

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE N.BALAYOGI

+ Writ Petition Nos.6265 and 7041 of 2017

% 13-7-2017

Tekula Samhitha Reddy, D/o T.Sai Ram Reddy,
Aged about 16 years, Occ: Student,
Rep. by her natural Guardian cum Father
Tekula Sai Ram Reddy

... Petitioner in W.P.No.6265 of 2017

Iragavarapu Sai Reethika, D/o Machari Suresh
Phani Thammiraju, Aged 16 years, Occ: Student,
Rep. by her natural Guardian cum Father
Machari Suresh Phani Thammiraju

... Petitioner in W.P.No.7041 of 2017

Vs.

\$ 1. Union of India, Rep. by its Secretary,
Ministry of Health, Nirman Bhavan,
New Delhi-110 011; and 2 others

... Respondents in W.P.No.6265 of 2017

1. The Union of India, Rep. by its Director General
of Health Services, Ministry of Health & Family
Welfare, Government of India, Room No.307-D,
Nirman Bhavan, New Delhi-110 011; and 5 others

... Respondents in W.P.No.7041 of 2017

! Counsel for the Petitioner: Mr. Sujith Jaiswal
(in WP.6265/2017)

Counsel for the Petitioner: Mr. Subba Reddy, S.
(in WP.7041/2017)

Counsel for Respondent No.2: Mr. Vivek Chandra Sekhar, S.
Standing Counsel for MCI

< Gist:

> Head Note:

? Cases referred:

1. AIR 1987 Rajasthan 174
2. MANU/TN/0885/1994
3. 1994(1) APLJ 182
4. 2013(4) ALT 643
5. 2013 SCC Online 1698
6. AIR 2016 Allahabad 126

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Common Order: (per V.Ramasubramanian, J.)

The petitioners are the unfortunate victims of a wrong date of delivery. Their applications for admission to medical courses for the academic year 2017-18 have been turned down on the short ground that they have not completed 17 years of age as on the crucial date. While in one case, the petitioner falls short by 3 days, in the other case the petitioner falls short by 30 days. Therefore, they have come up with the above writ petitions challenging the prescription with regard to minimum age limit.

2. Heard Mr. S.Subba Reddy and Mr. Sujith Jaiswal, learned counsel appearing for the petitioners and Mr. Vivek Chandra Sekhar S., learned Standing Counsel for Medical Council of India.

3. A passionate appeal is made by the learned counsel for the petitioners that in these days where children absorb matters much faster than elders, the prescription of a minimum age limit for admission to medical courses is not in tune with the change of times.

4. It is true that the children of these days are very intelligent and at a young age some of them are able to crack IITs or even IIMs. But unfortunately for the petitioners this issue has been settled for a long time by a series of judgments

of various High Courts including this Court. In *Gautam Kapoor v. State of Rajasthan*¹, a Full Bench of the Rajasthan High Court was concerned with the validity of the rule prescribing such a minimum age limit. The Full Bench of the Rajasthan High Court upheld the validity of the rule.

5. The said decision was followed by a Division Bench of the Madras High Court in *P.Nithiyan v. State of Tamil Nadu*².

6. Thereafter, it was followed by a learned single Judge of this Court in *Grandhi Sri Pavan Krishna Murthy v. Government of Andhra Pradesh*³ and a Division Bench of this Court in *Master Alli Sai Deepak v. Government of Andhra Pradesh*⁴. A Division Bench of the Rajasthan High Court again reiterated the same principles in *Akshanjali Morya v. Union of India*⁵ and by a Bench of the Allahabad High Court in *Ankit Chaturvedi v. Union of India*⁶. Even last year a Bench of this Court, to which one of us (VRS, J.) was a party, upheld the validity of the rule in W.P.No.31337 of 2016 and batch, dated 21-9-2016.

7. Therefore, though there may be some justification in the petitioners claiming that non-attainment of minimum age should not debar intelligent candidates from pursuing professional courses of study, it is not possible for the Court to unsettle all of a sudden, a settled position in law.

¹ AIR 1987 Rajasthan 174

² MANU/TN/0885/1994

³ 1994(1) APLJ 182

⁴ 2013(4) ALT 643

⁵ 2013 SCC Online 1698

⁶ AIR 2016 Allahabad 126

Therefore, we are unable to grant any relief to the petitioners.

Hence, the writ petitions are dismissed.

8. As we have observed in our decision in W.P.No.31337 of 2016, dated 21-9-2016, it is time that MCI may have to look at the concern of such students and come up with some solution. The miscellaneous petitions, if any, pending in these writ petitions shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

13th July, 2017.
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N.BALAYOGI, J.



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Writ Petition Nos.6265 and 7041 of 2017
(per VRS, J.)



13th July, 2017.
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