

Dr. M. Divya Vs The Medical Council of India, Dr. N.T.R. University of Health Sciences, The M.N.R. Educational Trust and The M.N.R. Medical College

Court: Andhra Pradesh High Court

Date of Decision: Aug. 5, 2013

Acts Referred: Indian Medical Council Act, 1956 " Section 15, 20, 3, 33

Citation: (2013) 6 ALD 445 : (2013) 5 ALT 649

Hon'ble Judges: Nooty Ramamohana Rao, J

Bench: Single Bench

Advocate: P. Sri Raghuram, for Party-in-Parson, for the Appellant; Chall A. Gunaranjan Counsel for Respondent No. 1, Sri. A. Prabhakar Rao Counsel for Respondent No. 2, Sri. C.V. Mohan Reddy Senior Counsel and Sri. Sricharan Telaprolu, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Nooty Ramamohana Rao, J.

This writ petition is instituted seeking a writ of mandamus declaring the action of respondents 3 and 4 in

preventing the petitioner from applying for the final Post Graduate Degree Examinations in M.D. (General Medicine) Course to be conducted in

April 2013 by the 2nd respondent-Dr. N.T.R. University of Health Sciences, Vijayawada (henceforth referred to as "the 2nd respondent

University"), as illegal and to direct respondents 1 and 2 to ensure that the petitioner is not subjected to any victimization at the hands of

respondents 3 and 4. The petitioner was prosecuting the Post Graduate Degree Course of M.D. (General Medicine) with the 4th respondent-

M.N.R. Medical College (for short "the 4th respondent college"). On 07-02-2013, the 2nd respondent University has taken out a Notification

giving out the schedule of examinations for various Post Graduate Medical Courses slated for the month of April, 2013. Such of those candidates,

who have secured admission during the academic year 2010-11, are eligible to take the examinations upon completion of 36 months of study

period, which includes the period of examinations. Soon after this Notification appeared, the writ petitioner, who secured admission during the

academic session 2010-11, sought for and obtained necessary study completion certificate from the Head of the Department of Medicine of the

4th respondent College on 18-02-2013. Since the petitioner has also submitted her Thesis, the Thesis submission certificate was also issued by the

Professor & Head of the Department of the 4th respondent College. The petitioner was also accorded the attendance certificate by the Medical

Superintendent of the 4th respondent College showing her attendance as 95% for each of the three years of her study. But however, when the

petitioner offered to pay up the examination fee of Rs. 4,300/- in dash together with the application form, only the application form was accepted,

but not the examination fee and receipt of the examination fee was postponed by the 4th respondent College on one plea or the other. In those

circumstances, the petitioner has taken a demand draft on 18-02-2013 in favour of the 2nd respondent University towards examination fee and

enclosed the same to the application form. When the paternal uncle of the writ petitioner approached the 4th respondent College authority to find

out whether the application form of the petitioner has been forwarded to the 2nd respondent University or not, he was, ultimately, made to see the

Director of the College, who made an issue out of the cases filed by the writ petitioner earlier against the Management. Ultimately, without, in any

manner, communicating anything in writing about the right of the petitioner to appear for the examinations, and after the time for submission of the

application form expired on 26-02-2013, the application form submitted by the petitioner together with the demand draft taken towards

examination fee, was returned to her. All this action, according to the petitioner, has been initiated because the writ petitioner could secure

admission through the intervention of this Court and consequently, the Management could not realize their illegal demands. Ultimately, the petitioner

submitted her application form for the examinations. Now, the 2nd respondent University is not declaring her result. Hence, this writ petition.

2. Heard Sri P. Sri Raghuram, learned senior counsel for the petitioner and Sri C.V. Mohan Reddy, learned senior counsel, appearing for the

Management of the 4th respondent College and Sri A. Prabhakar Rao for the 2nd respondent University.

