

(1993) 06 SC CK 0008

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 of Health Services and Another

RESPONDENT

Date of Decision : 10-06-1993

Acts Referred:

Citation : (1993) 4 SCC 90 Supp

Hon'ble Judges : S. C. Agrawal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

S.C.AGRAWAL, J.—IN pursuance of the directions given by this court in its order of 19/05/1993 , communications have been received from the authorities in the States of Bihar, Punjab, Assam, Rajasthan, Kerala and the Union Territory of Goa. From the said communications, it appears that a number of seats for the MBBS/ BDS Courses, falling within the 15% All India Quota, have been appropriated towards State quota and admissions have been made against those seats in the following States/Union Territories:

MBBS

BDS

Bihar

04

?

Punjab

22

03

Rajasthan

11

02

Goa

?

04

2. The SE seats have been appropriated towards the State quota by the State authorities without obtaining the concurrence of the Director General of Health Services which is impermissible. The respective State authorities are obliged to make available the aforementioned number of seats in the institutions for the purpose of enabling the Director General of Health Services to nominate candidates for admission against these seats and the authorities of the respective States are directed to take the necessary steps in this regard.

3. IT appears that no nomination was made for the All India Quota in the BDS Course in the Dental College in the State of Assam. Shri Subba Rao, learned counsel for the respondents, submits that since the authorities did not have information about the Dental College in Assam having been recognised by the Medical council of India, nominations were not made against the seats in BDS Course in the said college. He further states that the Director General of Health Services will make an enquiry as to whether the said Dental College is recognised by the Medical council of India and would seek further directions in that regard by this court after making such enquiries.

4. SHRI Subba Rao has stated that on the basis of the information that has been obtained by the Director General of Health Services, apart from the seats mentioned above, which have been appropriated towards the State quota, the following seats are available in the MBBS and BDS Courses against the 15% All India Quota in the various medical colleges in the country:

MBBS Course 167 BDS Course 45

5. IT has been stated that in accordance with the directions given by this court on 19/05/1993, a notification was published in the Hindustan Times dated 27/05/1993 and in response to the same, applications have been received from the candidates who have already been admitted on the basis of the first and the second list for change of course from BDS to MBBS and from candidates who are on the merit list but have not been allotted a seat for admission to the MBBS/ BDS courses. The particulars of such applicants have been given in the Statements filed as Annexures I, II, III and IV by Shri Subba Rao. Annx. I contains the names and particulars of 31 candidates from Rank Nos. 2143 to 2245 who have been allotted a seat in BDS course and who have requested for admission to the MBBS course. Annx. II contains a statement showing the names and particulars of 107 candidates who are in the waiting list from Rank No. 2246

downwards who have applied for admission to the MBBS/BDS courses against the All India quota. Annx. III is a statement containing names of 107 candidates who appeared in the All India Pre-Medical/Pre- Dental Examination 1992 and whose names did not appear either in the merit list or the waiting list supplied by the central Board of Secondary Education, New Delhi. It does not appear that these candidates had obtained the qualifying marks in the said All India Examination. These applicants cannot, therefore, be considered for admission against All India quota. Annx. IV contains the names of 11 candidates whose applications were received after the last date specified in the notification for submission of applications, i.e. 7/06/1993. These applicants also cannot be considered for admission against the All India quota.

6. The RE are a number of candidates who have been allotted a seat in the MBBS Course in the first and second lists in the All India Quota 1992 and who have requested for a change of the college. Some of these candidates have moved this court for relief in this regard by filing Writ Petitions Nos. 370, 383 and 388 of 1993. It is stated that similar writ petitions, namely. Writ Petitions Nos. 446, 447 and 458 are pending in this court. These writ petitions are taken on board. It is directed that request for change of college by all those candidates whose applications are pending with Director General of Health Services on the date of this order, including the petitioners in the writ petitions aforementioned shall be considered for such change of college.

7. SHRI Subba Rao has stated that the Directorate General of Health Services would be able to complete the process of allotment of seats for admission to the MBBS/BDS Course for the year 1992 on a consideration of the claims of the applicants mentioned in Annexures I and II as well as the requests for change of college made by candidates who have already been admitted, within a period of two weeks.

8. IT is, therefore, directed that

(I) The Director General of Health Services will first consider the cases of all those candidates who have applied for change of college and whose applications are pending before the Directorate on the date of this order including the petitioners in W.P. Nos. 370, 383, 388, 447, 458 and 446 of 1993.

(II) Thereafter, the applications of the candidates mentioned in Annexure I who seek a change of course from BDS to MBBS shall be considered.

(III) After adjusting the candidates referred to in paras (i) and (ii), the applications of the candidates mentioned in Annx. II for allotment of a seat in the MBBS/BDS Courses will be considered.

(IV) While allotting the seats to the candidates referred to in paras (i), (ii) and (iii) above, the concerned authorities shall have regard to the merit and the proximity of the college to the place of residence of the candidate.

(V) The process of consideration of all the candidates referred to above shall be

completed by 25/06/1993 and the necessary communication shall be sent to the candidates concerned by 30/06/1993.

(VI) The candidate who has been allotted a seat in the MBBS/BDS Course or who has been permitted change of college or change of course shall report to the authorities of the college to which he has been nominated for admission on or before 15/07/1993. The admission of the student in the said college on the basis of the allotment will, however, be subject to the regulations regarding attendance and examination of the said college and the concerned university.

(VII) In case any candidate who has been allotted a seat against All India Quota in pursuance of this order does not avail of the same and fails to report in the college to which he has been nominated by 15/07/1993, the seat allotted to the said candidate would stand surrendered to the State quota.

9. The applications for impleadment and directions in W.P. (C) No. 48 of 1993 are dismissed.

10. LIST these matters on 23/07/1993 before the bench of Hon"ble the chief justice of India. court Masters