

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

RECORD OF PROCEEDINGS

CIVIL APPEAL No. 202/1999@@
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Patil Om Prakash

Appellant (s)

VERSUS

Gulbarga University & Ors.

Respondent(s)

With C.A. No. 7084/2000(With appln.for permission to@@
AA
submit addl. documents)@@
AA

Date : 28.08.2002 This appeal was called on for hearing today.@@
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CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK@@
AA
HON'BLE MR. JUSTICE DORAISWAMY RAJU@@
AA
HON'BLE MR. JUSTICE S.N. VARIAVA@@
AA

For Appellant (s) Ms. Kiran Suri,Adv.

For Respondent (s) M/s. Maninder Singh,A.Mariarputham,
Mrs. Pratibha M.Singh,Ms.K.Wadia &
Mr. Ankur Talwar,Advs.

Mr. Sanjay R. Hegde,Adv.

UPON hearing counsel the Court made the following

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Heard the learned counsel for the parties for ten
minutes.
C.A. No. 202/99: The appeal is dismissed as@@
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infructuous in terms of signed order.
C.A. No. 7084/2000: The appeal is disposed of in@@
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terms of signed order.

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Court Master

Assistant Registrar@@

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Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.202/1999@@

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Patil Om Prakash

....Appellant(s)

Vs.

Gulbarga University & Ors.

....Respondent(s)

WITH C.A. No. 7084/2000@@

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C.A.No.202/1999: This appeal has become infructuous@@

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inasmuch as the appellant has completed his three years course in the Post Graduate Degree in Pediatrics from Gulbarga University, and thereafter has appeared at the test and has been successful therein. The appeal is accordingly dismissed as infructuous.

C.A.No.7084/2000: The appellant was an inservice@@

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candidate, and on being selected by the State Government, had been admitted to the Post Graduate Course in Orthopaedics in Gulbarga University for the academic session 1995-96. Under the University Regulation, the Post Graduate Course having been made for a period of three years, and that Regulation having been amended pursuant to a judgment of this Court, the appellant had challenged the aforesaid regulation, inter-alia, on the ground that though in the State of Karnataka there are four Universities, and three other Universities have not amended the Regulation, the amended Regulation works out with

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hostile discrimination to the appellant, particularly when the allotment of University is made by the State Government. The High Court by the impugned judgment, however, was not persuaded to accept this contention of the appellant, and thus the judgment of the High Court is under challenge in this appeal. The counsel, however, states that while the matter was pending before the High Court, the High Court permitted the appellant to appear at the examination after completion of two and half years of the course and subsequent to the taking of the examination, the appellant has also completed another six months, and thus has completed the entire period of three years of the Post Graduate Course. The result, however, has

not been declared inasmuch as the appellant was permitted to appear at the examination before completion of three years in accordance with the provisions of the Regulation of the University. Notwithstanding the fact that the appellant was not entitled to appear at the examination before completion of three years in accordance with the provisions of the Regulation of the University, he having been allowed by the Court to take the examination after completion of two and half years, and subsequent thereto he having completed the another six months, and thus in all the full period of three years, which is not disputed before us either by the State or the University, there has been a substantial compliance with the provisions of the Regulation. In the circumstances, we direct that the result of the examination, which the appellant has

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taken, be declared.

The appeal is disposed of accordingly.

It is stated to us that Gulbarga University is no longer for the medical course and the Rajeev Gandhi University, which is the successor University for Gulbarga University so far as the medical education is concerned. The said University would do well in declaring the result of the appellant.

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.....J.
(G.B. PATTANAIAK)@@
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(DORAISWAMY RAJU)@@
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NEW DELHI,
August 28, 2002

.....J.
(S.N. VARIAVA)@@
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