

»CASE NO.:
Special Leave Petition (civil) 14409-14503 of 2000

PETITIONER:
MALLIKARJUNA MUDHAGAL NAGAPPA AND ORS.

RESPONDENT:
STATE OF KARNATAKA AND ORS.

DATE OF JUDGMENT: 04/09/2000

BENCH:
M. JAGANNADHA RAO & DORAISWAMY RAJU

JUDGMENT:
JUDGMENT

2000 Supp(3) SCR 102

The following Order of the Court was delivered :

The maximum intake of the institution is 30 students per section. The institution has two sections. The maximum number that can be admitted is 60. The petitioners before us are the extra 15 students who were admitted, the total being 75 students. In the High Court, the students and the institution had filed a joint writ petition and failed. Hence the 15 students also have filed the S.L.P.

We are not impressed by the fact that the students are before us challenging the orders of the department that they cannot be permitted to take the examination. If their admission was not valid and was beyond the permitted quota of 60, we cannot help the petitioners. Learned Single Judge and the Division Bench were absolutely right in applying the decision of this Court in *State of Punjab v. Renuka Singla*, AIR (1994) SC 59 (para 8) and *State of Maharashtra v. Vikas Sahebrao Roundale*, AIR (1992) SC 1926 and in declaring that this admission was illegal. The relevant passages of the above said judgments are as follows:

State of Punjab v. Renuka Singla, AIR 1994 SC 59.

"The admission in Medical Course throughout India is governed by different statutory provisions including regulations framed under different Acts. During last several years efforts have been made to regulate the admissions to the different medical institutions, in order to achieve academic excellence. But, at the same time, a counter attempt is also apparent and discernible, by which the candidates, who are not able to get admissions against the seats fixed by different statutory authorities, file writ applications and interim or final directions are given to admit such petitioners. We fail to appreciate as to how the High Court or this Court can be generous or liberal in issuing such directions which in substance amount to directing the authorities concerned to violate their own statutory rules and regulations in respect of admissions of students".

State of Maharashtra v. Vikas Sahebrao Roundale, AIR (1992) SC 1926.

"Slackening the standard and judicial fiat to control the mode of education and examining system are detrimental to the efficient management of the education. The directions to the appellants to disobey the law is subversive of the rule of law, a breeding source for indiscipline, The High Court, therefore, committed manifest error in law, in exercising its prerogative power conferred under Article 226 of the Constitution, directing the appellants to permit the students to appear for the examination etc.".

We respectfully agree with the view expressed in the above said judgments.

The Special Leave Petitions are dismissed accordingly.

JUDIS