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W.P(C)No. 350 OF 1993

ITEM No.1A  
(for Judgment)

Court No. 1

SECTION X

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition (Civil) No. 350 of 1993

ISLAMIC ACADEMY OF EDUCATION & ANR.

Petitioner (s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent (s)

WITH

SLP(C) Nos. 11286/2003, 11391/2003, 11189-95/2003, WP(C) Nos. 355/1993, 174/2003, TP(C) Nos. 286-288/2003, SLP(C) Nos. 3465-3466/2003, 3942-3943/2003, 4002-4003/2003, 9253-9254/2003, 10561/2003, WP(C) Nos. 261/2003, 275/2003, 280/2003 and 289/2003.

(Heard by Hon'ble the Chief Justice, Hon'ble S.N. Variava, K.G. Balakrishnan, Arijit Pasayat and S.B. Sinha, JJ.)

Date : 14/08/2003 These Petitions were called on for pronouncement of Judgment today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE ARIJIT PASAYAT  
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)  
in WP 350, 355 & 174Dr. Roxna S Swamy, Adv.

Mr. A Lobo, Adv.

Mr. Subhash C Sharma, Adv.

Mr. Ramesh N Keswani, Adv.

Mr. Bharat Sangal, Adv.

in SLP 11286Ms. Niranjana Singh, Adv.

Mr. Dayan Krishnan, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. Trideep Pias, Adv.

Mr. Abhishek Chaudhary, Adv.

Ms. Vimla Sinha, Adv.

Ms. M.V. Seshachala, Adv.

in SLP 11391Mr. Madhu Naik, Adv.

Mr. S Sukumaran, Adv.

Mr. Suresh Unnikrishnan, Adv.

Ms. Divya Nair, Adv.

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in SLP 11189-95Mr. Harish N Salve, Sr. Adv.

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Mr. S Ravindra Bhat, Adv.

Mr. Naveen R Nath, Adv.  
Mr. Sanjay Sharawat, Adv.  
Ms. Hetu Arora, Adv.

in TP 286-288Mr. K K Venugopal, Sr. Adv.  
Mr. Vijay Narain, Adv.  
Mr. C B N Babu, Adv.  
Mr. Bimal Roy Jad, Adv.

State of KeralaMr. K K Venugopal, Sr. Adv.  
Mr. K R Sasiprabhu, Adv.  
Mr. John Mathew, Adv.  
Mr. Anil Thomas, Adv.

in SLP 4002-4003Mr. G Prakash, Adv.

in SLP 10561Mr. Harish N Salve, Sr. Adv.  
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Mr. S Udaya Kumar Sagar, Adv.  
Ms. Bina Madhavan, Adv.  
Mr. Prasanth P, Adv.  
for M/s. Lawyer's Knit & Co., Adv.

in WP 261Mr. Harish N Salve, Sr. Adv.  
Mr. P H Parekh, Adv.  
Mr. Krishna Srinivasan, Adv.  
Mr. E R Kumar, Adv.  
Mr. Rohit Alex, Adv.  
for M/s. P H Parekh & Co., Adv.

in WP 275Mr. Harish N Salve, Sr. Adv.  
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Mr. M Yogesh Kanna, Adv.  
Mr. Jitendra Shankar, Adv.  
Mr. Anuj Kr. Srivastav, Adv.  
Mr. Rakesh K Sharma, Adv.

in WP 280 & 289Mr. Ajit Kumar Sinha, Adv.

for NCT, Delhi and UTMr. Raju Ramachandran, ASG  
Mr. S W A Qadri, Adv.  
Ms. Rekha Pandey, Adv.  
Mr. D S Mahra, Adv.

for M/o HRDMr. Raju Ramachandran, ASG  
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Mr. K C Kaushik, Adv.  
Mr. Ashok Kumar Pandey, Adv.

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Mr. Prateek Jalan, Adv.  
Mr. Sunil Mathews, Adv.  
Ms. Anil Katiyar, Adv.

State of Karnataka  
in WP 350 & SLP 11189-95 Mr. Sanjay R Hegde, Adv.  
and in rest of the Mr. Satya Mitra, Adv.  
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Mr. Ankur Talwar, Adv.

Mr. Kirtiman Singh, Adv.  
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Mr. Kirtiman Singh, Adv.

in SLP 11286 & 11391Mr. G Prabhakar, Adv.

in SLP 11286 & 11391Mr. J S Attri, Addl.Adv.Genl., HP

in SLP 11189-95Mr. Gopal Prasad, Adv.

State of A.P.  
Mr. T.V. Ratnam, Adv.  
Mr. K. Subba Rao, Adv.

in WP 355Mr. S.R. Bhat, Adv.

Ms. Meenakshi Vij, Adv.

In SLP 3465-66, 3942-43,  
4002-03 & 9253-54Mr. Harish N. Salve, Sr. Adv.  
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Ms. Bina Madhavan, Adv.  
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Mr. E.R. Kumar, Adv.  
Mr. Rohit Alex, Adv.

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in SLP 3465-66 & 9253-54  
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in SLP 3465-66Mr. A. Mariarputham, Adv.  
Ms. Aruna Mathur, Adv.  
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Ms. Asha G. Nair, Adv.  
Mr. V.K. Siddharthan, Adv.  
For M/s Corporate law Group, Advs.