3. The 4th respondent College was sanctioned four seats in M.D. (General Medicine) Course. Two of them are to be filled in by the Convener of

P.G. Admissions, while the remaining two are left to be filled in by the Management. However, the petitioner was not given the application form by

the Management for applying for admission against one of the two seats available for the Management Quota. At that stage, the writ petitioner filed

W.P. No. 11257 of 2010 in this Court. Justice Vilas V. Afzulpurkar, entertaining the said writ petition during the summer recess of the High Court,

passed the following order on 12-05-2010 therein:

While directing the Registry to post the matter after four weeks ordered that in the mean while, there shall be interim direction to respondent Nos.

3 and 4 to furnish application form to the petitioner for the course of Post-Graduation (M.D. General Medicine) and after the petitioner applies,

receive the same and consider her case in accordance with the Rules.

The petitioner, pursuant to the above Order was furnished an application form and along with the filled-in form, on 28-05-2010 submitted her

original certificates including the M.B.B.S. Degree certificate, medical registration certificate and the rank card at the P.G. Entrance of 2010, etc.,

to the 4th respondent College. The 4th respondent College, in turn, has also passed on an acknowledgment to her acknowledging receipt of the

duly filled-in application form for admission into M.D. (General Medicine) for the academic year 2010-11. In the mean time, the 2nd respondent

University also through its letter dated 31-05-2010 communicated to the 4th respondent College a copy of the Orders of the High Court dated

12-05-2010 in W.P. No. 11257 of 2010 filed by the petitioner herein for taking immediate action and for sending the compliance report in that

regard. On 31-05-2010, the 4th respondent College Management has communicated to the 2nd respondent University bringing out that on 03-05-

2010 itself the College has submitted necessary proposals for approval of admissions into P.G. Medical Courses for the academic year 2010-11.

The case of the Management is that by the time the writ petitioner has approached and asked for application form for admission into M.D.

(General Medicine) Course, the last date for submission of filled in forms expired on 29-04-2010 itself. Further, the College has also sent up the

necessary proposals for approval of the admissions made by the Management to the 2nd respondent University and as such there is no vacant seat

in the said Course to be filled under the Management Quota for the academic year 2010-11 and because of the Court Orders, the certificates

submitted by the petitioner together with registration fee of Rs. 16,600/- have been submitted for necessary action in the matter by the 2nd

respondent University. The letter dated 31-05-2010 of the 2nd respondent College is placed at page 36 of the paper book filed in this writ petition

and at page 37, it appears that the same has been received by the 2nd respondent University on 01-06-2010. In the mean time, the petitioner

herein seems to have filed W.P. M.P. No. 28506 of 2010 in this Court seeking directions to the respondents to permit her to attend the classes of

the P.G. (General Medicine) for the academic year 2010-11 in the 4th respondent College pending finalization of her admission. That

miscellaneous petition was ordered on 04-10-2010 in the following manner:

In the facts and circumstances of the case, there shall be interim direction to the respondents to permit the petitioner to attend the classes of the

Post Graduation in General Medicine for the year 2010 in the 4th respondent college pending finalization of her admission as per the directions of

this Court dt. 12th May, 2010 in W.P. No. 11257/2010.

Earlier thereto, the 2nd respondent University directed the 4th respondent College to depute one of the senior officials of the College on 04-10-

2010. It is significant to note that the University called for the certified copy of the list of candidates admitted in M.D. (General Medicine) and

other courses with the date of their admission. They also called for the fee collection register from the College. Communication dated 29-09-2010

of the University is placed at page 38 of the writ petition paper book. It is significant that the information called for by the University included the

following:

10. Reasons for not including the name of Dr. M. Divya in the merit list prepared for admission into MD (General Medicine) under management

quota though Hon"ble High Court issued.

On 05-10-2010, after examining the entire matter in detail, the University has passed Orders, which are placed at page 40 of the paper book and

this is how the issue has been concluded by the University:

After detailed Examination of the Merit List as per the Government Orders in the reference 1 to 3rd cited, the following candidates are to be

admitted in MD (General Medicine) Course under Management Quota in MNR Medical College for the year 2010-11

The Principal, MNR Medical College, Sangareddy is informed to submit compliance report immediately by return fax to apprise the Hon"ble High

Court in this regard.

