

A ASHEESH PRATAP SINGH AND ORS.  
v.  
UNION OF INDIA & ORS.

MARCH 11, 2002

B [S. RAJENDRA BABU AND RUMA PAL. JJ.]

*Education*

C *Medical college—Lack of adequate facilities as per standards fixed in the Establishment of New Medical colleges, Opening of Higher Courses of Study and Increase of Admission Capacity in Medical Colleges Regulation, 1993—Order of closure of the college—Held, students would be transferred to different college in view of the fact that their career would be affected.*

D **The issue in the present Writ Petitions was whether the petitioners/ students who got admission in a medical college were to be transferred to other medical colleges after the medical college was closed because of non-compliance of standards as per The Establishment of New Medical Colleges, Opening of Higher Courses of study and Increase of Admission Capacity in Medical Colleges Regulation, 1993.**

E **This Court in another case had ordered on 4.5.2001 for inspection of the college by Medical Council of India with reference to deficiencies as per standards fixed in the 1993 Regulations. The Court had also made it clear that if the college did not come up to the standards, the Court would consider the closing of the college and pass order for absorption of the students in other colleges.**

Disposing of the petitions, the Court

G **HELD: In the light of the order made by this Court on 4.5.2001 the institution will have to be closed on account of non-compliance of the directions issued by this Court. However, since the career of the students is at jeopardy, in the interest of justice, the Medical Council of India and the concerned Directorate of Medical Education or any other competent authority in the State of U.P., who has the power to transfer the students from one institution to another, on appropriate application being made by the concerned**

H **petitioners, shall initiate all the necessary steps to accommodate them in**

different colleges in the State of U.P. [362-C-D; 362-F-G] A

CIVIL ORIGINAL JURISDICTION : Writ Petition (C) No. 8 of 2001.

(Under Article 32 of the Constitution of India.)

WITH B

W.P. (C) No. 76 of 2001.

Tripurary Ray and Vishwajit Singh for the Petitioners.

Tapash Chandra Ray, A. Mariarputham, Maninder Singh, Raj Kumar Gupta, Sheo Kumar Gupta and A.N. Bardiya for the Respondents. C

The Judgment of the Court was delivered by

**RAJENDRA BABU, J.** Writ Petitioners [32 in all] in these petitions qualified themselves in the CPMT Examination held in June 1998 for admission to medical colleges in the State of U.P. They were called by the respondents for counselling for the MBBS seats available in Azamgarh Medical College run by the All India Children Care & Educational Development Society, respondent in C.A.No.3237/1999. They deposited the necessary fees and started attending the classes from July 12, 1999 and the 1st Professional examination was held in May 2000 and all of them have cleared their first professional. When they came to join the 2nd professional course, they found that there were neither lab facilities nor sufficient teachers for teaching and conducting the course and practical classes for the 2nd professional. However, on the assurances given to them at a parent-management meeting held on 25.7.2000 about providing adequate facilities, they joined the course. D E

However, at this stage, it is pertinent to state that considering the fact that a large number of students will be affected, this Court, in C.A. No. 3237/1999, gave the following directions by order dated 4.5.2001: F

“Having perused the statements furnished by the College and the Medical Council of India and also the letter of the Director General of the Medical College of the State of U.P. in regard to compliance of requirements of 1993 Regulations, we are of the opinion that it would be just and appropriate to permit the College to start after making due arrangements, imparting institution to the existing students who have passed 1st year of the MBBS course within two weeks from today. The College shall be inspected by the Medical Council of India with reference to the deficiencies pointed out as per the H

- A standards fixed in 1993 Regulations in the first week of August 2001 after due notice to the applicant-respondent College. The report whereof shall be submitted in this Court in the 2nd week of August 2001 by the MCI. Further orders on the I.As will be passed on the basis of inspection report of MCI. However, we make it clear that if
- B the college does not come up to the standards fixed under 1993 Regulations, we will be constrained to consider the question of ordering closure of the College and at that stage appropriate order for the absorption of the students in other colleges of Uttar Pradesh will be passed, if considered necessary. We also make it clear that this arrangement is without prejudice to the contentions raised by the
- C Medical Council of India in the appeal.”

- Inasmuch as, by our judgment in C.A.No.3237/1999 pronounced today, we have set aside the order made by the High Court holding that there is a deemed permission in favour of the respondent therein, and in the light of the order made by this Court on 4.5.2001 the said institution will have to be
- D closed in the event of non-compliance of the directions issued by this Court, the career of the students is at jeopardy and this aspect cannot be seriously disputed. Learned counsel appearing for the Medical Council of India submitted that suitable arrangement could be made to accommodate these students in different medical colleges in the State of U.P. with the cooperation of the
- E Government of U.P.

- Having regard to the facts and circumstances of the case and in the interest of justice, we direct that the Medical Council of India and the concerned Directorate of Medical Education or any other competent authority in the State of U.P., who has the power to transfer the students from one
- F institution to another, on appropriate application being made by the concerned petitioners, shall initiate all the necessary steps to accommodate them in different medical colleges in the State of U.P. within a period of three months from today.

- The writ petitions shall stand disposed of accordingly. No costs.

- G K.K.T.

Petitions disposed of.