

PETITIONER:
SANJAY AHLAWAT

Vs.

RESPONDENT:
M.D. UNIVERSITY & ORS.

DATE OF JUDGMENT 24/11/1994

BENCH:
SEN, S.C. (J)
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SEN, S.C. (J)
JEEVAN REDDY, B.P. (J)

CITATION:
1995 SCC (2) 762 JT 1995 (1) 26
1994 SCALE (4) 1115

ACT:

HEADNOTE:

JUDGMENT:

SEN, J.:

1. Special leave granted.
2. Sanjay Ahlawat, the appellant herein, has challenged the validity of clause 3(i) of Chapter IV of the Prospectus for M.D./M.S./P.G. Diploma Entrance Examination, 1993 of Maharishi Dayananda University/ Rohtak, on the allegation that the procedure for selection and admission of students to the Post-Graduate Medical Course is arbitrary and discriminatory.
3. A written examination is held for the purpose of selection of candidates to the Post-Graduate Medical Course. The merit list of the candidates is prepared in the following manner:-

"3. Determination merit.

(i) Weightage for Graduate of
Medical College, Rohtak 10
Marks

OR

Candidates who are residents/
domicile of Haryana but have
passed their MBBS for Medical
College outside Haryana provided
the Medical college is recognised
by the M.C.I. and where admission
was secured on the basis of open
competitive test 5 Marks.
(ii) Written Examination 90 Marks"

4. Apart from the institute at Rohtak, there is no other Medical College in the State of Haryana. Out of the total number of 94 seats available for admission to the Post-Graduate Courses, 24 Seats are reserved for students selected on all India basis. The remaining 70 seats are allotted on the basis of the examination conducted for this purpose. Maharishi Dayanand University allows 10 extra marks to the candidates who have graduated from the Medical

College at Rohtak. The medical graduates of other universities are at a disadvantage because of this rule.

5. Sanjay Ahlawat appeared in the entrance test conducted by the Maharishi Dayanand University for admission to M.D/M.S/P.G. Diploma/M.D.S. Course for the year 1993. He was placed at Sr. No. 76 in the merit list. He was asked to exercise his choice regarding the courses and

28

subjects available on the basis of his position in the merit list. He was given admission to DOMS, course on the basis of the option exercised by him at the time of interview.

6. The appellant's grievance is that Anupma Huda, Ashwani Kumar and Rajnish gupta, being respondents Nos, 3, 4 and 5, were placed in the merit list at Nos. 16, 17 and 38 respectively. The appellant was given 33 marks and placed at No. 76 in the merit list. The respondent No. 3 secured 41 marks, respondent No. 4 secured 42.75 marks and respondent No. 5 secured 40.75 marks, after being given weightage of 10 marks. If the weightage is taken away, the marks secured by them would come to less than 33. The grant of 10 marks to the locally qualified students virtually amounts to shutting the doors of admission to Post-graduate Medical Courses to the students who have qualified from other Universities. There is no chance of getting admission to Maharishi Dayanand Medical College in M.S/MD. Course.

7. It has been stated by the Registrar of Maharishi Dayanand University, Rohtak, in his counter-affidavit to the Special Leave Petition, that the admissions are made strictly on the basis of merit. There is a rule for granting weightage of 10 marks to the candidates, who are graduates of Medical College, Rohtak. The main reason for this rule is that there is only one Medical College in the entire State of Haryana. There is shortage of doctors, in particular specialist doctors in Haryana. The number of doctors employed in the government Health Services is 1606 even though the sanctioned strength is 1961. Out of total strength of 588 Specialist Doctors, only 342 posts have been filled up. Therefore, some preference has to be given to the local graduates, so that they may qualify and serve the State. The weightage, that is given to the products of the local College, is mainly for the reasons stated hereinabove.

8. It has been most emphatically denied that granting 10 additional marks to 'the local graduates has, in fact, ensured 100% reservation for the State.' A list of successful candidates who have graduated from institutions other than Rohtak Medical College, has been given for the sessions commencing in 1992, 1993 and 1994. A list has also been given of candidates, who has graduated from other institutions and had qualified for admission on the basis of the test held, but did not opt for any Pg. Course and did not appear in the interview for the session commencing in 1994 for reasons of their own.

