

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3364-3365 OF 2019
(ARISING OUT OF SLP (CIVIL) NOS.35649-35650 OF 2016)

DIRECTOR PRINCIPAL, GOVERNMENT MEDICAL COLLEGE .. Appellant(s)
& HOSPITAL

Versus

DR. REECHA AND OTHERS .. Respondent(s)

O R D E R

Leave granted.

The first respondent-Dr. Reecha was admitted to MD/MS, Department of Anesthesiology in the Government Medical College and Hospital, Chandigarh in the year 2016. Her admission was challenged by Dr. Cheta Singh and another by filing a writ petition. It was argued in the writ petition that the first respondent who was an All India quota candidate could not have been admitted on a seat that was reserved for State quota. It was also submitted that the first respondent had not made an application for admission in the said quota before the cut-off date. The first respondent's provisional admission was cancelled by the learned single Judge of the High Court by an order dated 14th June, 2016 and a direction was given that Dr. Cheta Singh should be accommodated in the seat that was filled

up by the admission of the first respondent. In the Letters Patent Appeal filed against the order of the High Court dated 14th June, 2016, the Division Bench of the High Court directed the appellant-College herein to obtain approval for adjusting the first respondent in a seat which was vacated by Dr. Gaurav. The Division Bench directed the appellant-College to provisionally admit the first respondent against the seat of Dr. Gaurav as the approval was not granted by the concerned authorities.

Aggrieved by the said direction, the appellant-College has approached this Court. While issuing notice on 25th November, 2016, this Court stayed the direction given by the High Court relating to the admission of the first respondent. The Order dated 25th November, 2016 was modified on 16th December, 2016 when the appellant-College was directed to permit the first respondent to attend the classes.

We are informed that the first respondent has attended the classes during these three years and would be completing the course in a few months. As the admission of the first respondent was in a seat that was vacated by Dr. Gaurav, which was a sanctioned seat, we direct that the first respondent should be permitted to complete her course and to take the final examinations of MD/MS, Anesthesiology. The learned counsel for the appellant and the learned counsel for the Medical Council of India submitted that this order shall not be

treated as a precedent. We accept the submission and direct that this order shall not be treated as a precedent.

The appeals are disposed of in the above terms.

.....J.
(L. NAGESWARA RAO)

.....J.
(M.R. SHAH)

New Delhi,
Dated: March 29, 2019.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 35649-35650/2016

(Arising out of impugned final judgment and order dated 27-07-2016 in LPA No. 1075/2016 27-07-2016 in LPA No. 1074/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

DIRECTOR PRINCIPAL GOVERNMENT MEDICAL
COLLEGE AND HOSPITAL

Petitioner(s)

VERSUS

DR. REECHA & ORS.

Respondent(s)

Date : 29-03-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Manoj Gorkela, Standing Counsel (UT Chandigarh)
Mr. Arpit Bisht, Adv.
Ms. Shashi Kiran, AOR
Mr. Satish Chandra, Adv.
Mr. Abhinav Singh, Adv.
Mr. Karan Bhardwaj, Adv.
Mr. Prakrati Raj, Adv.

For Respondent(s) Mr. Gaurav Sharma, AOR
Mr. Abhishek, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Prasanna Mohan, Adv.

Mr. Sanjay R. Hegde, Sr. Adv.
Mr. A. Rohen Singla, Adv.
Mr. R.S. Pangal, Adv.
Mr. Balraj Dewan, AOR

Mrs. Kiran Suri, Sr. Adv.
Mr. Sarad Kumar Singhania, Adv.
Mr. G.S. Makker, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are disposed of in terms of the Signed Order.

Pending application(s), if any, also stand disposed of.

(GEETA AHUJA)
COURT MASTER (SH)

(KAILASH CHANDER)
ASSISTANT REGISTRAR

(The Signed Order is placed on the file)