

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.8019-8022_OF 2010
(Arising out of SLP(C) Nos.19631-19634 of 2009)

INDEX MEDICAL COLLEGE HOSPITAL AND
RESEARCH CENTRE

..APPELLANT

VERSUS

ADMISSION & FEE REGULATORY COMMITTEE & ORS.

..RESPONDENTS

O R D E R

Leave granted. Heard.

2. Respondents 4 to 6 in the first appeal and respondents 3 to 5 in the second appeal and respondents 3 and 4 in the third appeal and respondents 3 and 4 in the fourth appeal were admitted to the appellant-College for MBBS Course for the academic session 2008-2009. They were admitted to the Course before the last date of admission as extended by this Court. Their admission was cancelled by the appellant without giving a hearing. Feeling aggrieved, the ten students filed a complaint before the Admission & Fee Regulatory committee. The Committee made an order dated 12.1.2009 holding that the admission of the said ten students ought not to have been cancelled. It deprecated the cancellation

2

without giving an opportunity to the students. The Committee therefore directed that they should be admitted for the academic session 2009-2010 with a fee waiver of Rs.50,000/- by way of compensation for one year loss.

3. Being aggrieved by that part of the direction that they will be entitled to admission for academic

session 2009-2010 instead of 2008-2009, the ten students approached High Court by filing the four writ petitions. The said four petitions were allowed in part by the impugned order dated 15.5.2009. The High Court has held that the ten students should be treated as having been admitted for the academic session 2008-09 instead of 2009-10. The High Court did not interfere with the other observations/directions of the Admission & Fee Regulatory Committee. The said order is challenged by the Medical College in these four appeals by special leave.

4. One of the contentions urged by the appellant was that ten students were permitted to attend the college in regard to academic session 2008-09 but as they did not have sufficient attendance and, therefore, they could not be permitted to take the examination. Be that as it may.

3

5. After the matter was argued for some time, the parties (the College and the students) agreed for the disposal of these appeals on the following terms:

(a) Deepak Kumar Soni (Respondent No.3 in Civil Appeal No. 8021/2010), Rajiv Kumar Sharma (Respondent No.4 in Civil Appeal No. 8022/2010) and Deepak Kumar (Respondent No.5 in Civil Appeal No. 8019/2010), shall be admitted by the College for the MBBS Course - academic session 2010-11. For this purpose the said three students shall appear before the Admission & Fee Regulatory Committee before 22nd September, 2010 so that they can be adjusted against admissions for 2010-11. The said three students will also be entitled to adjustment of Rs.50,000/- (awarded as compensation) and adjustment of the fee already paid for the

academic session 2008-09, towards the fee payable by them for the academic session 2010-11.

(b) Three other students, namely, Abhishek Kumar (Respondent No.5 in Civil Appeal No. 8020/2010), Rohit Prasad Jaiswal (Respondent No.4 in Civil Appeal No. 8019/2010) and Satish Kumar (Respondent No.6 in Civil Appeal No. 8019/2010), are no longer interested in taking up admission in the appellant College for 2010-11 session. They have already taken up or will

4

be taking up admission in other institutions.

Therefore, the appellant-college shall refund the sum of Rs.3,16,000/- that has been paid by each of the three of them towards the fee for the academic session 2008-09 within one month alongwith all the original documents which had been submitted by the students.

The said three students will also be entitled to Rs.20,000/- each as compensation instead of Rs. 50,000/- awarded by the Committee.

6. In so far as the other four students, namely, Narendra Mohan and Syuresh Birla (Respondent Nos. 3 and 4 in Civil Appeal No. 8020/2010), Sumit Kumar Singhi (Respondent No.4 in Civil Appeal No. 8021/2010) and Harendra Pratap Tomar (Respondent No.3 in Civil Appeal No. 8022/2010), the appellant College submitted that they have withdrawn their request for admission and are no longer interested in admission in appellant College and consequently the appellant was not pressing the appeals in regard to those four students.

7. The appeals are disposed of in terms of Paras 5(a) and (b) and Para 6 above.

.....J.
5

[R.V. RAVEENDRAN]

.....J.
[H.L. GOKHALE]

NEW DELHI
DATED SEPTEMBER 14, 2010.