

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8994 OF 2012
(SPECIAL LEAVE PETITION(C.)NO.5501 OF 2012)

NATIONAL BOARD OF EXAMINATIONS

APPELLANT

VERSUS

AMI RAJESH SHAH & ORS.

RESPONDENTS

WITH C.A.NO.8995 OF 2012 @ S.L.P.(C)NO.12907/2012

WITH C.A.NO.8996 OF 2012 @ S.L.P.(C)NO.16008/2012

WITH C.A.NO.8997 OF 2012 @ S.L.P.(C)NO.17027/2012

WITH C.A.NO.8998 OF 2012 @ S.L.P.(C)NO.17028/2012

WITH C.A.NO.8999 OF 2012 @ S.L.P.(C)NO.17030/2012

WITH C.A.NO.9000 OF 2012 @ S.L.P.(C)NO.17034/2012

WITH C.A.NO.9001 OF 2012 @ S.L.P.(C)NO.17031/2012

AND WITH C.A.NO.9002 OF 2012 @ S.L.P.(C)NO.17032/2012

O R D E R

1. Leave granted.

2. These appeals are directed against the judgment and order passed by the High Court of Judicature at Bombay in Writ Petition (L) No.124 of 2011 and connected matters disposed of on 28.11.2011. By the impugned judgment and order, the High Court has granted the reliefs sought by the respondents-doctors herein.

3. We have heard Shri M.L.Verma, learned senior counsel appearing for the appellant-Board and Shri Shyam Divan, learned senior counsel, Shri C.U.Singh, learned senior counsel and Shri Subrat Birla, learned counsel for the respondents.

4. Shri Verma, strenuously, contends that the respondent-Hospital has wantonly violated the statutory rules framed by the Board, despite being given sufficient opportunities to act in accordance with the guidelines which came to be issued in July 2010 and, therefore, are not entitled to the reliefs sought by them in the Writ Petitions. He would further submit that since the admission of the respondent-doctors is not in accordance with the rules framed by the Board, this Court should take exception to the impugned judgment and order passed by the High Court.

5. Shri Divan, Shri Singh, Shri Thorat and Shri Birla, learned counsel for the respondents, ably justify the impugned judgment and order.

6. After hearing learned counsel for the parties to the lis, we are of the opinion that there existed a confusion in the minds of the students and the hospital while admitting the respondents-doctors for the Diplomate of National Board Course ('DNB course' for short) despite the rules framed by the Board. Because of this confusion the students had taken admission in the respondent-hospital, though there were rules framed by the Board. Be that as it may.

7. Since the respondent-doctors possess the necessary

qualification and have already taken admission in the respondent-college and have been prosecuting their studies for nearly two and a half years out of three years' course, we need not come in the way of students from completing their course. Keeping this in view and in the interest of welfare of students, we decline to interfere with the impugned judgment and order passed by the High Court.

8. Shri M.L. Verma, submits that the rules framed by the Board are binding on all the colleges which are accredited to the Board. We do not intend to comment on this issue, since we are granting relief to the respondent on the principles of equity. Therefore, broad proposition canvassed by the learned Senior Counsel is kept open to be agitated in an appropriate case.

9. We clarify that the judgment and order passed by the High Court need not be treated as a precedent in any other case.

With these observations, the appeals are disposed of. There shall be no order to costs.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
DECEMBER 13, 2012

ITEM NO.3(P.H.)

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5501/2012
(From the judgement and order dated 28/11/2011 in WP No.1245/2011 of the
HIGH COURT OF JUDICATURE AT BOMBAY)

NATIONAL BOARD OF EXAMINATIONS

Petitioner(s)

VERSUS

AMI RAJESH SHAH & ORS.

Respondent(s)

(With prayer for interim relief and office report)
(for final disposal)

WITH SLP(C) NO. 12907 of 2012
(With office report)
(for final disposal)

SLP(C) NO. 16008 of 2012
(With appln.(s) for exemption from filing c/c of the impugned judgment and
office report)
(for final disposal)

SLP(C) NO. 17027 of 2012
(With office report)
(for final disposal)

SLP(C) NO. 17028 of 2012

(With office report)
(for final disposal)

SLP(C) NO. 17030 of 2012
(With office report)
(for final disposal)

SLP(C) NO. 17031 of 2012
(With office report)
(for final disposal)

SLP(C) NO. 17032 of 2012
(With office report)
(for final disposal)

SLP(C) NO. 17034 of 2012
(With office report)
(for final disposal)

Date: 13/12/2012 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Mr.M.L.Verma, Sr.Adv.
Mr.Rudreshwar Singh, Adv.
Mr.Rakesh Gosain, Adv.
Mr. Kaushik Poddar,Adv.
Mr.Gopal Jha, Adv.

For Respondent(s) Mr.Shyam Divan, Sr.Adv.
Mr.Satyajit A.Desai, Adv.
Ms. Anagha S.Desai,Adv.

Mr.C.U.Singh, Sr.Adv.
Mr.Satyajit A.Desai, Adv.
Ms. Anagha S.Desai,Adv.

Mr.Vijay Thorat, Adv.
Mr.Satyajit A.Desai, Adv.
Ms. Anagha S.Desai,Adv.

R.No.2 Mr.Subrat Birla, Adv.
Mr. S.C. Birla ,Adv

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

Appeals disposed of, in terms of the signed order. There shall be no order as to costs.

(G.V.Ramana)
Court Master
(signed order is placed on the file)

(Vinod Kulvi)
Court Master