From this communication of the 2nd respondent University dated 05-10-2010, it is more than clear that the writ petitioner herein (Dr. M. Divya) is

required to be admitted in MD. (General Medicine) Course against the first seat under the Management Quota seats of the 4th respondent College

and the other candidate, who could be granted admission is Dr. U. Kishan. It is not in dispute that the 4th respondent College earlier granted

admission to Dr. U. Kishan and Dr. Jamal Dudekula. But however, the 2nd respondent University has not approved the admission of Dr. Jamal

Dudekula and instead, ordered the 4th respondent College to grant admission to the writ petitioner herein. Hence, by 06-10-2010, the 4th

respondent College informed Dr. Jamal Dudekula that his admission in M.D. (General Medicine) under Management Quota has not been

approved by the 2nd respondent University and this has resulted because of the W.P. Nos. 11257 and 23510 of 2010 filed by the writ petitioner

herein. The writ petitioner was granted the admission slip on 21-10-2010 in terms of the Orders passed by this Court. On 22-10-2010, the writ

petitioner addressed the Superintendent, M.N.R. Medical College, requesting the latter to accept her joining report in M.D. (General Medicine)

Course for the academic year 2010. This letter of the writ petitioner was placed at page 46 of the paper book in the writ petition. In the mean

time, Dr. Jamal Dudekula filed W.P. No. 26463 of 2010 challenging cancellation of his admission halfway through the academic year. The counter

affidavit filed on behalf of the 2nd respondent University in W.P. 26463 of 2010 was also placed at page 49 of the paper book. The counter

affidavit was sworn to by the Registrar of the 2nd respondent University. In page 2 thereof, it is set out that the 2nd respondent University has

issued Circular Instructions on 18-02-2010 to all the Medical Colleges laying down guidelines for admission into P.G. Medical Courses under the

Management Quota for the academic year 2010-11. Every Medical College was required to furnish the merit list with relevant photostat copies of

necessary documents of the candidates granted admission for approval of the 2nd respondent University on or before 13-04-2010 and the

admissions based on merit shall be made by the College concerned latest by 30-04-2010 and the list of admitted candidates under Management

Quota should be submitted by 05-05-2010, whereas classes were to commence from 02-05-2010 and if any vacancies in the seats of the

Management Quota are required to be filled in, they should be filled in by 31-05-2010. It is, further, set out by the 2nd respondent University that

the University by its Proceedings dated 05-10-2010 approved the admission of Dr. M. Divya (petitioner herein) and Dr. U. Kishan as they are

meritorious amongst all the candidates and hence, there was no irregularity committed by the University in approving the admission of Dr. M.

Divya. It will also be appropriate to notice that by common Judgment dated 13-04-2011 in W.P. Nos. 11257 and 23510 of 2010 filed by the

petitioner herein along with W.P. No. 26463 of 2010 filed by Dr. Jamal Dudekula, which have been heard together, they are decided in the

following terms:

It is not in doubt that Dr. Divya secured the best merit ranking amongst the five candidates who competed for admission against the two seats

available in MD General Medicine course under the 50% management quota of the 4th respondent college. In all other circumstances, if only she

has been supplied with an application form in time, she would have surely been granted admission. In such an event, Dr. Jamal being the 3rd

amongst the merit ranking would not have been granted admission. But, however, because of the failure of the 4th respondent-Medical College to

furnish an application form to Dr. Divya, Dr. Jamal being the 2nd ranker, immediately after Dr. Kishan, he was granted admission. By 6.10.2010,

Dr. Jamal has pursued M.D. General Medicine Post Graduate course for nearly four months period. No fault therefore can be attributed to Dr.

Jamal. Fault lies at the doorstep of the college, but not with that of Dr. Jamal and therefore there is no justification to turn away and cancel the

admission of Dr. Jamal nearly after four months. However, since Dr. Jamal cannot be granted admission as there is no corresponding seat available

under the management quota in the 4th respondent-Medical College, his admission shall be counted and approved by the 2nd respondent-

University and also by the Medical Council of India as to have been accorded against one of the seats available under the Management Quota for

the Academic Session 2011-12, as Dr. Jamal shall be treated to have been admitted in excess of management quota for the academic session

2010-11. In other words, Dr. Jamal would be considered as if he has been admitted against the 1st seat available under the management quota in

MD General Medicine course for the academic session 2011-12.

