

A STUDY ON THE LANDMARK SUPREME COURT JUDGMENTS IN INDIA RELATING TO RESERVATION IN MEDICAL ADMISSIONS

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Abstract :

The Medical Profession is the most respected and highly competitive field that requires quality as it has the potential to bring great benefits to human lives. The state is also duty-bound to reserve certain seats for disadvantaged sections thereby ensuring their due participation in the medical profession. The Supreme Court of India has pronounced several judgments regarding the issues and challenges concerning the reservation of seats in medical admissions. The number of cases that come before the Supreme Court shows the faith of people in the justice delivery system with an alarming caution that several issues and challenges in this field continue to be unsettled. The Inconsistency in the judicial approach and smaller benches compelled to deal with matters involving substantial questions of law are some of the major concerns that need sufficient attention. The Judiciary's commitment to upholding social justice while dealing with the complexities connected to reserving seats in the national interest is highlighted through various cases. This article analyses some of the landmark judicial pronouncements in balancing the claims of social justice and efficiency in the medical service.

Keywords: Medical admissions, Reservation, Ceiling Limit, Super speciality courses, PG medical seats.

Introduction

“ Medicines cure diseases, but only Doctors can cure Patients”

- Carl Jung

The Contribution of doctors to the well-being of the humanity[1] rightly makes the profession noble and preferred in every country. A welfare state is responsible to ensure better medical facilities and to continuously undertake several effective measures by establishing a network of health service system.[2] The Reservation in Medical Admissions had been a contentious issue and the matter was taken to the courts of the country multiple times. The Constitutional guarantee of equality requires reserving seats for the disadvantaged sections of society. Apex court had given numerous guidelines taking into account individual rights, social justice, and the overall welfare

of the country. Major decisions of the Supreme Court have been summarized to highlight the key issues that were brought before the highest courts of the country.

The earlier decision of *State of Madras v. Champakam Durairajan*[3] dealt with the issue of proportionate representation of seats in medical admissions. Apex court nullified the communal order passed by the state government since admission given solely on the basis of caste is unconstitutional. Parliament nullified the above verdict by enacting the first constitutional amendment [4] enabling states to provide preferential treatment in educational institutions.

Ceiling Limit of Reservation in Medical Admissions:

M.R Balaji v.State of Mysore and others[5] the court attempted to give a well-balanced judgment by fixing a ceiling limit of 50% along with upholding the need to provide reservation taking into account of social backwardness. District wise distribution of seats was struck down in *P.Rajendran v. State of Madras*.[6] In *Modern Dental College and Research Centre v.State of M.P.*,[8] the impugned act and rules providing for reservation for SCs/STs/OBCs were held valid because of Article 15(5) of the Constitution.

In *A.Periakaruppan v.State of Tamilnadu*,[7] the court declared that unit-wise reservation for SCs, STs, and OBCs was violative of Articles 14 and 15 but upheld 41 % reservation based on caste to be within the purview of Article 15(4).

Institutional Reservation in Medical Admissions:

In *Jagadish Saran v. Union of India*, [9] a rule reserving seventy percent of the seats in the postgraduate medical courses to Delhi University medical graduates was challenged as violating Articles 14 and 15. The court directed that since the petitioner had secured enough marks for admission, the medical council is allowed for making an exception by adding one more seat that year. The court also directed to constitute a time-bound committee in the college that will look into the matter of the percentage of institutional reservation provided to Delhi University candidates. The court upheld institutional reservation based on the reasons such as continuity of study, convenience, stability, and familiarity with the educational environment.

In *Dr.Pradeep Jain v.Union of India*[10] apex court condemned the practice of some states in giving excess reservation on the basis of residing in the state .The court held that constitution recognizes only domicile in India. However on the ground of institutional continuity and preference to uplift backward sections in the state certain seats could be reserved but that shall not exceed fifty percent of the seats available in All India level for post graduate medical admissions.*D.N.Chanchala v.State of Mysore*,[11]too have dealt with issue of university wise allocation which was upheld by the court.Institutional continuity will benefit the students was the reasoning relied by the court.

The relaxation of marks on a college-wise basis was held invalid by the apex court in *Dr.Ashok Kumar Gupta case*.[12] In this case, the guidelines for admission provided to students into a post-graduation course were challenged since it allowed for a uniform addition of 5 % marks in case their graduation was completed from any of the five medical colleges under that university. The apex court held that such an addition would lead to unfair competition when concerned with remaining applicants.

In *Gujarat University v. Rajiv Gopinath Bhat*, [13] the rule providing first preference to candidates of Gujarat University, next to candidates from other universities of the state, and any vacancy after this to be left unfilled was challenged in court. The apex court struck down the last part of the rule and directed the university to take steps to fill up such vacancies. In *P.K. Goel v. U.P. Medical Council*, [14] the court directed the state government to make admission for postgraduate medical admission based on a combined merit list and the college wise allocation giving institutional preference was held unconstitutional.

