

ITEM NO.46

COURT NO.6

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).1001/2017

SARVEPALLI RADHAKRISHNAN UNIVERSITY & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([ONLY W.P.(C)NO.1047/2017, C.P.(C)NO.1036/2018 AND W.P.(C)NO.731/2018 TO BE TAKEN UP AGAINST THIS ITEM])

WITH W.P.(C) No. 1047/2017 (X)

(IA FOR APPLICATION FOR DIRECTION ON IA 490/2018 and IA No.12458/2018-impleading party and IA No.12757/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.18772/2018-INTERVENTION APPLICATION and IA No.18773/2018-CLARIFICATION/DIRECTION and IA No.18775/2018-EXEMPTION FROM FILING O.T. and IA No.18788/2018-INTERVENTION APPLICATION and IA No.18789/2018-CLARIFICATION/DIRECTION and IA No.18790/2018-EXEMPTION FROM FILING O.T. and IA No.18794/2018-INTERVENTION APPLICATION and IA No.18795/2018-CLARIFICATION/DIRECTION and IA No.18797/2018-EXEMPTION FROM FILING O.T. and IA No.31751/2018-CLARIFICATION/DIRECTION and IA No.31754/2018-EXEMPTION FROM FILING O.T. and IA No.32096/2018-CLARIFICATION/DIRECTION and IA No.32990/2018-MODIFICATION)

CONMT.PET.(C) No. 1036/2018 in W.P.(C) No. 1047/2017 (X)
(FOR ADMISSION)

W.P.(C) No.731/2018 (With appln.(s) for exemption from filing O.T. and for stay)

Date : 03-07-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Mr. Sumit Nema, Sr. Adv.
Mr. Amalpushp Shroti, AOR

Ms. Meenakshi Arora, Sr. Adv.
Mr. Harsh Parashar, AOR
Mr. Amar Pandey, Adv.
Ms. Ananya, Adv.

Mr. Akhand Pratap Singh, Adv.

Mr. Abhimanyu Singh, Adv.
Mr. Aditya Singh, AOR

For Respondent(s)/
Applicant(s)

Mr. Vikas Singh, Sr. Adv.
Mr. Gaurav Sharma, AOR
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Abhishek, Adv.

Mr. P.K. Dey, Adv.
Mr. Merusagar Samantray, Adv.
Mr. A.K. Sharma, Adv.
Ms. Lhingneivah, Adv.
Mr. B.V. Balram Das, AOR
Mr. M.K. Maroria, AOR

Mr. R.S. Jaiswal, Sr. Adv.
Mr. Saurabh Mishra, AAG
Mr. Arjun Garg, AOR
Mr. Manish Yadav, Adv.
Mr. Aakash Nandolia, Adv.

Mr. Maninder Singh, ASG
Mr. A.K. Panda, Sr. Adv.
Mr. Amit Sharma, Adv.
Mr. Nishesh Sharma, Adv.
Mr. G.S. Makker, AOR

Mr. P.D. Shukla, Adv.
For Mr. Prem Prakash, AOR

Mr. Vipul Bhasker, Adv.
Mr. Asad Khan, Adv.
Ms. Chavi Sood, Adv.
Mr. Danish Zubair Khan, AOR

Mr. Kush Chaturvedi, AOR

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

Writ Petition (Civil) No.1001/2017

Taken on Board.

Mr. Maninder Singh, learned Additional Solicitor General appearing for the respondent, prays for two weeks' time to enable him to submit the report of the CBI before this Court.

Time, as prayed for, is granted.

List the matter on 20.07.2018.

I.A. No.32096/2018 in/and W.P.(C) No.1047/2017

By an order dated 23/24.10.2017, we permitted 150 students who were admitted in RKDF Medical College Hospital and Research Centre in first year MBBS course for the academic year 2017-18 to continue their studies.

On 14.12.2017, we directed the admission of the 150 students to be cancelled. We also directed that the students shall be accommodated by the State of Madhya Pradesh in other private medical colleges for the academic year 2017-18 by treating their admissions as fresh admissions.

As we were informed that there were no vacant seats for admission of these students in the private medical colleges in the State of Madhya Pradesh, we considered admission of the students in private medical colleges in neighbouring States. By an order dated 05.04.2018, we directed the concerned States to grant admission to the students in accordance with law. We are informed that the said order has not been complied with.

When the matter was listed yesterday for hearing, Mr. Vikas Singh, learned Senior Counsel appearing for the respondent-MCI, suggested that the 150 students can be accommodated in private medical colleges in the State of Madhya Pradesh for the present academic year 2018-19 in the peculiar circumstances of the case.

Today, Mrs. Meenakshi Arora, learned Senior Counsel appearing for the students, submits that she has no objection for such an

arrangement to be made.

Mr. Saurabh Mishra, learned Additional Advocate General appearing for the State of Madhya Pradesh, submits that the counseling for admission to first year MBBS for the academic year 2018-19 has already commenced and the allotment of seats for the first round is scheduled for 4th July, 2018. He further submits that if the 150 students have to be accommodated in private medical colleges for the current year, it would result in disturbing the schedule for admission. On instructions received from the State of Madhya Pradesh, he suggested that the students can be accommodated in three government medical colleges which do not have approval of the MCI, subject to the State Government rectifying the defects pointed out by the MCI. We are unable to accept the aforesaid submissions made by Mr. Mishra, learned Additional Advocate General appearing for the State of Madhya Pradesh.

The students were admitted for the academic year 2017-2018 on the basis of their merit in the NEET Examination. They have lost an academic year for no fault of theirs. We are informed that there are 850 seats available in the six private medical colleges in the State of Madhya Pradesh. In the peculiar facts and circumstances of this case we direct that 150 students who were admitted in RKDF Medical College Hospital and Research Centre last year and whose admissions were cancelled by us shall be admitted in the six private medical colleges in the State of Madhya Pradesh for the academic session 2018-2019.

Counseling for the 150 students shall be done separately and allotment of seats shall be strictly in accordance with their

merit. The students shall pay fee to the concerned private medical college to which they are admitted. Their entitlement for refund of the fee paid to RKDF Medical College shall be adjudicated in Writ Petition (C) No.1001 of 2017.

The ongoing counseling for admission to MBBS Course shall be confined to 700 seats in the private medical colleges in the State of Madhya Pradesh. This order shall not be treated as a precedent. With the aforesaid directions, the I.A. stands disposed of.

List the Writ Petition on 20.07.2018 for reporting compliance.

Contempt Petition(C) No.1036/2018 in W.P.(C) No.1047/2017

In view of the order passed in I.A. No.32096/2018 in W.P.(C) No.1047/2017 today, no orders need be passed in the instant contempt petition.

Accordingly, the contempt petition is disposed of.

W.P.(C) No.731 of 2018

Issue notice returnable on 20.07.2018.

Dasti, in addition, is also permitted.

Waive service on the respondent-MCI since Mr. Gaurav Sharma, learned counsel, is appearing on behalf of respondent-MCI.

In the meantime, as prayed for, the respondent-MCI is allowed to file its reply affidavit.

Let notice be issued to other respondents.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASST.REGISTRAR