This would save to a large extent injustice that is meted out to Dr. Divya on one hand by denying her the right to apply for admission against the

management quota seat and also Dr. Jamal who has been granted admission by virtue of his 2nd merit rank amongst the four applications received

by the Medical College.

It is also appropriate at this stage to notice what the Supreme Court has pointed out in Mridul Dhar (Minor) and Another Vs. Union of India

(UOI) and Others, in paragraph 35 and Direction No. 11: ""if any private medical college in a given academic year for any reason grants admission

in its management quota in excess of its prescribed quota, the management quota for the next academic year shall stand reduced so as to set off the

effect of excess admission in the management quota in the previous academic year...

Accordingly, the intake capacity in MD General Medicine Post Graduate course for the 4th respondent-Medical College for the academic session

2011-12 shall stand reduced by one seat.

It will also be important to bear in mind that as per Rule 10 of the Rules framed by the Governor, referred to supra, which bind the 2nd respondent

as well that if a private medical college exceeds the 50% of the management quota while granting admissions for any reason beyond its limits, then

the management shall surrender equal number of seats from its management quota to government quota for the next year. Obviously this is a

punitive measure contemplated by the rule making authority to discourage private medical colleges from exceeding their quota while granting

admissions to post-graduate medical courses. The rule making authority has preferred this provision as a deterrent. In the instant case, as against

two seats available in the management quota in MD General Medicine Post Graduate Medical Course, the fact situation remains that three

candidates have been granted admission viz., Dr. Divya, Dr. Kishan and Dr. Jamal. It is therefore imperative that the management of the 4th

respondent-Medical College shall also surrender one seat from out of its management quota towards government quota/convener quota in MD

General Medicine course for the academic session 2011-12, apart from treating Dr. Jamal's admission against one of the two seats for the next

academic year 2011-12. In other words, while Dr. Jamal be treated and deemed to have been granted admission against the 1st of the two seats

available for the management quota in MD General Medicine courses for the academic session 2011-12, the 2nd seat available in the said course

in the 4th respondent-Medical College shall be surrendered to the government/convener quota in terms of Rule 10 and consequently the 4th

respondent-Medical College shall not grant admission to any candidate in MD General Medicine course under management quota for the

academic session 2011-12. By virtue of the operation of Rule 10, the Convener will utilize the surrendered seat for granting admission in the 4th

respondent-Medical College under the Convener's quota. By virtue of operation of Rule 10, the intake strength of the private medical college

remains the same, but the only difference is that the Convener gets the right to allot the said seat to a meritorious candidate.

This common Judgment is the subject matter of challenge before a Division Bench of this Court by the 4th respondent College by instituting W.A.

Nos. 328 & 371 of 2011 and 1389 of 2012. The Division Bench by its Judgment dated 21-11-2012 dismissed all the Appeals and also dismissed

all the Miscellaneous Petitions filed along with the Appeals. Judgment rendered on 21-11-2012 of the Division Bench is, obviously, not been

carried any further in Appeal to Supreme Court. Thus, the orders approving the admission of the writ petitioner herein in M.D. (General Medicine)

Course for the academic session 2010-11 in the 4th respondent College by the 2nd respondent University through its Proceedings dated 05-10-

2010 have been upheld by this Court. Thus, till 05-10-2010, the present writ petitioner was only agitating about her right to secure admission in

M.D. (General Medicine) Course against one of the two seats available to be filled in under the Management Quota of the 4th respondent College,

whereas the 4th respondent College has filled in both those seats with Dr. U. Kishan and Dr. Jamal Dudekula. Only on 05-10-2010, the 2nd

respondent University has declined to approve the admission of Dr. Jamal Dudekula, inasmuch as there is no third seat available under the

Management Quota of the 4th respondent College. It is, therefore, more than clear that the writ petitioner has been granted admission in the 4th

respondent College only pursuant to the Proceedings passed by the 2nd respondent University on 05-10-2010, but not earlier thereto. As was

noticed supra, the writ petitioner filed all her original certificates and she was, accordingly, granted admission in the 4th respondent College on 21-

10-2010 and she gave her joining report to the Superintendent of the 4th respondent College on 22-10-2010. Thus, she started legitimately

attending to the M.D. (General Medicine) Course on and from 22-10-2010. The 36 months duration of the Course would have been completed,

in her case, only on 21-10-2013.