9. The validity of clause 3(i) of Chapter IV of the Prospectus for Admission to M.D./M.S./P.g. Diploma Entrance Examination, 1993 had been challenged earlier in the cases of Dr. Sanjeev gaur v. M.D.University Rohtak. (Civil Writ Petition No. 10818 of 1992) and also in the case of Dr. Manoj kumar v.M.D. University Rohtak (C.W.P. No. 8503 of 1993). In both those cases, the validity of clause 3(i) was upheld. Manoj Kumar had approached the Supreme Court by filing S.L.P. No. (C) 14185 of 1993, which was dismissed by a Bench comprising of the Hon'ble the Chief Justice of India and Mr. Justice S. Mohan on 26.10.93.

10. The appellant has been unable to establish that the

system of awarding 10 extra marks to the graduates of the only

29

local Medical College for admission to the Post-Graduate Medical Courses in the State of Haryana, is in any way discriminatory and violates Article 14 of the Constitution of India. It has been explained on behalf of the respondents that the extra marks are awarded to the local medical graduates for the purpose of ensuring that medical facility in the State is not impaired in any way because of dearth of doctors. It is expected that the residents of Haryana, after obtaining Medical Degrees, will remain in Haryana and their services will be available to the people of the State. This distinction, in our view, cannot be regarded as arbitrary and discriminatory having regard to the object stated in the counter affidavit.

11. Strong reliance was placed by the appellant on the case of *Nidamarti Mahesh Kumar v. State of Maharashtra and others*, (1986) 2 SCC 534. In that case, Rule B(2) framed by the State Government on December 21, 1984 for admission of Students to the MBBS Course was under challenge. Rule B(2) provided:-

"Students who have passed HSC (10+2) 12th standard examination of the Maharashtra State Board of Secondary and Higher Secondary Education from Schools/Colleges situated within the jurisdiction of one university are not eligible for admission to medical college or colleges situated in the jurisdiction of another university. The seats at the Government Medical Colleges in Maharashtra State except those earmarked for nominees of the Government of India and nominees of Miraj Medical Center and these mentioned in Rule D(4) below are reserved for the students of the respective university area."

12. As a result of this rule, Medical Colleges were classified region-wise and a student of a school or college situated within the jurisdiction of a particular university could not seek admission to a Medical College situated within the jurisdiction of any other university. It was held on the basis of the Judgment of this Court in the case of *Pradeep Jain v. Union of India*, (1984) 3 SCC 654, that the State could depart from the principle of selection based on merit on the basis of two grounds: (1) State interest in providing adequate medical service to the people of the state by imparting medical education to students who by reason of their residence in the State would be likely to settle down and serve the people of the State as Doctors. (2) Backwardness of a particular region. The Court held that it was not possible to categorise the region within the jurisdiction of the various universities as backward and, in any event, no material was placed before the Court which could persuade the Court to reach that conclusion. As a result of the region-wise classification, a student from one region could not get admission to the Medical Colleges of another region, though he might have done much better than the students of the other region. In that view of this, Rule B(2) framed by the State Government for admission into Medical Colleges in the State, was struck down.

13. But, in the instant case, no reservation has been made for the boys graduating from Maharishi Dayanand Medical College at all. The students from other universities may apply for admission. This rule is that local boys graduating from Medical Colleges outside Haryana will be allotted 5

additional marks and the graduates of Medical Colleges, Rohtak, will be allotted 10 additional marks in the selection test. There is no reservation of

30

seats college-wise or university-wise. But some preference is given to candidates, based on domicile in Haryana or education at the only Medical College at Haryana. This does not have the effect of shutting the doors of admission to the outstation boys. In fact, a number of candidates who have graduated from other medical colleges have been admitted to the post graduate medical course of the Maharishi Dayanand University. The appellant himself has been admitted in the D.O.M.S. Course according to the option exercised by him.

14. The appeal, therefore, is dismissed. There will be no order as to costs.