

(2000) 02 SC CK 0061

In the Supreme Court Of India

Case No : Civil Appeal No. 11238 of 1995

State of U.P. and Others

APPELLANT

Vs

Reena Singhal (Dr)

RESPONDENT

Date of Decision : 10-02-2000

Acts Referred:

Citation : (2000) 4 JT 259 : (2000) 9 SCC 391 : (2000) 2 UPLBEC 1497

Hon'ble Judges : A. S. Anand, C.J;S. Rajendra Babu, J;Doraiswamy Raju, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

DR. A.S Anand, J.—The High Court has found on the basis of entries on record and the admitted position of the parties before it, that Diploma in Gynaecology Course being conducted in Maharani Laxmi Bai Medical College, Jhansi was not a course recognised by Medical Council of India and that at the time of counselling when a seat in Diploma in Gynaecology in the said College was offered to the respondent, who opted for it, she was not made aware of the position that the course was not a recognised course. It is also admitted that neither in the brochure nor in the prospectus was it disclosed by the appellants that the Diploma in Gynaecology in that College was not a course recognised by the Medical Council of India. The respondent was apparently misled. It did not behave the appellants to have kept back such vital information from the student seeking admission to the diploma course in the medical college. It was not only concealment of such a material fact in the brochure and the prospectus but, even at the time of counselling admittedly information was not imparted to the candidates. The High Court under the circumstances was justified in allowing the writ petition in the following terms :

The writ petition is allowed and the opposite parties, particularly opposite party No. 2 is directed by a writ of mandamus to offer a course of speciality in either of the medical colleges as courses as disclosed by her in her representations dated 20.06.1994 and 10.09.1994 contained in annexures-6 and 8 respectively, to the

writ petition within a period of one month from the date of service of a copy of this order.

2. In view of the admitted fact situation, we see no reason to interfere. This appeal, therefore, fails and is dismissed with costs.