

**Controller of Examinations Vs. Wasim Ashraf and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/668665](http://sooperkanoon.com/668665)

**Court :** Supreme Court of India

**Decided On :** May-12-1998

**Reported in :** AIR1999SC352; JT1998(5)SC612; (1998)5SCC367

**Judge :** G.T. Nanavati and; S.P. Kurdukar, JJ.

**Appeal No. :** Civil Appeal Nos. 2694-2700 and ... of 1998 Arising out of SLP (C) Nos. 900-906 and 16622-25 of 1997

**Appellant :** Controller of Examinations

**Respondent :** Wasim Ashraf and ors.

**Judgement :**

ORDER

1. Leave granted.

2. Having heard learned counsel for the parties, we are of the opinion that the ends of justice would be served if the following directions are given:

(1) The candidates who are respondents herein and those who had approached the High Court on or before 23-10-1996 will be entitled to admission according to the revised merit list based on correct answers as found by the Division Bench of the High Court based on the Expert Committee's view provided they have secured more than the cut-off marks, i.e., more than 179 marks for MBBS and 178 marks for BDS for male candidates and more than 168 marks for MBBS and 167 marks

for BDS for female candidates in general category and more than the cut-off marks for respective reserved categories.

(2) Those candidates, if any, including the respondents, who have been admitted under orders of the High Court but failed to secure the cut-off marks indicated in (7) above, will not be entitled to continue in the course and their admissions will stand cancelled.

(3) Candidates who have secured more than the cut-off marks as aforesaid and have been admitted will continue with the course and the authorities concerned will obtain the sanction of the Indian Medical Council for creation of additional seats to the extent necessary.

(4) The State Government and the medical colleges concerned together shall apply to the Indian Medical Council to permit them to create additional seats required to accommodate the candidates in terms of the directions given by us. Those additional seats will be created during the academic year 1998-99. The State Government and the medical colleges concerned are directed to apply for sanction for additional seats within one month from today. We also direct the Indian Medical Council to consider the request of the State Government and the medical colleges concerned sympathetically and permit creation of the required number of additional seats, within a period of one month from the date on which it receives the request.

3. The appeals are disposed of accordingly.

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