

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CIVIL APPEAL NO.6812 OF 2015
(Arising out of SLP(C)NO.14880 of 2015)

MEDICAL COUNCIL OF INDIA ... APPELLANT(S)

VS.

AL MILLAT FOUNDATION TRUST & ORS. ... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Leave granted.
2. Being aggrieved by the order dated 28th April, 2015, in W.P.(C)No.7207/2014 passed by the High Court of Judicature at Allahabad, Lucknow Bench at Lucknow, the appellant has approached this Court.
3. We have heard the learned counsel and have perused the impugned order as well as the relevant record.
4. We find that the respondents had been aggrieved by an order dated 11.07.2014 passed by the appellant-Council and

therefore, the said order was challenged before the High Court. The High Court has quashed the said order by virtue of the impugned order.

5. It has been submitted by the learned counsel appearing for the appellant-Council that the respondents' application for grant of permission had been received on 13th June, 2014, which was much after the date provided in the schedule prescribed in the case of Priya Gupta Vs. State of Chhattisgarh & Ors. [(2012) 7 SCC 433] and Mridul Dhar & Anr. Vs. Union of India & Ors. [(2005) 2 SCC 65]. In view of the said fact, by virtue of the order dated 11.07.2014 permission was rejected by the appellant.

6. The learned counsel has submitted that the action taken by the appellant was consistent with the policy and regulations framed by the Council and therefore, the said order ought not to have been quashed.

7. Upon hearing the learned counsel for the respondents and looking at the provisions of the Medical Council of India Establishment of Medical College Regulations, 1999, as well as the judgments referred to hereinabove, in our opinion it was not proper on the part of the High Court to quash the just and legal order dated 11.07.2014 passed by the appellant.

8. The appeal is allowed and the impugned order and the directions given therein are set aside with no order as to costs.

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
2nd September, 2015.



JUDGMENT