

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 8152-8155 OF 2012  
(Arising out of SLP(C) No(s). 17122-17125 of 2010)

NARASIMHA MURTHY D.R.& ORS.

Appellants

VERSUS

UNDER SECRETARY, DEPARTMENT OF  
HEALTH AND FAMILY WELFARE & ORS.

Respondents

WITH

Civil Appeal No(s). 8156-8159 of 2012  
(@ SLP(C) Nos.17153-17156/2010)

WITH

W.P. (C) No. 339/2011

O R D E R

1. Leave granted.

2. These appeals are directed against the judgment and order passed by the High Court of Karnataka in Writ Appeal Nos.1922-23/2010, connected with Writ Appeal No. 1924/2010, and Writ Appeal No. 1934/2010 dated 31.05.2010 and 01.06.2010.

3. Insofar as Writ Petition (C) No. 339 of 2011, petitioners Dr. Ramesh V. and Anr., have filed this Article 32 petition, inter alia, calling in question the vires of sub-Rule 2, Rule 3 of the Karnataka Civil Services (Absorption of Doctors Appointed on Contract Basis in Karnataka Directorate of Health and Family Welfare Services) (Special) Rules 2006 (for brevity "Rules 2006").

4. The appellants in these appeals were employed, at the relevant point of time, in the Department of Directorate of Health Services on contractual basis. They had appeared in the examination held for admissions to the post-graduate courses (P.G.C.E.T) in the month of January, 2010 for the academic year 2010-11. At this stage, it is relevant to note that the duration of the post-graduate diploma course is two years and post-graduate degree course is of three years. They were successful in their examination and were offered the course of their choice by the University and other authorities. However, some of the Doctors, who did not secure admission for the academic year 2010-11, had approached the Writ Court, inter alia, questioning their non-selection and admission of the appellants to the Post Graduate diploma/degree course and they had succeeded before the learned Single Judge. Aggrieved by the same, the appellants-herein had carried the matter further by filing an appeal before a Division Bench of the High Court. The High Court, on re-appreciation of the contentions canvassed by the learned counsel for the parties, had set aside the order passed by the learned Single Judge with certain directions. Aggrieved by the order so passed, the appellants have approached this Court in these appeals.

5. After notice to the parties, and after hearing their learned counsels, this Court vide its order dated 28.06.2010, had granted an ad-interim order of stay of the judgment and order passed by the Division Bench of the High Court in the aforesaid Writ Appeals. It is in furtherance of the said order the Appellants, who are admitted in for the

academic year 2010-11, continue to prosecute their studies in the courses of their choice.

6. These appeals were before us about an year back. However, the hearing could not be completed for the various reasons to which we do not intend to advert to. After a lull, the matters have been posted once again before this Court for further hearing.

7. Today, Shri Gupta, learned Senior Counsel, appearing for the appellants, submits that insofar as the Doctors who were admitted to the Post Graduate Diploma courses, have completed their course and insofar as the Doctors who were admitted to Post Graduate Degree course, will be taking their examination in March, 2013 and, therefore, submits that at this stage this Court should maintain the interim order dated 28.06.2010 passed by this Court and protect these students from being disturbed in prosecuting their studies and if they have completed the course, not to disturb the degrees which they have acquired from the University.

8. Smt. Indu Malhotra, learned Senior Counsel for the contesting respondents would submit that they were prosecuting their writ petitions most diligently and because of the so-called failure of the system, the respondents should not be deprived of their rightful claim. Further, the learned counsel would submit that if this Court intends to grant any relief to the appellants, this Court should mould the relief insofar as the private respondents are concerned and direct the University and its functionaries to reserve two seats in favour of Dr. K.S. Suma and Dr. Raghu Gokhale at least for the next academic year.

9. We have given our thoughtful consideration to the arguments advanced by both the learned senior counsels for the parties. In our opinion, insofar as the second request that is made by Smt. Indu Malhotra is concerned, the same cannot be accepted by us. If the same is done, we would be depriving two students from getting seats of their choice in different medical colleges in the next academic year.

10. Insofar as the first submission is concerned, we intend to say that though the appellants did not succeed before the Division Bench of the High Court, this Court, by an ad-interim order, permitted the appellants to prosecute their studies in the courses of their choice. Since they have practically completed the course in which they were/are prosecuting studies, it may not be proper for us at this stage either to disturb their studies or if they have already completed, to direct the University to withdraw the degree certificate/(s) that has been given to them.

11. In these peculiar facts and circumstances of this case, without going into the merits or demerits of the case pleaded by both the learned senior counsels, we dispose of these appeals with a direction that the admissions of these appellants, pursuant to their selection process by the University shall not be disturbed and they would be allowed to complete their course if all other conditions are satisfied.

12. We make it clear that this order shall not be treated as a precedent in any other case.

13. In view of the disposal of the appeals, in our opinion, nothing survives for our consideration and decision in Writ Petition (C) No. 339 of 2011. Accordingly, the writ petition is disposed of as having become infructuous.

