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Ms.G.Aswathi vs Rajiv Gandhi University of Health Sciences

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Court : Karnataka Orders

Decided On : Apr-25-2024

Judge : Sachin Shankar Magadum

Appeal No. : WP/3544/2022

Appellant : Ms.G.Aswathi

Respondent : Rajiv Gandhi University of Health Sciences

Judgement :

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2024 BEFORE THE HONBLE MR. JUSTICE SACHIN SHANKAR MAGADUM WRIT PETITION NO.3544 OF 2022 (EDN - EX) BETWEEN:

1. MS. G. ASWATHI

D/O T A GUNASEKARAN AGED 21 YEARS UNIVERSITY REG NO. 18M3733 STUDYING MBBS COURSE FROM K V G MECIAL COLLEGE AND HOSPITAL KURUNJIBAG - SULLIA DHAKSHINA KANNADA-574 327

2. MS. SUFANA KHAN

D/O LIAQAT ALI KHAN AGED 21 YEARS UNIVERISTY REG NO. 18M3734 STUDYING MBBS COURSE FROM K V G MEDICAL COLLEGE AND HOSPITAL KURUNJIBAG - SULLIA DAKSHINA KANNADA-574 327 PETITIONERS (BY SRI. ABHISHEK MALIPATIL, ADVOCATE) AND:

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK JAYANAGAR BENGALURU-560 041 REP BY IT VICE CHANCELLOR

2. THE REGISTRAR RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES 4TH T BLOCK, JAYANAGAR BENGALURU-560 041

3. K V G MEDICAL COLLEGE AND HOSPITAL KURUNJIBAG - SULLIA DHAKSHINA KANNADA-574 327 REP BY IT PRINCIPAL/DEAN RESPONDENTS (BY SRI. M.G. HARISH, ADVOCATE FOR R1; SRI. M.S. DEVARAJU, ADVOCATE FOR R2; SRI. M.S. RAJENDRA, ADVOCATE FOR R3) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND

227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-3 COLLEGE TO COLLECT THE NECESSARY EXAMINATION FEE IN TERMS OF NOTIFICATION VIDE ANNEXURE-C AND DIRECT THE R-1 UNIVERSITY TO ISSUE HALL TICKETS AND PERMIT THE PETITIONERS TO TAKE UP 3RD YEAR MBBS(RS3) EXAMINATION AS PER THE SCHEDULED NOTIFIED AT ANNEXURE-C DTD.23.11.2021 ISSUED BY THE R-2. THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 22.04.2024, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Petitioners who are the students of respondent No.3- Medical college have assailed the action of respondent No.1-University concerning non-issuance of hall tickets permitting petitioners to take MBBS examinations on the ground that the

petitioners admissions is not approved by the competent authority.

2. The crux of the dispute is that University and

National Medical Council (NMC) have raised objection in the manner in which students are admitted by the respondent No.3-College. The University and NMC have contended that students have surreptitiously blocked seats in the final days of admission as several students have cancelled their admissions shortly before the deadline thereby allowing medical college to admit students of their preference, contrary to Rule 5(a) of Medical Council of India (MCI)

Regulations. Furthermore, the NMC has pointed out that any surrender seats should be communicated to the Directorate of Medical Education (DME) for proper cancellation or surrender as stated in the Karnataka Examination Authority (KEA) brochure.

3. Heard learned counsel for the petitioners and learned counsel appearing for the respondents.

4. The University has declined to issue hall ticket.

The authorities have raised a specific contention that medical colleges in collusion with certain students have manipulated the admission process by blocking seats, which does not align with merit criteria set by the KEA.

5. On examining the materials placed on record by

petitioners, respondent-medical college and also documents placed on record by the NMC and having given my anxious consideration to the statement of objections filed by NMC and written arguments, it is clearly evident that some students in connivance with colleges have occupied seats in

the final days of admission. Upon careful examination of the records, it becomes abundantly clear that the medical colleges have blatantly violated the MCI Regulations. The colleges have admitted students without referring to the merit list provided by KEA/DME. Notably, the ranking of the candidates who were granted admissions are significantly lower than those of the meritorious students

who were overlooked during the admission process. This deviation from the merit based admission process is clear violation of both regulations and judicial directives.

6. The NMC has pointed out that colleges have

failed to follow the prescribed procedure for handling surrendered seats. As per the guidelines provided by DME, any surrendered seats should be properly communicated and cancelled through official channels. However, the colleges in question have blatantly disregarded this guidelines, thereby compromising the transparency and fairness of admission process.

7. This Court was pleased to grant interim order

allowing the students to take exams. Learned counsel appearing for the NMC acknowledges the interest of the students. However, the authorities have persuaded this Court to impose exemplary cost. Learned counsel appearing for the University and authorities have also requested this Court to direct the colleges to surrender equivalent number of seats to state merit quota in the next academic year as a remedial measure.

8. The material on record clearly depicts a very sorry state of affairs. Medical colleges in collusion with select group of students have indulged in manipulating practices to secure admissions. These practices involve blocking of seats by abusing the merit criteria set by the KEA. Such actions not only undermine the sanctity of admission process but also compromises the quality and integrity of medical education.

9. The judgments cited by the NMC are squarely

applicable to the present case on hand. These judgments underscore the necessity of maintaining transparency, fairness and integrity in the admission process, which the colleges in question have failed to uphold.

10. Upon meticulous examination of the admission

records, it is quite evident that colleges have deviated substantially from the prescribed norms and guidelines. The NMC and University have taken a specific stand that rankings for admitting petitioners were found to be significantly lower than those other meritorious students

who were unjustly overlooked during the

opportunities but also create an environment conducive to corruption and malpractice. The allocation of seats meant for meritorious students to less qualified applicants is a clear violation of principles of justice, equity and meritocracy.

11. Neither the college nor the students have placed

evidence to substantiate that the students admitted on account of cancellation of admission by the selected candidates was strictly in compliance of seniority in the merit list furnished by the KEA to each of the colleges. The KEA furnishes the list of 10 possible students who would be entitled to seek admission in the event the seat allotted to a candidate falls vacant. The inter se seniority which college is required to strictly adhere to is not substantiated either by the college or students who are admitted on account of vacancy created by surrender of admissions.

12. Having taken cognizance of these irregularities in

the admission process by the medical college, the following observations are made by this Court: 1) To rectify the violations and to ensure the integrity of admission system. 2) The approval of admission of petitioners will be subject to respondent No.3-Medical college surrendering and transferring one seat from management/NRI out of 20% quota to the state merit quota for the upcoming academic year. This transfer should be completed in compliance with the guidelines set forth by the KEA. 3) The college shall give an undertaking that it will ensure transparency and fairness in admission process and that all admissions will be strictly based on merit and the college will never indulge in attempting to block or manipulate seats. 4) The college is hereby cautioned to strictly adhere to the regulations and directives issued by the NMC and KEA in future admissions to avoid recurrence of such violations. Failure to comply with the above directives

shall attract stringent directives including further reduction in seats and other punitive actions. 5) The respondent No.3-college is imposed with exemplary cost of Rs.1,00,000-/- for having manipulated the admission process by blocking seats. College have blatantly violated the regulations and are litigating through students. The cost of Rs.1,00,000/- shall be paid to the Karnataka State Legal Services Authority within a period of

eight weeks from the date of receipt of a copy of this order

and shall report compliance to the Registry of this Court.

13. With these observations, the writ petition stands disposed of. Pending I.As., if any, do not survive for consideration and stand disposed of. Sd/- JUDGE CA

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