* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 17th NOVEMBER, 2022

IN THE MATTER OF:

\+ **W.P.(C) 13180/2022 & CM APPL. 39902/2022**

SACHIN AND OTHERS ..... Petitioner

Through: Mr. Jeetender Gupta and Mr.Ashish Mishra, Advocates.

versus

UNION OF INDIA AND OTHERS ..... Respondents

Through: Mr. Manish Mohan, CGSC with Ms.Rupali Kapoor, Advocate for UOI.
Mr. T. Singhdev, Ms. Bhanu Gulati, Mr. Michlle B. Das, Ms. Ramanpreet Kaur and Mr. Abhijit Chakravarty, Advocates for R-2.
Mr. Sahil A. Garg Narwana and Mr. Shikhar Singhal, Advocates for R-3.

\+ **W.P.(C) 13407/2022 & CM APPL. 40715/2022**

RAVINDER SINGH AND OTHERS ..... Petitioners

Through: Mr. Jeetender Gupta and Mr.Ashish Mishra, Advocates

versus

UNION OF INDIA AND OTHERS ..... Respondents

Through: Ms. Arunima Dwivedi, CGSC with Ms. Priya Mishra, G.P with Mr. Prakash, Advocate for UOI.
Mr. T. Singhdev, Ms. Bhanu Gulati,

Mr. Michlle B. Das, Ms. Ramanpreet Kaur and Mr. Abhijit Chakravarty, Advocates for R-2.
Ms. Ayushi Bansal, Advocate for R-3 & R-6

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

J U D G M E N T

SUBRAMONIUM PRASAD, J.

1. The instant Writ Petitions have been filed under Article 226 read with Article 227, of the Constitution of India by the Petitioner Students seeking *inter alia*, setting aside of Regulation 7.7 of Regulations on Graduate Medical Education (Amendment), 2019 dated 04.11.2019 issued by Respondent No. 2 Commission ("**Impugned Regulation**") as being *ultra vires* Article 14, 19(1)(g) and 21 of the Constitution of India.

2. It appears that back in 1997, the Respondent No.2 (erstwhile Medical Council of India) *vide* notification dated 04.03.1997 notified the "Regulations on Graduate Medical Education, 1997."

3. The Petitioners herein, after clearing Class XII examination, secured admission in the MBBS Course at their respective medical colleges, i.e. Respondent No.3 to 5, as per the allotment done by Respondent No.6 University from 24.06.2019 to 03.09.2019.

4. In 2019, the Ministry of Law and Justice notified the National Medical Commission Act, 2019, to bring changes to the medical education system. On 04.11.2019, the Respondent No. 2 *vide* Amendment Notification dated 04.11.2019 notified "Regulations on Graduate Medical Education

(Amendment) 2019" to amend the "Regulations on Graduate Medical Education, 1997".

5. The Regulations of Graduate Medical Education, 1997, from Clause 2 to 14 have been included as Part I of the Impugned Regulations. On the other hand, Part-II of the Regulations on Graduate Medical Education (Amendment), 2019 govern batches admitted in the MBBS course from academic year 2019-20 onwards. In Part II, the Impugned Regulation being 7.7 has been inserted, which reads as follows: -

> *"No more than four attempts shall be allowed for a candidate to pass the first Professional examination. The total period for successful completion of first Professional course shall not exceed four (4) years. Partial attendance of examination in any subject shall be counted as an attempt."*

6. The Petitioners attempted to pass the first professional examination four times by 2022 but could not succeed. Thereafter, in light of Regulation 7.7, the Petitioners have been prohibited from writing these exams again. Aggrieved by the same, between 01.08.2022 and 16.08.2022, some of the Petitioners sent a representation to Respondents, requesting the Respondents to allow them to appear in the examination.

7. It has also been placed on record that a Writ Petition with similar reliefs was filed before the Kerala High Court, which has passed an Order stating that status quo be maintained.

8. Aggrieved by the Impugned Regulations, the Petitioners have filed the instant Writ Petitions.

9. In sum and substance, the contentions of the Petitioners are that the Impugned Regulations violate Articles 14, 19, and 21 of the Constitution of India. Further, it has been argued that the Impugned Regulations should not be implemented retrospectively in terms of the judgment titled Rohit Naresh Aggarwal vs Union of India, **204 (2013) DLT 401 (DB)**. No other grounds have been availed by the Petitioners.