4. It will be appropriate to notice that the Medical Council of India (MCI), exercising the power available to it u/s 20 r/w. Section 33 of the Indian

Medical Council Act, 1956, with the approval of the Central Government, framed the P.G. Medical Education Regulations, 2000, which are called

as "the P.G. Regulations". It is the duty and responsibility of the MCI to prescribe and maintain the minimum standards of medical education and

also secure their faithful observance. The Regulations framed by the MCI are statutory in nature and they become enforceable. Regulation 13 dealt

with the content of the Training Programme. Regulation 13.1 emphasizes the importance of training during the Post Graduate course of study and

hence, Regulation 13.2 made it clear that all candidates joining the Post Graduate training programme shall work as full time residents during the

period of training, attending not less than 80% (Eighty percent) of the training during each calendar year, taking full time responsibility in

assignments and participation in all facets of the educational process. Regulation 13.4(c) required each Post Graduate student to maintain a record

(log) book of the work carried out by him/her during the 36 months of training programme undergone. 36 months duration is prescribed uniformly

for all Post Graduate Medical Courses, while 24 months duration was prescribed for the P.G. Diploma Courses. Therefore, the petitioner in the

instant case could not have completed the 36 months course of study, which entitles her for award of M.D. (General Medicine), P.G. Graduate

Degree, any time prior to 21-10-2013.

5. It is contended by Sri P. Sri Raghuram that the writ petitioner has started attending to the classes from the first week of June 2010 itself and her

admission has, merely, been approved formally by the 2nd respondent University on 05-10-2010 and hence, she is entitled to secure her Degree

in M.D. (General Medicine) from the 2nd respondent University along with all other candidates of 2010-11 batch. It is the 4th respondent, which

has been playing mischief with the writ petitioner; once certifying her attendance to be 95% in all the three years; and on a second occasion,

certifying that she fell short of the requisite percentage of attendance. This, according to the learned senior counsel Sri P. Sri Raghuram, was due to

the fact that the writ petitioner has sued the 4th respondent College on the previous occasion and succeeded in her earlier writ petitions contrary to

the wishes of the Management. Even now, the Management of the 4th respondent College is harassing her for having instituted writ petitions in this

Court and he would, therefore, submit that this Court must come to the rescue and ensure that no injustice is done to her cause by the 2nd

respondent University and the 4th respondent College. The fact that the writ petitioner has been attending to the work and undergoing training

programme is evident from the log book maintained by her from 06-06-2010 onwards and hence, her results should be declared by the 2nd

respondent University and the necessary Degree shall also be awarded to her.

6. Per contra, Sri C.V. Mohan Reddy, learned senior counsel, would submit that by mistake a certificate was erroneously issued earlier certifying

the writ petitioner's attendance in the Course and on the other hand when records were verified by the Medical Superintendent of the Hospital,

she fell short of her attendance and the said fact has been brought out to the notice of the 2nd respondent University. Hence, the 4th respondent

College has not committed any irregularity, whatsoever.

7. It is a fact that the writ petitioner has instituted W.P. Nos. 11257 and 23510 of 2010 in this Court and she has succeeded on the previous

occasion. As was seen from the record, this Court passed an interlocutory Order on 12-05-2010 entertaining W.P. No. 11257 of 2010 directing

the respondents 3 and 4 therein, namely, the Management of the 4th respondent College and its Principal to furnish an application form to the writ

petitioner for admission into M.D. (General Medicine) Course in the said College, whereas the College in its communication dated 31-05-2010

sent up to the 2nd respondent University has contended that the necessary proposals seeking approval of the admissions granted by it in M.D.

