

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 8901 /2015
(Arising out of SLP(C) No. 14095/2013)

SONIA SHARMA

PETITIONER(S)

VERSUS

GOVERNMENT MEDICAL COLLEGE,
SECTOR-32, CHANDIGARH & ORS.

RESPONDENT(S)

WITH
CIVIL APPEAL NO(S).8902/2015
(Arising out of SLP(C) No. 14858/2013)

WITH
CIVIL APPEAL NO(S).8903/2015
(Arising out of SLP(C) No. 15422/2013)

O R D E R

Leave granted.

We have heard the learned counsel for the parties finally. The appellant- Ms. Sonia Sharma belongs to differently abled category, whereas the other two appellants namely Ms. Karuna and Mr. Vikram Singh belong to Scheduled Caste category. They were given admission by the respondent-college in MBBS Course. Much after the said admission given, the Medical Council of India clarified that even in respect of those who belong to Schedule Caste category or differently abled category, there is requirement of obtaining minimum 40% and 45% marks respectively in the entrance examination. On this ground, almost one year after the admission was given to these appellants their admission was cancelled and the said cancellation order is upheld by the High Court dismissing the writ petition of these appellants.

In these proceedings, an interim order was passed directing the respondents to allow the appellants to continue their studies

in the MBBS Course. No doubt, it was also mentioned that in case the appellants ultimately fail they could not claim equity on the basis of such interim order.

However, because of certain peculiar facts which have emerged in these cases, we are of the opinion that the appellants should be allowed to complete the MBBS Course. These are:

- 1) There was no fault of the appellants when respondent no. 1-college had admitted the appellants fully knowing that the appellants have not secured 40% and 45% marks in the entrance examination, under the impression that relaxed standards were applicable in their case.
- 2) The Medical Council of India's clarification came 9½ months after the admission was granted to the appellants. The appellants had challenged the order and during the pendency of the writ petition they were allowed to continue their studies.
- 3) By interim order of this Court also the appellants are pursuing MBBS Course. We are informed that they are about to complete four years of MBBS course as they have already appeared in the final examination of fourth year and only one year course remains.
- 4) As aforesaid they belong to differently abled/reserved category and the mistake was committed by the respondent no. 1-college bona fide believing that the relaxed standards of admission are applicable in their case.

In view of the aforesaid, we allow these appeals with the direction to continue the appellants in the MBBS Course who were admitted by the respondent no.1-college. We, however, make it clear that this order shall not be treated as a precedent.

.....J.
[A.K. SIKRI]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
OCTOBER 26, 2015

ITEM NO.59

COURT NO.14

SECTION IVB

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

Petition(s) for Special Leave to Appeal (C) No(s). 14095/2013
(Arising out of impugned final judgment and order dated 19/03/2013
in LPA No. 2147/2012,19/03/2013 in CWP No. 7969/2012 passed by the
High Court of Punjab & Haryana at Chandigarh)

SONIA SHARMA

Petitioner(s)

VERSUS

GOVT. MEDICAL COLLEGE, SEC,32 CH. & ORS.

Respondent(s)

(with interim relief and office report)

WITH

SLP(C) No. 14858/2013

(With Interim Relief and Office Report)

SLP(C) No. 15422/2013

(With Interim Relief and Office Report)

Date : 26/10/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. B.B. Bagga, Adv.
Mr. Yash Pal Dhingra, Adv.Mr. Aman Arora, Adv.
Ms. Arti Arora, Adv.
Mr. Tushar Bakshi, Adv.Mr. Harsh Aggarwal, Adv.
Mr. Dinesh Verma, Adv.
Mr. Subhasish Bhowmick, Adv.

For Respondent(s)

Mr. Gaurav Sharma, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.Ms. Vimla Sinha, Adv.
Mr. Gopal Singh, Adv.In SLP(c) No.
14858/13

Mr. Amit Kumar, Adv.

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

Leave granted.

The civil appeals are allowed in terms of the signed
order.

Interlocutory application(s) pending, if any, shall
stand disposed of accordingly.

(Ashwani Thakur)
COURT MASTER

(Renu Diwan)
COURT MASTER

(Signed order is placed on the file)