per cent All India Quota 1992 for MBBS/BDS courses, this time respecting the 1992 selection not being provided seats.

2. The candidates air a strong and serious grievance that though the requisite number of vacancies exist, owing to lack of coordination between the medical colleges in the States on the one hand and the Director General of Health Services who administers and coordinates the admission on the other, a large number of seats within the 15 per cent All India Quota, 1992-93 are allowed to be appropriated by the States for the benefit of their own students with the result the candidates wait-listed in the All India Quota are deprived of their legitimate entitlement.

3. THIS has been a recurring theme in the administration of the 15 per cent All India Quota over the years. The grievance of the candidates is strengthened by the submission made on behalf of the Union government by Shri C.V. Subba Rao that the Director General of Health Services has not been able to elicit prompt responses from the State authorities and the educational institutions in many of the States as to the actual number of vacancies in the 15 per cent All India

Quota, 1992. This situation is the result of candidates allotted seats in the All India Quota either not joining the colleges or quitting the seats after admission leaving a vacancy which in the usual course should go to the next candidate in the wait-list. But it would appear these vacancies are not promptly reported to the Director General of Health Services by the States and the college authorities resulting in the wait-listed candidates in the All India Quota having to wait indefinitely. The candidates aver that a number of seats in that quota have been appropriated by the State governments for the benefit of their own students without the knowledge of or permission by the Director General of Health Services and without the latter having released the seats back to the States' pool.

4. The only way in which the situation could be remedied is to make the concerned officials responsible in the State Administration accountable to this court. We direct all the Chief Secretaries of the States, and in particular the Chief Secretaries of Assam, Bihar, Punjab and Goa, which have failed to respond to the Director General of Health Services and have withheld information about the number of seats not filled up by the candidates from the 15% All India Quota to furnish to this court within two weeks of the receipt of a copy of this order, the exact number of seats set apart against the 15% All India Quota in that State and the number of seats presently filled up. The Chief Secretaries of those States shall ensure that this information is sent within two weeks of the receipt of a copy of this order. The Registry is directed to communicate this order to the Chief Secretaries of the aforementioned States on the National network in addition to other modes of service. The Chief Secretaries will ensure that this information is sent. If any officer or institution fails to respond they do so at the risk of being exposed to proceedings in contempt.

5. INsofar as the present situation is concerned, the following directions are issued:

BY an appropriate Press Release, the DGHS may require the successful candidates who were not allotted seats in MBBS course but allotted seats in BDS course as their second option, and had joined the same, and also from candidates from Rank No. 2246 downwards who are not allotted any seats, to convey in writing to the DGHS their willingness to accept admission into the MBBS or BDS course, as the case may be, in any such college as may be allocated by the DGHS against the existing vacant seats in the 15 per cent All India Quota, 1992.

The communication in this regard together with "admit card" relating to the examination and other relevant certificates should be received from the candidates by the DGHS on or before the date fixed by him and specified in the Press Release.

The DGHS shall allocate the available seats to the candidates who have conveyed their willingness within the specified time to be admitted to the All India Quota,

1992 in the manner indicated below:

(I) The candidates who have already been admitted to BDS course as per their second option be offered seats in the MBBS course in accordance with their first option and in accordance with their position in the merit list.

(II) Simultaneously, the remaining seats, if any, in MBBS course and in BDS course shall be allotted to the candidates from Rank No. 2246 downwards in the order of merit to the candidates who have expressed their such willingness.

(III) The DGHS may decide the allocation of seats to candidates having regard to their original preference and/or proximity of the State to the residences of the candidates, subject to the availability of seats, and the decision of the Director in this regard shall be final.

(IV) The DGHS shall inform the Directors of Medical Education of the concerned States to admit these candidates in the Medical/Dental colleges of the State against the unfilled seats.

(V) Directors of Medical Education of the concerned States on receipt of such intimation shall take steps for admitting students allocated to each State within a period of 15 days of such intimation.

6. LIST this matter on 10/06/1993 before Hon. Mr Justice S.C. Agrawal as a Special Vacation Judge for this case.