

ORAL JUDGMENT (PER C. V. BHADANG, J.)

Rule, made returnable forthwith. The petition is taken up for final disposal by consent of the contesting parties.

2. By this petition, as originally filed, the petitioner had sought direction to the respondents to allow her to fill up examination form for the 1st year B.A.M.S. Degree course examination, which was scheduled to be held in October, 2017.

3. By the communication dated 31 December 2016, respondent No.2 Health University had held the petitioner to be ineligible for registration on the ground that on 1st October of the relevant year, she had not completed the age of 17 years as per Regulation 3(C) of the Central Council of Indian Medicine (Minimum Standards of Education in Indian Medicine) Regulations, 1986. Incidentally, the date of birth of the petitioner is 11 October 1999. Thus, according to the respondent University, a student has to be born prior to 1st October, 1999, for being eligible for such registration in 2017.

4. The record discloses that by an order dated 20 September 2017, the respondent University was directed to allow the petitioner to apply for 1st year B.A.M.S. Degree Course examination and to accept fees. Accordingly, the petitioner had appeared for the said examination and under the subsequent order dated 13 October 2018, the petitioner was permitted to fill up a form and appear for the examinations for the subsequent years and has completed the course. Now, the only grievance is that the respondent University

has not declared the result of the petitioner on account of pendency of the present petition.

5. We have heard learned counsel for the parties.

6. Learned counsel for the petitioner has relied upon the order dated 22 December 2010 of this Court in Writ Petition No.8745/2010 (Aniket Patil Vs. The Directorate of Medical Education) in order to submit that in similar circumstances, the Division Bench at the principal seat had directed the cut off date to be reckoned as 31st December 2010 in that case.

7. The learned counsel for the respondent University has submitted that Regulation 3(C) of the 1986 Regulation prescribes cut off date as 1st October and the student ought to be born prior to 1st of October, 1999.

8. We have considered the submissions.

9. This Court, in Aniket Patil (Supra), had taken note of the of the amendment in the 1986 Regulation by passing the following resolution:-

"Ayurveda Committee discussed the Draft Regulation and after discussion following decision were taken to make the amendment:-

1. Minimum age for admission- it was noted that following provision has been made in the Regulation prescribed by MCI for the admission for MBBS Course.

"(1) He/she shall complete the age of 17 years on or before 31 December of the year of admission to the MBBS Course."

Ayurveda Committee agreed to amend the proposed draft Regulation accordingly." (Emphasis supplied)."

In view of this, the Division Bench had directed the concerned college to apply cut off date as 31st December, 2010 as the relevant date for determining whether the concerned candidate had completed the age of 17 years.

10. Thus, we find that if the cut off date is applied as 31st December (of the year of admission), the petitioner would have completed 17 years of age in the relevant year. In that view of the matter, the petition is disposed of by directing the respondent University to declare the result of the petitioner. The result shall be declared within a period of one week.

11. Needless to mention that in the event the petitioner is declared unsuccessful, the University shall not be entitled to place reliance on the Regulation No.3(C) of the 1986 Regulation to deny admission to the petitioner for further examination/re-examination.

12. Rule is made absolute in the aforesaid terms.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

JPChavan