10. *Per contra*, the Counsel for Respondent No. 2 has argued that the Petitioners have failed to discharge the burden of proving that the promulgation of the Impugned Regulations was beyond the legislative competence of the MCI. It has also been argued that it is the State's prerogative to decide and determine the calibre of students to be admitted to medical colleges. In this regard, the Respondent No. 2 has placed reliance upon Dr. Preeti Srivastava Vs. State of M.P & Ors., **(1999) 7 SCC 120**, and Modern Dental College & Research Centre v. State of Madhya Pradesh, **(2016) 7 SCC 353**. It has also been argued that the scope of judicial review in educational policies is very narrow as delineated in University Grants Commission & Anr. v. Neha Anil Bobde (Gadekar), **(2013) 10 SCC 519.**

11. Heard the Counsel for the Petitioners and Respondents, and perused the material on record.

12. Upon a perusal of the material on record, the questions that emerge before this Court are: ***a)*** whether the Impugned Regulations are ultra vires of Articles 14, 19 and 21 of the Constitution; and ***b)*** whether the Petitioners should be given another opportunity to appear for their 1st year examination in their respective medical colleges.

13. With regards to the first issue, it is trite law that there exists a strong presumption of constitutionality in favour of any legislation including subordinate legislation.

14. The Supreme Court in State of T.N. v. P. Krishnamurthy, **(2006) 4 SCC 517**, has laid down the parameters of judicial review of subordinate legislation as under:-

> *"15. There is a presumption in favour of constitutionality or validity of a subordinate legislation and the burden is upon him who attacks it to show that it is invalid. It is also well recognised that a subordinate legislation can be challenged under any of the following grounds:*
>
> *(a) Lack of legislative competence to make the subordinate legislation.*
>
> *(b) Violation of fundamental rights guaranteed under the Constitution of India.*
>
> *(c) Violation of any provision of the Constitution of India.*
>
> *(d) Failure to conform to the statute under which it is made or exceeding the limits of authority conferred by the enabling Act.*
>
> *(e) Repugnancy to the laws of the land, that is, any enactment.*
>
> *(f) Manifest arbitrariness/unreasonableness (to an extent where the court might well say that the legislature never intended to give authority to make such rules).*

15. Further, in Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India, **(1985) 1 SCC 641**, the Supreme Court has observed as under:-

> *"**75.** A piece of subordinate legislation does not carry the same degree of immunity which is enjoyed by a statute passed by a competent Legislature.* ***Subordinate legislation may be questioned on any of the grounds on which plenary legislation is questioned. In addition it may also be questioned on the ground that it does not conform to the statute under which it is made. It may further be questioned on the ground that it is contrary to some other statute.*** *That is because subordinate legislation must yield to plenary legislation. It may also be questioned on the ground that it is unreasonable, unreasonable not in the sense of not being reasonable, but in the sense that it is manifestly arbitrary.*
>
> *xxx*
>
> ***77.** In India arbitrariness is not a separate ground since it will come within the embargo of Article 14 of the Constitution. In India any enquiry into the vires of delegated legislation must be confined to the grounds on which plenary legislation may be questioned, to the ground that it is contrary to the statute under which it is made, to the ground that it is contrary to other statutory provisions or that it is so arbitrary that it could not be said to be in conformity with the statute or that it offends Article 14 of the Constitution."*
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> (emphasis supplied)

16. Recently, the Supreme Court in Dental Council of India v. Biyani Shikshan Samiti, **(2022) 6 SCC 65**, has summarised the abovementioned principles as under:-

26. *It will be relevant to refer to the following observations of this Court in Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India [Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India, (1985) 1 SCC 641 : 1985 SCC (Tax) 121] : (SCC p. 689, para 75)*

> *"75. A piece of subordinate legislation does not carry the same degree of immunity which is enjoyed by a statute passed by a competent legislature. Subordinate legislation may be questioned on any of the grounds on which plenary legislation is questioned. In addition it may also be questioned on the ground that it does not conform to the statute under which it is made. It may further be questioned on the ground that it is contrary to some other statute. That is because subordinate legislation must yield to plenary legislation. It may also be questioned on the ground that it is unreasonable, unreasonable not in the sense of not being reasonable, but in the sense that it is manifestly arbitrary."*

27. It could thus be seen that this Court has held that the subordinate legislation may be questioned on any of the grounds on which plenary legislation is questioned. In addition, it may also be questioned on the ground that it does not conform to the statute under which it is made. It may further be questioned on the ground that it is contrary to some other statute. Though it may also be questioned on the ground of unreasonableness, such unreasonableness should not be in the sense of not being reasonable, but should be in the sense that it is manifestly arbitrary.