(General Medicine) Course were submitted to the 2nd respondent University as of 03-05-2010, which is in accordance with the Circular

Instructions passed on by the 2nd respondent University in February 2010. It is, therefore, clear that by 03-05-2010, the 4th respondent College

herein has granted admission in M.D. (General Medicine) Course in favour of Dr. U. Kishan and Dr. Jamal Dudekula. No admission was granted

in favour of the writ petitioner herein. Truth of the matter is that the writ petition was not even furnished application form by the 4th respondent

College Management as of 03-05-2010 for her to seek admission in M.D. (General Medicine) Course. It is only pursuant to the Orders passed by

this Court on 12-05-2010, such an application form was made available to her on 31-05-2010. Further, it is apt to remember that there are only

four sanctioned seats in M.D. (General Medicine) Course available in the 4th respondent College. Of them, two are required to be filled in by the

Convener by allotting meritorious candidates at the counseling process undertaken by it and the remaining two seats are alone liable to be utilized

by the 4th respondent College Management for granting admissions. Therefore, it is nearly impossible for one to infer that the writ petitioner herein

Dr. M. Divya was granted admission by the Management of the 4th respondent College any time after 03-05-2010, the date on which they sought

for approval of admission of two other doctors in M.D. (General Medicine) Course. Far from it, she refused to succumb to the unjust dictates of

the Management for granting admission and preferred to follow the rightful course of action by instituting W.P. Nos. 11257 and 23510 of 2010 in

this Court. I am, therefore, not in a position to attach any significance to the entries contained in the record (log) book maintained by the writ

petitioner making entries therein as if she was granted admission by first week of June 2010 itself by the said College. In fact, Dr. U. Kishan and

Dr. Jamal Dudekula were pursuing the M.D. (General Medicine) Course under the Management Quota till Dr. Jamal's admission was declined to

be approved by the 2nd respondent University on 05-10-2010. Therefore, it will not be proper or possible to hold that the writ petitioner had

completed 36 months duration of the P.G. Medical Education Course for her to be awarded the P.G. Degree along with other students, who have

secured admission in time during 2010-11 academic session.

8. Only after the 2nd respondent University directed that it is the petitioner and Dr. U. Kishan, who ought to have been admitted to the M.D.

(General Medicine) Course, the 4th respondent College, grudgingly, complied with the said directive. The 4th respondent College granted

admission to the writ petitioner on 21-10-2010 and she reported to the Medical Superintendent of the Hospital on 22-10-2010. Therefore, she

would be completing the 36 months duration of the P.G. Course only by 21-10-2013.

9. Sri A. Prabhakar Rao, learned Standing Counsel for the 2nd respondent University, is right in his contention that the writ petitioner will have to

attend to the Course till 21-10-2013 and thereafter she would be awarded her P.G. Medical Degree. Such an action of the 2nd respondent

University is in conformity with the requirements of P.G. Regulations framed by the MCI.

10. By virtue of the common Judgment rendered by this Court on 13-04-2011 in W.P. Nos. 11257 and 23510 of 2010, the admission of the writ

petitioner in M.D. (General Medicine) Course for the academic year 2010-11 has been crystallized. Since, she has not complied with the alleged

unjust demands of the Management of the 4th respondent College, she may have been subjected to hostility by the Management. The harsh

treatment, which was reflected in various allegations made in the affidavit filed in support of this writ petition, may, perhaps, the testimony, but

however, the reliance placed upon the attendance certificate issued in favour of the writ petitioner by the Medical Superintendent earlier, which has

been placed at page 23 of the writ petition paper book, does not inspire much confidence in my mind. The certificate at page 23 clearly reflected

her date of admission as 21-10-2010, whereas the periods of leave availed by the petitioner have not even been filled in and they were kept blank.

