

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5518-5519 OF 2008

(@SPECIAL LEAVE PETITION (CIVIL)NOS.17990-17991 OF 2008)

MONIKA RANKA & ORS.

Appellant(s)

VERSUS

MEDICAL COUNCIL OF INDIA & ORS.

Respondent(s)

WITH

CIVIL APEAL NOS.5520-5521 OF 2008

(@ SLP(C)NOS.17995-17996 OF 2008)

O R D E R

No orders on the application for impleadment and deletion of the name of respondent.

Exemption from filing O.T. is allowed.

Leave granted.

The appellants in these appeals are admitted into the 1<sup>st</sup> year M.B.B.S.Course in 2006-2007 in R.D.Gardi Medical College, Ujjain. The appellants have joined the said course and have appeared for the 1<sup>st</sup> year M.B.B.S.Course examination. Meanwhile, the Medical Council of India has sought information from the college regarding the eligibility of the students admitted to this course and it was found that about 20 students who had scored 50% and above marks in the 10+2 examination had not secured 50% marks in the entrance examination conducted by the Association of Private Dental and Medical Colleges of Madhya Pradesh. The appellants herein

contended that they

were under the impression that they had acquired the requisite marks and the marks secured by them in the entrance examination were not made known to them at the time of admission and, therefore, they are not to be blamed for the irregular admission, if any, had taken place. The High Court considered this aspect and held that the admission of these students was illegal and irregular and their studies were directed to be terminated. Aggrieved by the same, the present appeals were filed.

Heard learned senior counsel for the appellants and learned Additional Solicitor General for Medical Council of India.

In the Regulation published it was stated that the candidates should have secured more than 50% marks in the entrance examination. There is nothing on record to show that these appellants were informed of the marks secured by them in the entrance examination. As these appellants have already completed one year of their course, equities are in favour of the appellants. But however, we maintain the judgment of the High Court, as regards the principle laid down, but we direct that these appellants may be allowed to continue their M.B.B.S.Course as a special case and their results of the 1<sup>st</sup> year M.B.B.S.Course may also be declared so that they may continue with their studies.

The management of the R.D.Gardi Medical college was not justified in giving admission to these students. Certainly, they must be aware of the fact that the candidates should have secured at least 50% marks in the entrance examination but the

learned senior counsel appearing for the college says that they were not aware of the marks secured by these candidates as the entrance examination was held by a different association as the marks were not furnished to them by the association. However, as the admission is found to be irregular, equal number of students shall be reduced from the management quota for the year 2009–10.

The appeals are disposed of accordingly. No costs.

.....CJI.  
(K.G. BALAKRISHNAN)

.....J.  
(P. SATHASIVAM)

.....J.  
(J.M. PANCHAL)

NEW DELHI;  
4TH SEPTEMBER, 2008.