

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).22944/2005

(From the judgement and order dated 04/08/2005 in LPA No. 87/2005 of The HIGH COURT OF J & K AT JAMMU)

STATE OF JAMMU & KASHMIR

Petitioner(s)

VERSUS

AKHIL KUMAR GUPTA & ORS.

Respondent(s)

(With prayer for interim relief and office report )

WITH SLP(C) NO. 44 of 2006

(With appln.(s) for permission to file addl.documents and with prayer for interim relief and office report)

Date: 03/03/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. Anis Suhrawardy,Adv.

Mr. Arun Jaitley, Sr. Adv.

Mr. P.H. Parekh, Adv.

Ms. Shakun Sharma, Adv.,Ms. Mitzy, Adv.

Mr. S. Sethi, Adv.

For M/S P.H. Parekh & Co., Adv.

For Respondent(s)

Mr. Neeraj Kumar Jain, Adv.

Mr. Aditya Kumar Chaudhary, Adv.

Mr. Bharat Singh, Adv., Mr. Sanjay Singh, Adv.

dv.

For Mr. Ugra Shankar Prasad,Adv.

Mr. Prashant Chaudhary, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard learned counsel for the parties.

Civil appeal No.1601/06 is disposed of in terms of the signed order.

Civil Appeal No.1600/06 is disposed of in the light of the decision in Civil

Appeal No.1601/06.

(R.K. Dhawan)

(Veera Verma

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1600 OF 2006

(Arising out of SLP(C) No.22944 of 2005)

STATE OF JAMMU & KASHMIR

.... APPELLANT.

VERSUS

AKHIL KUMAR GUPTA & ORS.

.... RESPONDENT.

WITH

CIVIL APPEAL NO. 1601 OF 2006

(Arising out of SLP(C) No.44/2006)

O R D E R

CIVIL APPEAL NO.1601 OF 2006

(Arising out of SLP(C) No.44 of 2006)

Leave granted.

Heard learned counsel for the parties.

The matter relates to admission to MBBS/BDS course in the Government Medical College at Jammu. One Akhil Kumar Gupta, the respondent in the connected appeal, was the son of military officer, got admission to MBBS Course in one of the seats reserved (RBA category) for defence personnel. The present appellant Saurab Sameer who was a candidate for one of the said RBA category for the children of defence personnel got admission in BDS course. The appellant Saurab Sameer contended before the High Court that Akhil Kumar Gupta's father had already been transferred from State of J&K, therefore, he was not entitled to be considered in the RBA quota for defence personnel. This plea was accepted and Saurab Sameer was given admission to MBBS course and

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Akhil Kumar Gupta challenged the same and he is continuing in the MBBS course as per in the interim order.

We are told that a seat for MBBS course in the government Medical College in Jammu is still lying vacant as nobody has come up for being considered for that reserve seat earmarked for the children of IAS and IPS officers.

Having regard to the facts and circumstances, the present appellant Saurab Sameer be considered and be given admission to that seat which is lying vacant for MBBS course. We are told that the course of studies for BDS and MBBS are similar in the first year, therefore there would be no difficulty to the appellant to join in the MBBS course. The first year course of BDS already undergone by the appellant be treated for the purpose of MBBS course. Thus both students be allowed to continue in MBBS course and this order is passed in the peculiar facts and circumstances of the case. The appeal is disposed of accordingly.

Civil appeal No.1600/2006

(Arising out of SLP(C) No.22944/05

The appeal preferred by the State is disposed of in the light of

the above observations.

.....J

(K.G. BALAKRISHNAN)

.....J

(P.P. NAOLEKAR)

NEW DELHI;

MARCH 3, 2006.