Similarly, the total number of days of leave availed by the petitioner has also not been filled in. The percentage of attendance column has been,

apparently, filled in routinely by reflecting 95% of attendance. It is this certificate, which is sought to be relied upon by the petitioner in support of

her case. Pausing here for a moment, if the petitioner has put in 95% of attendance, as claimed by her, it also reflects that she has availed leave for

the balance 5% of days. Therefore, the certificate should have reflected the details of leaves availed by her, instead, that column was kept blank.

Most significantly, the certificate reflects her date of admission as "21-10-2010" and the date of completion of study period is also noted therein as

"21-10-2010". This itself reflects lack of appropriate application of mind on the part of the Officer, who has given the said certificate. Anyone,

whoever seriously applies his mind, would have known that the duration of P.G. Medical Education Course is of three years and consequently,

would have reflected the date of completion of the said Course as "21-10-2013", whereas, it is noted mechanically as "21-10-2010". This

certificate, in fact, has not been signed by the Head of the Department, but was signed by the Medical Superintendent. Therefore, I am not willing

to attach much of a legal significance to this certificate, which merely reflects a mechanical attitude adopted in issuing the same. Further, if the

petitioner was truly allowed to attend the Course by the 4th respondent College, all due to the interim orders passed by this Court on 12-05-2010,

there would be no further necessity for her to move another W.P. M.P. No. 28506 of 2010 seeking directions to the 4th respondent College to

allow her to attend to the Classes. Nor would this Court issue redundant directions on 04-10-2010. Therefore, the contention canvassed by the

learned senior counsel for the writ petitioner in this respect does not carry any conviction.

11. Sri C.V. Mohan Reddy, with a view to neutralize the contention canvassed by the writ petitioner that with vengeance the College Management

has issued the second attendance certificate reflecting as if the petitioner does not have the requisite attendance, would submit that the first

attendance certificate may have been issued, more with a view to help the student, rather than upon reflection of the record maintained by the

College. Hence, it is the later certificate which reflects the true position.

12. The College Management, with the kind of hostility exhibited towards the writ petitioner's cause all through, cannot be considered to be so

good and generous to give a certificate of her attendance with a view to help her.

13. For all the aforementioned reasons, I agree with the contention canvassed by Sri Prabhakar Rao that the petitioner is entitled to continue to

attend to the Course till 21-10-2013 and that she will be entitled to be awarded the P.G. Degree by the 2nd respondent University thereafter.

14. Before I part with this case, I must necessarily reflect upon the casual approach adopted by the MCI (1st respondent) and Dr. N.T.R.

University of Health Sciences, Vijayawada (2nd respondent herein) in this matter. Both the 1st respondent MCI and the 2nd respondent University

are respondents to W.P. Nos. 11257 and 23510 of 2010 and are bound by the common Judgment rendered by this Court in those cases on 13-

04-2011. It is the 4th respondent College Management, which carried the matter in Appeal by preferring W.A. Nos. 328 and 371 of 2011 and

1389 of 2012. Those Appeals were dismissed by common Judgment dated 21-11-2012 by the Division Bench finding no merit in any of them.

Further, the Division Bench also dismissed the Miscellaneous Petitions filed along with the Appeals. But nonetheless, it appears, the 4th respondent

College Management has not surrendered one P.G. seat in M.D. (General Medicine) from out of its quota to the Convener's pool during 2011-12

or thereafter. Such an action on the part of the Management of the 2nd respondent College is not only in violation of the Judgments rendered by

this Court referred to supra, but also the ratio laid down by the Supreme Court in Mridul Dhar (Minor) and Another Vs. Union of India (UOI) and

Others, . It is, in fact, also contrary to Rule 10 of the Andhra Pradesh Unaided Non-Minority Professional Institutions (Regulation of Admission

into P.G. Medical and Dental Professional Courses) Rules, 2003, framed by the Governor, exercising the power available to him u/s 3 r/w.

Section 15 of Act No. 5 of 1983, which are enforceable. I am disappointed that the respondents 1 and 2 herein have not taken any action in the

mater.

15. For the aforesaid reasons, I do not find any merit in this writ petition and hence, it is dismissed. No costs. But however, the writ petitioner is

entitled to be awarded her P.G. Degree upon completion of the three year duration of study (36 months) on or after 21-10-2013.