28. *It has further been held by this Court in the said case that for challenging the subordinate legislation on*

> ***the ground of arbitrariness, it can only be done when it is found that it is not in conformity with the statute or that it offends Article 14 of the Constitution****. It has further been held that it cannot be done merely on the ground that it is not reasonable or that it has not taken into account relevant circumstances which the Court considers relevant."* (emphasis supplied)

17. A successful challenge to the present regulations can be levelled only on grounds such as, the lack of legislative competence, violation of fundamental rights, repugnancy to other laws, and manifest arbitrariness/unreasonableness.

18. The scheme of the Impugned Regulations indicates that Regulation 7.7 was added to the amended Regulations on Graduate Medical Education (Amendment) 2019, to limit the number of attempts available to students to clear the 1st year of their MBBS Course. In accordance with these Regulations, from 2019, a student can avail only four attempts to clear their first professional examination.

19. The MBBS includes 4 ½ years of teaching / training followed by 1 year of compulsory rotating medical internship. The maximum time available to complete the entire course is 10 years. The Petitioners even after a passage of 3 years have been unable to pass even the first year of their MBBS course.

20. It has been submitted by Respondent No. 2 that the erstwhile MCI had framed the Graduate Medical Education Regulations, 1997, under the powers conferred to it by Section 33 of the Indian Medical Council Act, 1956. The constitutionality of these Regulations has been upheld by various judgments of the Hon'ble Supreme Court. The Impugned Regulations have been added

as a part of Part-II of the amended Regulations on Graduate Medical Education (Amendment) 2019, which was published in the Gazette of India on 06.11.2019. The amendment was carried out in pursuance of Section 56 of the National Medical Commission Act, 2019 which allows the Central Government to make rules to enable the objectives of the National Medical Commission Act, 2019. Evidently, the Respondent No. 2 has the requisite legislative competence to enact the Impugned Regulation.

21. The Respondent No. 2 submitted that that the rationale behind the Impugned Regulation was that only students with adequate aptitude and merit must be made doctors in order to serve the general public at large. Further, this requirement was added to ensure that students who have the adequate aptitude are allowed to go forward, while other students, may at an early stage without wasting time and resources pursue their vocational callings. This also ensures that the precious resources of State universities are preserved and directed towards providing quality medical education to candidates who have shown a sustained interest and predisposition to medical sciences. These considerations of the State are valid, and it is well within its right to frame rules and regulations to pursue and establish this purpose.

22. This Court does not find the rationale put forth by Respondent No.2 to be arbitrary. Considering that medicine is a noble profession, and that a doctor serves the general public at large, the Government must have rules and regulations that ensure that only individuals with the inclination coupled with the requisite calibre are made medical professionals. Considering this, it is evident that the Impugned Regulations have been notified after careful

thought and deliberation, and do not attract the vice of arbitrariness. It cannot be said that a candidate has a right to take an examination for any number of times and the regulating authority cannot put cap on the number of attempts and such a cap which is put on the candidate takes away any right of a candidate.

23. The Petitioners have failed to dislodge the presumption of constitutionality existing in favour of the Impugned Regulations.

24. The second issue before this Court is whether the Petitioners should be given another chance to appear for their first year professional examination.

25. The Petitioners are enrolled in various medical colleges in Haryana. They have already exhausted their four attempts, and have now come before this Court seeking another chance on the ground that they had suffered immensely during the COVID-19 pandemic.

