

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Petition No.34363 of 2012

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

The action of the respondents in not providing admission to the petitioner under the sports category, despite her having got the credit of 27th priority, as provided under the regulations issued by the Dr.NTR University of Health Sciences, for admission into MBBS course for the academic year 2012-13 in Rajiv Gandhi Institute of Medical Sciences, Kadapa, and in providing admission to the 5th respondent who has a lesser priority, as illegal and arbitrary.

The petitioner sought admission into the MBBS course for the academic year 2012-13. While admitting the writ petition on 05.11.2012, this Court ordered notice. After the academic year 2012-13, four more academic years have since elapsed, and the batch of students admitted in the academic year 2012-13 must have either completed their MBBS course or nearing completion by now.

Sri V.Maheswar Reddy, learned counsel for the petitioner, would place reliance on a Division Bench judgment of this Court in W.P.No.32681 of 2015 and batch dated 25.01.2016 to contend that the petitioner is atleast entitled for payment of damages of Rs.5,00,000/-, as directed by the Division Bench in the aforesaid judgment. Learned counsel would submit that, against the order of the Division Bench in W.P.No.32681 of 2015 and batch dated 25.01.2016, the students therein had approached the Supreme Court, and the Supreme Court had directed that they be admitted in the next academic year.

Sri M.B.S.Prasad, learned Standing Counsel for the 3rd respondent, would submit that the association, from which the petitioner has produced a certificate, has not been recognised by the Indian Olympic Association; there are rival claims between the said Association and the Women's Hockey Association; and, consequently, the petitioner cannot claim, as of right, for admission into the MBBS course based on a certificate issued by a non-recognised Association.

It is wholly unnecessary for us to dwell on this aspect, as we are satisfied that any claim for damages, in the aforesaid circumstances, can only be examined in a properly constituted proceedings before the Civil Court. The aforesaid judgment, relied upon by the petitioner, related to the admission of students who had participated in the Senior Inter-District Judo Championship-2013 and, unlike in the present case where there appears to be rival claims between Women's Hockey Association, and the association which granted the petitioner a certificate and which does not appear to have been recognised by the Indian Olympic Association, no such dispute arose in the case before the Division Bench. The power conferred on the Supreme Court to do complete justice, under Article 142 of the Constitution of India, is not available to the High Court in the exercise of its jurisdiction under Article 226 of the Constitution of India. Even otherwise, the admission granted to the petitioners before the Supreme Court was for the immediate next academic year and, in the present case, nearly four years have elapsed since admissions were made to the MBBS course for the academic year 2012-13.

Leaving it open to the petitioner to avail her remedies of filing a Civil Suit, to claim damages, the Writ Petition is dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

24th January, 2017
JSU



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Date: 24.01.2017

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