.....J.  
(H.L. DATTU)

.....J.  
(CHANDRAMAULI KR. PRASAD)

NEW DELHI  
NOVEMBER 08, 2012

ITEM NO.3

COURT NO.7

SECTION IVA

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

Petition(s) for Special Leave to Appeal (Civil) No(s).17122-17125/2010

(From the judgement and order(s) in WA No. 1922/2010 dated 31-MAY-10 and WA No. 1923/2010 dated 31-MAY-10 and WA No. 1924/2010 dated 31-MAY-10 and WA No. 1934/2010 dated 31-MAY-10 and WA No. 1922/2010 dated 01-JUN-10 and WA No. 1923/2010 dated 01-JUN-10 and WA No. 1924/2010 dated 01-JUN-10 and WA No. 1934/2010 dated 01-JUN-10 of The HIGH COURT OF KARNATAKA AT BANGALORE)

NARASIMHA MURTHY D.R.& ORS.

Petitioner(s)

VERSUS

UNDER SEC.DEPT.OF HEAL.&FAML.WELF.& ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., vacating stay, permission to file additional documents and prayer for interim relief) (For final disposal)

WITH SLP(C) NO. 16323-16336 of 2011

(With appln(s) for deletion of proforma respondents and with prayer for interim relief and office report)

SLP(C) NO. 16350-16357 of 2011

(With appln(s) for deletion of proforma respondents and with prayer for interim relief and office report)

SLP(C) NO. 17153-17156 of 2010

(With prayer for interim relief and office report)

W.P(C) NO. 339 of 2011

(With appln(s) for directions, exemption from filing O.T., stay, permission to file additional documents and office report)

SLP(C) NO. 35478-35507 of 2011

(With prayer for interim relief and office report)

SLP(C) NO. 35769-35798 of 2011

(With prayer for interim relief and office report)

(For final disposal)

W.P(C) NO. 521 of 2011

(With office report)

SLP(C) NO. 24429-24458/2012

(With prayer for interim relief and office report)

Date: 08/11/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s)

Mr. Sunil Gupta, Sr. Adv.

SLP(C) 17122-25/2010

Mr. E.C. Vidya Sagar, Adv.

Ms. Kheyali Sarkar, Adv.

Mr. Lakshmi Raman Singh

M/S.Mahalakshmi Balaji & Co.

SLP(C) 16323-36/2011

Mr. Sharanagouda Patil, Adv.

& 16350-57/2011

Mr. Ashok Kumar Gupta II, Adv.

SLP(C) 17122-25/2010, Ms. Uttara Babbar, Adv.

17153-56/2010, 35769-98/2010

W.P.(C) 339/2011 Mr. Sharanagouda Patil, Adv.  
Mr. Shirish K. Deshpande, Adv.  
Mr. Nachiketa Joshi, Adv.

SLP(C) 24429-58/2012 Mr. Balaji Srinivasan, Adv.  
Mr. Jaikriti Singh Jadeja, Adv.

For Respondent(s) Ms. Indu Malhotra, Sr. Adv.  
SLP(C) 17122-25/10 Ms. Mahalakshmi Pavani, Adv.  
Mr. G. Balaji, Adv.  
Mr. Mukesh Kumar Singh, Adv.  
Ms. Namrata Sood, Adv.  
Mr. Kush Chaturvedi, Adv.  
M/s. Mahalakshmi Balaji & Co.

SLP 17122-25/2010, Mr. S.N. Bhat, Adv.  
16350-57/2011 & Mr. D.P. Chaturvedi, Adv.  
24429-58/2012

SLP(C) 17122-25/2010 Ms. Anitha Shenoy, Adv.  
St. of Karnataka

Mr. V.N. Raghupathy, Adv.

SLP(C) 24429-58/2012 Mr. K. Parmeshwar, Adv.  
Mr. Vinay Kumar, Adv.

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

SLP(C) Nos.17122-17125/2010 & SLP(C) Nos.17153-17156/2010 & W.P. (C)  
No. 339/2011

Leave granted.

The appeals are disposed of in terms of the signed order.

Writ Petition (C) No. 339/2011 is also disposed of in terms  
of the signed order.

SLP(C) Nos. 16323-16336/2011 & SLP(C) Nos. 16350-16357/2011

Sh. Sharanagouda Patil, learned counsel for the  
petitioners, on instructions, would submit that the petitioners in  
this batch of special leave petitions have got admissions for  
prosecuting their post-graduate studies for the academic year 2012-  
2013. In view of that, he submits that he may be permitted to  
withdraw these special leave petitions. Permission sought for is  
granted.

The special leave petitions are disposed of as withdrawn.

SLP(C) No. 24429-24458 of 2012

Mr K. Parmeswar, learned counsel intends to file his

Vakalatnama for some of the respondents in these special leave petitions. For that purpose, he seeks a week's time only. Further, he requires three weeks' time for filing counter affidavit.

The request of the learned counsel is granted.

List all the matters on 13.12.2012.

(NAVEEN KUMAR)  
COURT MASTER

(VINOD KULVI)  
COURT MASTER

(Signed order is placed on the file)