26. Recently, the Supreme Court in Rachna and Others v. Union of India and Another, **(2021) 5 SCC 638,** evaluated whether the Petitioners therein should be granted another attempt to appear for the Civil Services (Preliminary) Examination, 2020. Rejecting the plea of the Petitioners therein, the Apex Court held as under:-

> ***"38.*** *We do find substance in what is being urged by the learned counsel for the petitioners inter se in questioning the decision placed by the 1st respondent for our consideration.* ***If an additional attempt remains restricted to the last attemptees for the reason that they had suffered during COVID-19 Pandemic, all attemptees irrespective of the nature of attempt (i.e. 1st, 2nd, etc.) who appeared in Examination 2020 must have faced the same consequences as being faced by the writ petitioners***

> ***and each one of them have suffered in one way or the other during the COVID-19 Pandemic.*** *At the same time, this reasoning would equally apply to those who have crossed the upper age barrier. More so, when no discretion is left with the 1st respondent to grant relaxation in the age bracket to the candidates other than provided under Rule 6 of the scheme of the 2020 Rules which indeed the present petitioners are not entitled to claim as a matter of right and that apart, those who have withdrawn their forms either because of lack of preparation or because of some personal reasons but have crossed the upper age-limit to appear in CSE 2021, they would also be equally entitled to claim and no distinction could be made whether the candidate has appeared in the Examination 2020 and availed the last attempt or attempts is still available at his disposal or has crossed the upper age-limit."*
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> (emphasis supplied)

27. From the foregoing, it is evident that all candidates appearing for the Civil Services Exam were to be treated equally. Further, the Respondent No. 2 did not have the discretion to grant the Petitioners therein another chance, in light of the Rules therein. In a similar vein, in the instant case, if an additional chance is accorded to the Petitioners herein, all attemptees who had also suffered would ask for another chance. More importantly, even in the case at hand, the Respondent No. 2 does not have discretionary power to grant another opportunity to the Petitioners to appear for the exam in light of the Impugned Regulations.

28. Furthermore, previously as well, the Apex Court in National Board of Examinations v. G. Anand Ramamurthy, **(2006) 5 SCC 515,** in a similar circumstance has observed as under:-

*"**5.** According to Mr Gopal Subramanium, the respondents herein are not eligible to sit for examination and, therefore, the permission granted by the High Court permitting to sit for the examination is not proper and not called for. Clause 7.12 specifically provides that the candidates should be in possession of the recognised postgraduate degree qualification as specified under each speciality given in the syllabus for medical and surgical super specialities respectively. Clause 7.12 sub-clause (ii) stipulates that candidates should have completed the prescribed three years' training in the speciality after postgraduate degree from an institution recognised by the MCI/NBE/university as specified under each speciality. According to Mr Gopal Subramanium, the respondents will be completing three years' training only by 30-6-2006. They are not qualified and eligible to appear for June 2006 examination.*

7. We have carefully considered the submissions made by both the learned Senior Counsel. In our opinion, the High Court was not justified in directing the petitioner to hold examinations against its policy in complete disregard to the mandate of this Court for not interfering in the academic matters particularly when the interference in the facts of the instant matter lead to perversity and promotion of illegality. *The High Court was also not justified in exercising its power under Article 226 of the Constitution of India to merge a past practice with decision of the petitioner impugned before it to give relief to the respondents herein. Likewise, the High Court was not correct in applying the doctrine of legitimate expectation even when the respondents herein cannot be said to be aggrieved by the decision of the petitioner herein. The High Court was also not justified in granting a relief*

not sought for by the respondents in the writ petition. The prayer of the respondents in the writ petition was to seek a direction to the petitioner herein to hold the examinations as per the schedule mentioned in the Bulletin of 2003. However, the High Court passed an order directing the petitioner herein to hold the examinations for the respondents according to the schedule mentioned in the Bulletin of 2003. ***The effect of this order is that the petitioner would have to permit the respondents to take the exam even if they do not meet the eligibility criteria fixed by the petitioner in its policy of 2003.*** *Our attention was also drawn to the Bulletin of Information of 2003. In view of categorical and explicit disclosures made in the Bulletin, all candidates were made aware that instructions contained in the Information Bulletin including but not limited to examination schedule were liable to changes based on decisions taken by the Board of the petitioner from time to time. In the said Bulletin of Information, candidates were requested to refer to the latest Bulletin or corrigendum that may be issued to incorporate these changes. Thus, it is seen that the petitioner has categorically reserved its rights in the Bulletin of Information to change instructions as aforesaid which would encompass and include all instructions relating to schedule of examinations. It is also mentioned in the Bulletin in no uncertain terms that the instructions contained in the Bulletin including the schedule of examinations were liable to changes based on the decisions taken by the governing body of the petitioner from time to time. Hitherto examinations were being conducted twice a year i.e. in the months of June and December 2006. There could be no embargo in the way of the petitioner bona fidely changing the examination schedule, more so when it had admittedly and categorically reserved its rights to do so to the notice and information of Respondents 1 and 2. In any event, the completion of three years' training is a*

> *necessary concomitant for appearing in the DNB final examination."* (emphasis supplied)

29. Furthermore, it has been contended by the Petitioners that the Impugned Regulations ought not to have been given a retrospective application to prejudice their rights. The question of whether or not the retrospective application of the Impugned Regulations would affect the rights of the Petitioners would only apply if the said rights were "vested" in nature.