In *AIIMS Students Union v. AIIMS*, [15] the court held that twenty-five percent institutional reservation is permissible in postgraduate courses. The court directed that institutional reservation is effected against twenty-five percent of seats available in the open category and not 25% seat discipline-wise out of the total postgraduate seats. In *Saurabh Chaudri v. Union of India*, [16] the court held institutional reservation valid relying on the following reasons:

- a. The state spends a lot of money to provide medical education to candidates from the state and also pays stipends to postgraduate students. Reservation of some seats to a reasonable extent is permissible.
- b. The provision of the institutional reservation is a matter of policy that can only be invalidated on the ground of violation of Article 14 for which sufficient materials were not brought before court to prove the contrary.

The above cases highlight that the judiciary upheld a small percentage of institutional reservation in postgraduate courses but declined institutional reservation in super specialties taking into account national interest. [17]

Classification based on Territorial Limits in Medical Admissions :

In *State of U.P. v. Pradip Tandon and Others*, [18] Uttar Pradesh government allowed reservation for socially educationally backward class on the basis of the following criteria a. Hill areas b. Uttarakhand areas c. Rural areas. The court referred to the verdicts of *M.R. Balaji v. State of Mysore* [19] and *State of A.P. v. P. Sagar* [20] that “The expression class of citizens indicates a homogeneous section of the people who are grouped together because of certain likenesses and common traits and who are identifiable by some common attributes”. Lack of technical processes and means of communication in the Uttarakhand and hill areas had resulted in the backwardness since educational facilities were highly inaccessible in these areas. Hence court upheld reservation on the grounds of Uttarakhand and hill areas. With respect to rural areas, court held that it was wrong to conclude that all the people in rural areas are backward and poor since poor people can be found in urban areas as well and reservation if allotted on rural areas would lead to majority of the state population falling under reservation category.

Capitation Fees in Medical Admissions:

Mohini Jain v. State of Karnataka, [21] petitioner challenged the capitation fees charged in medical colleges. The two-judge bench court held that the right to education is a fundamental right and it is enforceable against the state as well as private medical colleges. The question raised in the *Mohini Jain* case was a matter related to the interpretation of a substantial question of constitutional law which should have been heard by a constitutional bench comprising five judges. [22]

Unni Krishnan v. State of Andhra Pradesh[23] dealt with the correctness of its earlier stand in the Mohini Jain Case. Supreme court relied on State of Madras v.Champakam Durairajan,[24] Hanif v.State of Bihar,[25] Minerva Mills v. Union of India[26] that categorically stated that part III and part IV are supplementary to one another. Though the right to education is inherent part of right to life ,its content is subject to the limitations prescribed in Articles 45 and 46. Hence every citizen has the right to free education until 14 years.

Reservation in PG Medical Admissions and Super Speciality courses:

Analysis of judicial decisions shows that the courts have followed a stringent approach with respect to post graduate medical admissions and super speciality courses.

In Sadhna Devi v. State of U.P,[27] a circular was issued by the Uttar Pradesh government doing away with the thirty five percent minimum qualifying marks for the reserved category candidates. Petitioners contended that regulations framed by medical council of India will prevail over the circular issued by state government. Supreme Court ruled in favour of petitioners that minimum qualifying mark requirement is applicable to reservation seats also. In case, if the reserved seats remained unfilled, that should be made available to the general category. In Post Graduate Institute of Medical Education and Research v. K.L.Narasimhan, [28] the court held that the reservation was permissible in super specialties as well for scheduled caste and scheduled tribes. The court justified its decision that denial of providing opportunities to the disadvantaged sections would amount to inequality.

The Constitutional Bench in Preeti Srivastava v. State of M.P[29] case dealt with the constitutionality of laws passed by State of Uttar Pradesh and Madhya Pradesh with respect to post graduate medical admissions. The states fixed lower minimum qualifying marks for reserved category seats. In the present case, the court invalidated fixing of 20 percent for reserved seats and forty five percent for general category since the difference between the percentages is too high and unreasonable. This case also reviewed the correctness of proposition laid in K.L.Narasimhan case with respect to reservation in Post graduate medical admissions. Court opined that special protection granted to some classes must have a reasonable balance with the wider national interest. Hence no reservation should be given at the level of super specialization since any amount of dilution of competence and skill will adversely affect public interest. Further in Dr.Fazal Gahfoor v. Union of India[30] the Supreme Court held that in super specialties there shall be no reservation. The Central Government was directed in Faculty Assn. of all India Institute of Medical Sciences v. Union of India[31] to take appropriate steps under the provisions of Article 335 of the Constitution so that there is no compromise with the merit at the super speciality stage for medicine, engineering, and other technical posts.

