

CASE NO.:
Appeal (civil) 255 of 2002

PETITIONER:
MABEL

Vs.

RESPONDENT:
STATE OF HARYANA & ORS.

DATE OF JUDGMENT: 29/07/2002

BENCH:
Syed Shah Mohammed Quadri & S.N.Variava.

JUDGMENT:

SYED SHAH MOHAMMED QUADRI, J.

The petitioner seeks review of our order dismissing S.L.P.(C) No.203 of 2002 in limine on January 21, 2002.

In the academic year 2000-2001 the petitioner took admission in B.D.S. in M.M. College of Dental Science and Research (Mollana) Ambala but subsequently she withdrew from the course. However, she appeared in the entrance examination of MBBS/BDS courses in Haryana for the academic year 2001-02 and secured 37th rank. According to her she was entitled to admission in MBBS course in the Rohtak Medical College, Rohtak. In view of clause 18 of the Information Brochure of Kurukshetra University, Haryana, for MBBS/BDS Entrance Examination (for short, 'the Information Brochure') she apprehended that she would not be considered for admission to the MBBS course so she filed writ petition (Civil Writ Petition No.11443 of 2001) challenging validity of clause 18 of the Information Brochure and seeking a mandamus to the respondents to permit her to compete for admission to MBBS course ignoring the said clause. By order dated November 8, 2001, the Division Bench of the High Court of Punjab and Haryana at Chandigarh upheld the validity of the said clause and negatived her claim for admission to MBBS course. She unsuccessfully challenged validity of the said order of the High Court in the aforementioned special leave petition which was dismissed by our order, now under review.

It is submitted by Mr.K.V.Viswanathan, the learned counsel for the petitioner, that clause 18 of the Information Brochure cannot be so interpreted as to debar her from seeking admission to the course for all time to come and if the order is not reviewed she would be precluded from seeking admission in the MBBS course forever which is an unintended punishment. Mr.Sanghi would contend that clause 18 bars a student who has taken admission in one course, to seek admission in another course.

It will be useful to refer to clause 18 which reads as under :

"18. The candidates already admitted in any Medical/Dental Colleges will not be considered eligible for admission to the Course."

A plain reading of the afore-mentioned clause shows that

a candidate who was already admitted in a medical or dental college would be ineligible for admission in the other course. The said clause at times will operate harshly as in the case of the petitioner but it is meant to ensure that a candidate who has already secured admission should not abandon the studies after the commencement of that course to seek admission in another course which is in public interest, for otherwise it would result in the wastage of the seat in the course in which he has taken admission and further such a change would deprive another eligible candidate from seeking admission to the other course. Obviously, the intention of the concerned authority in framing clause 18 appears to be to ensure that a candidate who has already secured admission with his free will in any course (MBBS or BDS) should complete that course and should not change his mind in midstream. It, therefore, follows that the bar is intended to be operative during the period of the course in which a candidate has taken admission. After completing that course or in the event of abandoning the course (MBBS/BDS) and not studying for the normal period (4 years/5 years as the case may be) the candidate would become eligible after the end of such period of the course to seek admission in the course of his choice provided other conditions of admission are satisfied. In other words, the bar under clause 18 in this case will cease after the BDS course for the academic year 2000-2001, in which the petitioner has taken admission comes to an end after 5 years. In the light of the above observations the petitioner will be free to seek admission in the course of her choice after the end of the BDS course which commenced in 2000-2001.

We dispose of the review petition accordingly. No Costs.