

LPA No.304 of 2015 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**1. LPA No.304 of 2015 (O&M)
Date of Decision: September 22, 2016**

Medical Council of India

.....Appellant

Versus

Navneet Kaur and others

.....Respondents

2. LPA No.305 of 2015 (O&M)

Medical Council of India

.....Appellant

Versus

Guranpreet Kaur Sohi and others

.....Respondents

3. LPA No.388 of 2015 (O&M)

The Medical Council of India

.....Appellant

Versus

Lovepreet Kaur and others

.....Respondents

AND

4. LPA No.389 of 2015 (O&M)

Medical Council of India

.....Appellant

Versus

Divyani Sharma and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.RPS Bara, Advocate and
Mr.M.S.Longia, Advocate and
for appellant-MCI.
Mr.Rajiv Atma Ram, Sr.Advocate with
Mr. Arjun Partap Atma Ram, Advocate
for respondent Nos.1, 3 to 5 in LPA No.304-2015 and
respondent Nos.1 to 15 in LPA No.389-2015
Mr.S.S.Brar, Advocate for Adesh College.

Mr.Rajesh Bhardwaj, Addl.A.G., Punjab.
Mr.Dinesh Kumar, Advocate for
Mr.M.K.Singla, Advocate for respondent No.1 in LPA-305-2015

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SURYA KANT, J.

[1] This order shall dispose of LPA Nos.304, 305, 388 and 389 of 2015, as the order under challenge in all the appeals is one and the same.

[2] The respondents (students) were admitted to private Medical Colleges affiliated to Baba Farid University of Health Sciences, Faridkot, Punjab. It appears that they were admitted against unfilled NRI seats. The Medical Council of India-appellant did not approve their admission and served them with notices for cancellation and to vacate their respective seats. Notices were also served on the private Medical Colleges to take punitive action against them for admitting these students.

[3] The action contemplated by Medical Council of India against the students as well as private Medical Colleges has been set aside by the learned Single Judge vide order under appeal dated 30.10.2014.

[4] Ordinarily, we would have gone into the contentious issues raised on behalf of the parties but keeping in view the intervening circumstances, adjudication of such issues would only be an academic exercise.

[5] We say so for the reason that the students were admittedly admitted to MBBS course in the academic session 2011-12. They have already completed their academic part of the Degree in the year 2015 and thereafter have joined internship in other Medical Colleges. They are at the verge of completion of their internship. Further, all the students have since been provisionally registered by Punjab Medical Council also. At this

juncture, it would not be expedient or in the interest of either party to cancel their admission even if there is a merit in the contentions raised on behalf of Medical Council of India.

[6] Learned counsel for the Medical Council of India is, however, right in contending that if these issues are not adjudicated, the order passed by learned Single Judge would become a binding precedent in future.

[7] Taking into consideration the totality of circumstances, while we dispose of these appeals as infructuous, but it is clarified that hitherto the order under appeal passed by learned Single Judge shall not be taken as a binding precedent against the appellant and it shall not cause any impediment against exercise of powers by the appellant to impose penalty on the Colleges in accordance with law. Resultantly, Baba Farid University of Health Sciences, Faridkot is directed to declare the result of the students.

(SURYA KANT)
JUDGE

September 22, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No