State of M.P.Mr. Sakesh Kumar, Adv.  
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State of MizoramMs. Hemantika Wahni, Adv.

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Ms. V.D. Khanna, Adv.

State of RajasthanMr. Ranji Thomas, Adv.  
Ms. Bharti Upadhyay, Adv.  
Mr. Arun Pednekar, Adv.  
Mr. V.N. Raghupathy, Adv.

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State of TripuraMr. Gopal Singh, Adv.  
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Mr. Jitender Kumar Bhatia, Adv.

State of PunjabMr. R.S. Suri, Adv.  
Mr. Jagjit Singh Chhabre, Adv.  
Mr. Chandra Bhushan Prasad, Adv.  
Mr. Shailesh Madiyal, Adv.

in WP 261 & 275  
(State of Tamil Nadu)  
Mr. P.N. Ramalingam, Adv.  
Mr. V. Balaji, Adv.

in WP 261, 275, 280 & 289  
Mr. T. Raja, Adv.

For Intervenor (s)  
Mr. Rakesh K. Sharma, Adv.

For Applicant (s)  
in SLP 11189-95:  
I.A. Nos. 15-21, 22-28Mr. Prashant Bhushan, Adv.

I.A. Nos. 29-35Mr. N.L. Ganpathi, Adv.

I.A. Nos. 36-42Mr. K.K. Venugopal, Sr. Adv.  
Mr. Bimal Roy Jad, Adv.  
Mr. C.B.N. Babu, Adv.

I.A. Nos. 43-49  
Mr. Bharat Kumar, Adv.  
Mr. Bhupender Yadav, Adv.  
Ms. Sheela Goel, Adv.

I.A. Nos. 50-56Ms. Sumita Hazarika, Adv.

I.A. Nos. 57-63Mr. P.H.Parekh, Adv.  
For M/s. P.H.Parekh & Co., Adv.

I.A. Nos. 64-71Ms. Madhu Moolchandani, Adv.

In WP 350:

I.A. Nos.10-13Dr. Rajeev Dhawan, Sr.Adv.  
Mr. H.N.Salve, Sr.Adv.  
Mr. R.Santhana Krishnan, Adv.  
Mr. D.Mahesh Babu, Adv.

I.A.Nos. 14-15Mr. A.Mariarputham, Adv.  
Ms. Aruna Mathur, Adv.  
For M/s. Arputham, Aruna & Co.

I.A.No. 16Mr. Dipankar P. Gupta, Sr.Adv.  
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Mr. E.R.Kumar, Adv.  
Mr. Rohit Alex, Adv.  
Mr. Lalit Chauhan, Adv.  
Mr. Duval C.Dave, Adv.  
For M/s. P.H.Parekh & Co.

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Mr.P.Ramesh Kumar, Adv.

I.A. No. 18Dr. Rajeev Dhavan, Sr.Adv.  
Mr. Ejaz Maqbool, Adv.  
Mr. Wajid Ali Kamil, Adv.  
Mr. Ujjwal Kr. Jha, Adv.  
Ms. Minakshi Nag, Adv.

I.A. 19 & 21Mr. Dipankar P Gupta, Sr. Adv.  
Ms. Deepti Chowdhury, Adv.  
Ms. Sarla Chandra, Adv.  
Mr. Sanjay Sen, Adv.  
Mr. Rana S.Biswas, Adv.

In TP 287:

I.A. 4Mr. Gourav Agarwal, Adv.  
Mr. Prashant Kumar, Adv.  
Mr. Joseph Pookkatt, Adv.

In SLP 3465-66:

I.A. 2Mr. Dipankar P Gupta, Sr.Adv.  
Mr. T.N.Subramanian, Adv.  
Mr. P.H.Parekh, Adv.  
Mr. E.R.Kumar, Adv.  
Mr. Rohit Alex, Adv.  
For M/s. P.H.Parekh & Co., Adv.

I.A. Nos. 5-6  
Mr. M.Qamaruddin, Adv.  
Mrs.M.Qamaruddin, Adv.  
Mr. Ambar Qamaruddin, Adv.  
Mr. Manish Goswami, Adv.

In W.P. 261:

I.A. No.2Mr. P.H.Parekh, Adv.  
For M/s. P.H.Parekh & Co., Advs.

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Hon'ble the Chief Justice pronounced judgment for self and for Hon'ble S.N. Variava, K.G. Bala Krishnan and Arijit Pasayat, JJ. Hon'ble Mr. Justice S.B. Sinha pronounced a separate judgment.

In the majority judgment, the following interim order is passed :

"So far as the year 2003-2004 is concerned, time is running out as the outer time limit for admission is fast approaching or has gone. To meet the urgent situation without going into the issues involved in the various petitions/applications, we direct that the seats be filled up by the institution and the State Governments in the ratio 50:50. However, if by any interim order, this Court has permitted any institution to fill up a higher percentage of seats and the seats have been filled up accordingly, the same shall not be disturbed. It is made clear that due to the time constraint this arrangement has been made, without deciding the contentious issues involved in various pending cases."

With the clarifications given in the majority judgment, it is directed that all the matters be placed before the regular Benches for disposal on merits.

All interlocutory applications as regards interim matters stand disposed of.

REPORTABLE.

(D.P. WALIA)  
COURT MASTER

(SURAJ PARKASH)  
COURT MASTER

(Two separate signed judgments are placed on the file)