In Soumil Khetal Kumar Shah v. State of Gujarat[32] the court was called upon to examine the change of validity of eligibility criteria once the process of admission had begun especially in the PG medical courses. Relying on the judgment of Sonia v.Oriental Insurance Company Ltd,[33] the court held that if the executive order was merely issued for more clarification and public notice had been issued regarding possible changes in the eligibility criteria, no wrong had been committed by the State of Gujarat.

S.Tamil Selvi v.State,[34] the petitioner prayed for transgender reservation since no reservation was provided for transgenders in the admission to BSC (Nursing) course 2022. The court relied on National Legal Service Authority v. Union of India[35] which held that transgenders should be treated as Socially and Educationally backward classes and are entitled to horizontal reservation. Central government had also enacted Transgender Persons(Protection of Rights) Act,2019. Hence court directed the state to treat the petitioner as the third gender in a special category for admission to special seats.

Reservation for medical admissions based on Schooling in Government Schools

The State of Tamil Nadu had introduced a new reservation criteria taking into account that students studying in government school are at a disadvantageous position compared to students who complete their schooling in private schools followed by a Commission report submitted by Retd.Judge Justice Kalaiarasan taking into account of socio economic factors. These criteria considered a new paradigm of disadvantage that is schooling opportunity which will consider the factors of economic deprivation, geographical basis or social disadvantage. [36]

In Preethika C v. State of Tamilnadu,[37] the constitutionality of the 7.5 percent horizontal reservation provided under Tamil Nadu Admissions to undergraduate courses in Medicine, Dentistry, Indian Medicine, and Homeopathy on a Preferential Basis to students of the Government Schools Act,2020 was challenged. Apex court took into consideration the commission report relied on by the state government that led to impugned legislation and also to overriding public interest taking into consideration economic, social, and rural backwardness, and upheld 7.5 percent reservation.

Other issues related to Reservations in Medical Admissions

Inder Dev Arya v.University of Rajasthan[38] had upheld the reservation provided to candidates from other states since it promotes national integration. This was done in furtherance to the recommendation by the Medical Council of India to reserve ten percent of seats for the students on a reciprocal basis coming from other states. N.B.Rao v. Principal,Osmania Medical College[39]dealt with the issue of claiming reservation benefits by submitting false certificates. Christian Medical College(C.M.C) Vellore v.Union of India,[40] the supreme court upheld the National Eligibility Cum Entrance Test(NEET) for graduation and post-graduation programs. This judgment stated that national interest takes precedence over the fundamental right to run educational institutions. The court relied on its decision in T.M.A Pai Foundation v.State of Karnataka[41] which held that any law enacted with national interest must be made applicable to all educational institutions regardless of their minority status.

In Bhat Ab Urban Bin I Aftaf v. UT of J and K,[42]the court was called upon to deal with the issue concerning the adjustment of seats for a candidate who qualified for PG in the dental surgery course. Court relied on S.Krishna Sradha v.State of A.P,[43]that held that court by using its plenary powers can direct for accommodating a meritorious candidate who was denied admission for no fault of his or her in the counseling process. In the present case it was found that the candidate had been denied admission irrationally and illegally hence directed the state to accommodate the candidate by increasing one seat and adjusting that in the next academic year.

Reservation for Economically Weaker Sections in Medical Admissions

Neil Aurelio Nunes v. Union of India,[44] the legality of twenty-seven percent Other Backward Class reservation and ten percent Economically Weaker Section reservation in the All India Quota seats for both Under Graduate and Post Graduate medical courses was challenged before court. Court upheld reservation for other backward class and directed to conduct counseling even for 10 percent EWS quota. The constitutionality of the criteria to determine EWS was left undecided. Court held that merit need to be considered not solely based on top score rather taking into account of the circumstances that affects equal access to rights. In Tista Das v. State of West Bengal,[45] the petitioner approached the court to revise the seat matrix for the MBBS course since the state of West Bengal did not implement the EWS quota. The high court relied on Janhit Abhiyan v. Union of India[46] that upheld the constitutionality of 10% EWS reservation. Hence the seat matrix prepared by the state of West Bengal was set aside and directed the state to suitably implement the EWS quota.

Conclusion :

The role of the Supreme Court in dealing with the issues and challenges of reservation of medical admissions is very significant. Most of the judgments highlight the principle of social justice and inclusivity in medical education. Commitment to ensure equal opportunities to historically disadvantaged sections along with the necessity to foster a diverse medical force runs like a golden thread in many of the judicial verdicts. By imposing the ceiling limit on the percentage of reservations, the apex court aimed to balance meritocracy and social justice commitments. The creation of the All India Quota which aims at the reduction of domicile-based reservations has indeed been a strong step taken towards national integration. A diverse workforce essentially ensures a stronger healthcare system. The above-discussed judgments serve as a beacon of hope for a more egalitarian society where the right to medical education is a right accessible to all irrespective of their social, educational, and economic background.

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