

MEDICAL COUNCIL OF INDIA

A

v.

JSS MEDICAL COLLEGE & ANR.

(Civil Appeal No. 195 of 2016)

JANUARY 12, 2016

B

**[MADAN B. LOKUR AND R.K. AGRAWAL, JJ.]**

*Education/Educational Institutions: Admission – Respondent college did not comply with the directions passed in Supreme Court's judgment in MCI vs. JSS Medical College (2012) 5 SCC 628 and rather permitted the students to continue their studies – The conduct of respondent college is most unfortunate – In order to send message to the respondent college and other medical colleges, respondent college is directed to deposit an amount of Rs.5 crores in the registry of the Supreme Court – The amount so deposited towards costs shall not be recovered in any manner from any student or adjusted against the fees or provision of facilities for students of subsequent batches – Further to send strong message to respondent college and other medical colleges, respondent college is permitted to admit only 150 students as against the sanctioned strength of 200 for the next academic year – Appeal disposed of.*

C

D

*Medical Council of India vs. JSS Medical College and Another 2012 (1) SCR 136 : (2012) 5 SCC 628 – referred to.*

E

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 195 of 2016

F

From the Judgment and Order dated 10.02.2012 of the High Court of Karnataka at Bangalore in Writ Petition (Civil) No. 31587 of 2011

Vikas Singh, Gaurav Sharma, Prateek Bhatia, Dhawal Mohan for the Appellant.

G

Shashikiran Shetty, K. K. Venugopal, Sharan Thakur, Vijay Kr. Pardeshi, V. Ramesh, Mahesh Thakur, Dr. Sushil Balwada, V. N. Raghupathy, S. Udaya Kumar Sagar, Bina Madhavan, Akanksha Mehra, Shrinjan Khosla, Swati Vellodi, Mrityunjai Singh, (For M/s. Lawyer S Knit & Co.) for the Respondents.

H

A The Order of the Court was delivered by  
Leave granted.

We have heard learned counsel for the parties as well as learned counsel for the students (interveners).

B After hearing all the parties, we are of the opinion that in the interest of the students as well as the Medical Council of India and also to send a message across to the JSS Medical College and other medical colleges, the following directions are passed:

C (i) Since the students have completed 4½ years of their MBBS Course and are likely to complete their course some time in June this year, notwithstanding the decision of this Court in Medical Council of India Vs. JSS Medical College and Another [(2012) 5 SCC 628], the students may be allowed to complete their course and obtain a degree in case they successfully complete the course. This order is being passed only on peculiar facts of this case.

D (ii) Since the College has also not complied with the orders passed by this Court in the above cited case and has permitted the students to continue their studies, to send a message to the College and other medical colleges, we are of the view that it would be appropriate if the JSS Medical College is directed to deposit an amount of Rs.5,00,00,000/- (Rupees five crores only) in the Registry of this Court within four weeks from today. We order accordingly and observe that the conduct of the JSS Medical College is most unfortunate. The amount of Rs.5,00,00,000/- (Rupees five crores only) so deposited towards costs shall not be recovered in any manner from any student or adjusted against the fees or provision of facilities for students of subsequent batches.

F (iii) Again, to send a strong message to the JSS Medical College and other medical colleges, we direct that for the next academic year, i.e., 2016-17, the JSS Medical College shall be permitted to admit only 150 students as against the sanctioned strength of 200.

G With the above directions, the appeal stands disposed of.  
Pending application, if any, also stands disposed of.