

C.A.No. 5358 OF 2001  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5358 OF 2001

Rajiv Gandhi Univ. of Health Science

...

Appellant

VERSUS

Vasudha B. Rao & Ors..

...

RESPONDENTS

WITH

CIVIL APPEAL NOS. 5359-5364/2001

O R D E R

Students of 1st year M.B.B.S. for the year 1996-1997 in different colleges affiliated to the appellant University filed writ petitions in the High Court claiming that the Ordinance of the University regarding award of grace marks is contrary to the regulations framed by the Medical Council of India and was applied to them. It was contended that such action is contrary to decisions of this Court. The learned Single Judge having dismissed the petitions, writ appeals were preferred. The Division Bench of the High Court allowed the appeals and their writ petitions holding that it was impermissible for the

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University to frame regulations contrary to the regulations of the Medical Council of India. The defence of the University that in the previous litigation this Court had directed to examine the case of the students with reference to ordinance of the University framed on the advice of a Committee. However, Medical Council of India framed regulations subsequently. The appellant followed the writ issued in the earlier proceedings.

A Division Bench of the High Court following the decisions of this Court in M.C.I. Vs. State of Karnataka & Ors. AIR 1998 SC 2423 held that regulations of MCI will prevail not the ordinance of the University and reversed the decision of the learned Single Judge in writ petitions. Allowing the writ petitions the Division Bench directed the University to follow MCI regulations in awarding grace marks.

This proceeding relates to the year 1998 and we are now in 2003. Well over five years have passed and the concerned students must have completed their studies by now. In view of

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this circumstance it is unnecessary to examine the various questions raised in these appeals and the same shall stand dismissed keeping open the question of law.

.....J

( S. RAJENDRA BABU )

.....J.  
( G.P. MATHUR )  
New Delhi,  
August 28, 2003.

ITEM No.107                      Court No.2                      SECTION-IVA

S U P R E M E   C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

CIVIL APPEAL NO.5358/2001

Rajiv Gandhi Univ. of Health Science                      Appellants(s)

VERSUS

Vasudha B. Rao & Ors.                      Respondent (s)  
(With prayer for interim relief)  
With C.A. Nos.5359-5364/2001

Date : 28.8.2003: These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant (s)/Mr.S.N. Bhat, Adv.

Respondent(s)

Mr. Maninder Singh, Adv.

Mrs. Lalita Kaushik, Adv.

Mr. Sanjay R. Hegde, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The appeals stand dismissed in terms of the signed order.  
(Meenu Sethi)                      (Om Prakash)  
Court Master                      Court Master