30. Recently, the Supreme Court in Manish Kumar v. Union of India, **(2021) 5 SCC 1,** carefully delineated its previous judgments to make the following observations with respect to a vested right:-

> *"**366**. In Bibi Sayeeda v. State of Bihar [Bibi Sayeeda v. State of Bihar, (1996) 9 SCC 516 : AIR 1996 SC 1936] , the Court was dealing with the meaning of the word "Bazar" in the Bihar Land Reforms Act, 1950 (Bihar Act 30 of 1950). In the course of the said judgment the Court went on to hold that the right of the proprietor of a State to hold a "Mela" on its own land is a right in the estate being appurtenant to the ownership of his land. In the context of property rights undoubtedly the Court went on to make the following observations : (SCC p. 527, para 17)*
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> *"17. The word "vested" is defined in Black's Law Dictionary (6th Edn.) at p. 1563 as:*
>
> *'Vested. Fixed; accrued; settled; absolute; complete. Having the character or given the rights of*

absolute ownership; not contingent; not subject to be defeated by a condition precedent.'

Rights are "vested" when right to enjoyment, present or prospective, has become property of some particular person or persons as present interest; mere expectancy of future benefits, or contingent interest in property founded on anticipated continuance of existing laws, does not constitute vested rights.

In Webster's Comprehensive Dictionary, (International Edn.) at p. 1397 "vested" is defined as:

'[L]aw held by a tenure subject to no contingency; complete; established by law as a permanent right; vested interests.' "

***367**. Though Bibi Sayeeda case [Bibi Sayeeda v. State of Bihar, (1996) 9 SCC 516 : AIR 1996 SC 1936] is a case which dealt with vested right qua property there is indeed authority for the proposition that the concept of vested right is not confined to a property right. In this regard we may profitably refer to the Special Bench judgment of the High Court of Calcutta in Gopeshwar Pal v. Jiban Chandra Chandra [Gopeshwar Pal v. Jiban Chandra Chandra, 1914 SCC OnLine Cal 95 : ILR (1914) 41 Cal 1125 : AIR 1914 Cal 806] , referred to by this Court in New India Insurance Co. Ltd. v. Shanti Misra [New India Insurance Co. Ltd. v. Shanti Misra, (1975) 2 SCC 840] wherein it was, inter alia, held : (Gopeshwar Pal case [Gopeshwar Pal v. Jiban Chandra Chandra, 1914 SCC OnLine Cal 95 : ILR (1914) 41 Cal 1125 : AIR 1914 Cal 806] , SCC OnLine Cal : AIR paras 3 and 4)*

"3. On the contrary, the essential conditions of the two cases are so distinct that in our opinion it cannot be said that the earlier decision is, in relation to the circumstances of this case, affected by the judgment [Lala Soni Ram v. Kanhaiya Lal, 1913 SCC OnLine PC 7] of the Privy Council. It is an established axiom of construction that though procedure may be regulated by the Act for the time being in force, still, the intention to take away a vested right without compensation or any saving, is not to be imputed to the legislature, unless it be expressed in unequivocal terms [Commr. of Public Works (Cape Colony) v. Logan [Commr. of Public Works (Cape Colony) v. Logan, 1903 AC 355 (PC)]]. That this view is not limited to those cases where rights of property in the limited sense are involved, is shown byColonial Sugar Refining Co. Ltd. v. Irving [Colonial Sugar Refining Co. Ltd. v. Irving, 1905 AC 369 (PC)] , where it was held that an Act ought not to be so construed as to deprive a suitor of an appeal in a pending action, which belonged to him as of right at the date of the passing of the Act. Equally is a right of suit a vested right, and in Jackson v. Woolley [Jackson v. Woolley, (1858) 8 El & Bl 784 : 120 ER 292] , the Court of Exchequer Chamber declined, in the absence of something putting the matter beyond doubt, to put on an Act a construction that would deprive any person of a right of action vested in him at the time of the passing of the Act.

