

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).454/2009

(From the judgement and order dated 17/06/2008 in  
of The HIGH COURT OF M.P AT JABALPUR)

WP No. 13504/2007

JAGAT BAHADUR

Petitioner(s)

VERSUS

STATE OF M.P. & ORS.

Respondent(s)

(With appln(s) for permission to file rejoinder affidavit, interim  
relief/directions, prayer for interim relief and office report)  
(For final disposal)

Date: 29/10/2010 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. A.K. Chitale, Sr. Adv.  
Mr. Niraj Sharma, Adv.  
Mr. Vikrant Singh Bais, Adv.

For Respondent(s) Mr. Saurabh Mishra, Adv.  
Mr. B.S. Banthia, Adv.

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

Leave granted.

Appeal is disposed of in terms of the signed  
order.

( Ravi P. Verma ) ( M.S. Negi )  
Court Master Court Master  
[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9595 OF 2010  
(Arising out of SLP (C) NO.454 OF 2009)

Jagat Bahadur

Appellant

Vs.

State of Madhya Pradesh & Ors.

Respondents

O R D E R

Leave granted.

2. The appellant was admitted to MBBS course in the Second Respondent College in February, 1998. The appellant claimed that he belongs to Hindu 'Bhil' community- a Schedule Tribe, and obtained the benefit of admission to a schedule tribe reservation seat. After the appellant completed the first year of the MBBS course, the second respondent college cancelled his admission by letter dated 4.6.2001 on the ground that the appellant had taken admission in MBBS course by producing a false certificate showing him as belonging to a Scheduled Tribe. The appellant filed a writ petition (W.P.No.1569 of 2001) in the High Court of Madhya Pradesh challenging the said order dated 4.6.2001 of the second respondent. The High Court by order dated 7.2.2002 allowed the writ petition and restored his admission with a direction to the respondents to hold an enquiry regarding the caste status of the appellant. The appellant successfully completed the MBBS course. Thereafter, the appellant also completed one year internship. In the meantime, on the basis of an inquiry report, the High Level Screening Committee for caste verification, took a decision on 30.6.2005 that the appellant was not entitled to the benefits of persons belonging to a schedule tribe, as he was of Nepali origin and decided to cancel his caste certificate. As the appellant was not granted internship certificate, he filed another writ petition (WP No.2765/2005) in the High Court. The High Court by order dated 25.1.2006 directed the appellant to appear before the competent authority and submit his representation with a direction to the competent authority to dispose of his representation within three months. The appellant accordingly submitted his representation on which no order was passed. In the meanwhile, the second

respondent by order dated 30.4.2007, issued on the basis of the recommendation of the High Level Screening Committee, removed the appellant from the MBBS course. The appellant approached the High Court by filing WP No.3741/2006 challenging the order dated 30.6.2005 of the Screening Committee. He however withdrew the same with liberty to file a fresh petition and filed WP No.3710/2007 challenging the order on 30.4.2007 removing him from the MBBS course. On 13.7.2007, the High Court, by impugned order, dismissed the writ petition. The said order is challenged in this appeal by special leave.

3. After hearing, we are of the view that the appellant has not made out any case for interfering with the finding of the High Level Screening Committee which has been affirmed by the High Court.

4. However, in this case, the appellant who was admitted to the MBBS Course in 1998 has completed the course and has also completed the internship. In such circumstances, this Court in State of Maharashtra vs. Milind and others 2001 (1) SCC 4 and in Yogesh Ramchandra Naikwadi vs. State of Maharashtra & Ors. 2008 (5) SCC 652 had permitted the students concerned to retain the benefit of the professional course undergone by them subject to the condition that the candidate shall not henceforth claim any benefit of reservation in future. The appellant has filed an affidavit on 21.10.2010 undertaking not to claim any further benefit/ concession of reservation as belonging to a Hindu 'Bhil' (a Schedule Tribe) throughout his life and stating that he has reimbursed a sum of Rs.52,650/- to the college being the partial exemption of fee which had been extended to him when he was treated as a schedule tribe candidate. We record the said undertaking.

5. In view of the above, while upholding the decision of the Committee holding that appellant does not belong to a schedule tribe, we set aside the order of the High Court dated 13.7.2007 and quash the order dated 30.4.2007 removing the appellant from the MBBS course. We direct that the appellant's admission be regularized and his result be declared. He shall not be denied the benefit of the MBBS Course already undergone by him. But he will not be entitled to seek any benefit/concession of reservation in future either for further studies or for employment. It is also made clear that if the appellant has obtained any concession or benefit by way of reduction in fee or otherwise as a reserved candidate, he will have to reimburse the same by paying the difference, if not already paid. Appeal disposed of accordingly.

.....J.  
[R.V. RAVEENDRAN]

NEW DELHI  
OCTOBER 29, 2010

.....J.  
[A.K. PATNAIK]