

State of Rajasthan and anr. Vs. Dr. Ashok Kumar Gupta and ors.

State of Rajasthan and anr. Vs. Dr. Ashok Kumar Gupta and ors.

SooperKanoon Citation : sooperkanoon.com/659703

Court : Supreme Court of India

Decided On : Oct-11-1988

Reported in : AIR1989SC177; JT1988(4)SC176; 1988(2)SCALE909; (1989)1SCC93; [1988]Supp3SCR493; 1989(1)LC295(SC)

Judge : B.C. Ray and; M.P. Thakkar, JJ.

Acts : Ordinance of University of Rajasthan - Ordinance 278E; [Constitution of India](#) - Article 14

Appeal No. : Civil Appeal Nos. 2461-2463 of 1987

Appellant : State of Rajasthan and anr.

Respondent : Dr. Ashok Kumar Gupta and ors.

Advocate for Def. : Tapas Ray and ; S.K. Jain, Advs.

Advocate for Pet/Ap. : Badri Das Sharma, Adv

Prior history : From the Judgment and Order dated August 7, 1987 of the Rajasthan High Court in D.B.C. Writ Petition Nos. 1374, 1387 and 1453 of 1987

Judgement :

ORDER

The appeals fail and are dismissed.

II

Ordinance 278-E(d)(ii) of the Ordinances of the University of Rajasthan is declared as unconstitutional and quashed.

III

Admissions to the Post Graduate Degree Courses in all the Medical Colleges at all centers in Rajasthan shall hereafter be made in accordance with the decision of the High Court rendered on August 7, 1987 in the Writ Petitions giving rise to the present appeals which is hereby confirmed.

IV

Future vacancies including unfilled vacancies to the Post Graduate Degree Courses in all the Medical Colleges in Rajasthan shall hereafter be filled on the basis that Ordinance 278-E(d)(ii) is invalid provided however that those students who have been admitted to Post Graduate courses pursuant to the interim order of this Court will not be disturbed and will be permitted to complete their courses.

V

Unfilled vacancies may be filled in accordance with and in the light of this order even at this juncture if it can be so done.

VI

Reasons will follow.

VII

There will be no order as to costs.