> *4. William, J. said:'It would require words of no ordinary strength in the statute to induce us to say that it takes away such a vested right.' "*

31. A vested right is one which has already accrued, and hence, cannot thus be interfered or taken away by the legislature, unless expressly so stated [Refer to: Memon Abdul Karim Haji Tayab Vs. Dy. Custodian-General, (**1964) 6 SCR 837**].

32. In the present case, the Petitioners did not have an accrued/vested right to be given infinite chances to complete their degree. Even before the Impugned Regulations came into place, the Petitioners were aware that they were supposed to complete their degree in 10 years, which indicates that there existed bar and fetters on the right of the Petitioner to obtain their degree. The legislature was well within its power to apply the impugned regulation even the students had taken admission prior to the enactment of the legislation.

33. The contention of the Petitioners that since they did not know of the Impugned Rule at the time of admission, they had a legitimate expectation of having infinite chances cannot be accepted. The Apex Court has exhaustively dealt with the doctrine of legitimate expectation, and has crystallised the principles delineating the doctrine as well. Illustratively, in Union of India v. International Trading Co., **(2003) 5 SCC 437**, it held as under:-

> *"**23**. Reasonableness of restriction is to be determined in an objective manner and from the standpoint of interests of the general public and not from the standpoint of the interests of persons upon whom the*

restrictions have been imposed or upon abstract consideration. A restriction cannot be said to be unreasonable merely because in a given case, it operates harshly. In determining whether there is any unfairness involved; the nature of the right alleged to have been infringed, the underlying purpose of the restriction imposed, the extent and urgency of the evil sought to be remedied thereby, the disproportion of the imposition, the prevailing condition at the relevant time, enter into judicial verdict..."

34. Furthermore, in Sethi Auto Service Station v. DDA, **(2009) 1 SCC 180**, the following was observed:-

*"**33**. It is well settled that the concept of legitimate expectation has no role to play where the State action is as a public policy or in the public interest unless the action taken amounts to an abuse of power. The court must not usurp the discretion of the public authority which is empowered to take the decisions under law and the court is expected to apply an objective standard which leaves to the deciding authority the full range of choice which the legislature is presumed to have intended. Even in a case where the decision is left entirely to the discretion of the deciding authority without any such legal bounds and if the decision is taken fairly and objectively, the court will not interfere on the ground of procedural fairness to a person whose interest based on legitimate expectation might be affected. Therefore, a legitimate expectation can at the most be one of the grounds which may give rise to judicial review but the granting of relief is very much limited. (Vide Hindustan Development Corpn. [Union*

of India v. Hindustan Development Corpn., (1993) 3 SCC 499])"

35. From the above, it is evident that this Court does not have wide ranging powers to review policies under the ground of legitimate expectation. In the case at hand, as already discussed, the Petitioners did not have a legitimate expectation to get infinite opportunities to qualify in the medical examination. It cannot be said that the number of attempts that can be taken by a candidate to clear an examination cannot be curbed. There cannot be a right to attempt any examination any number of times. As per the dictum of International Trading Co. (supra), whether someone has a legitimate expectation or not should be viewed from the lens of the general public and not the person whose rights have supposedly been curtailed. Considering that public interest weighs heavily in favour of policy determined by the State, this Court is of the opinion that the Petitioners did not have any legitimate expectation. Further, even if the Petitioners had a legitimate expectation, there is no abuse of power necessitating the interference of this Court.

36. It appears that the Petitioners have failed to dislodge the presumption of constitutionality existing in favour of the Impugned Regulation. Furthermore, the Petitioners do not have any vested right to secure a medical degree, hence, the Impugned Regulation can be applied retrospectively. Lastly, it has also been determined that the Petitioners do not have a legitimate expectation to either get a degree or get another attempt. Even if it is determined that such a legitimate expectation exists, which according to this Court does not exist, in the absence of abuse of power, and keeping in

line with the policy of the State, this Court finds no reason to interfere with the Impugned Regulation on the basis of this ground.

37. In light of the above, this Court does not find any occasion to interfere with the Impugned Regulations.

38. Accordingly, the Writ Petitions are dismissed, along with pending application(s), if any.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

NOVEMBER 17, 2022
S. Zakir/Sh