

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(s). 157 OF 2005

AMIT GUPTA & ORS.

Petitioner(s)

VERSUS

U.O.I. & ANR.

Respondent(s)

(With appln. for stay)

Date: 15/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s) Ms. Indu Malhotra, Adv.

Mr. Vikas Mehta, Adv.

Mr. Vikram Mehta, Adv.

For Respondent(s) Mr. Maninder Singh, Adv.

Mrs. Pratibha M. Singh, Adv.

Mr. Angad Mirdha, Adv.

Mr. Kirtiman Singh, Adv.

Mr. Mohan Parasaran, A.S.G.

Mrs. Sunita Sharma, Adv.

Mrs. Sushma Suri, Adv.

Mr. Dhruv Mehta, Adv.

Mr. Mohit Chaudhary, Adv.

Mr. Harshvardhan Jha, Adv.

for M/s. K.L.Mehta & Co., Advs.

UPON hearing counsel the Court made the following

O R D E R

Pursuant to the order dated 11th April, 2005, an affidavit has been filed by

Prof. Sanjay Shrivastava, Assistant Director General (ME), Directorate General of

Health Services, Government of India, along with which suggestions on behalf of the

Ministry and Medical Council of India have been submitted. Out of various

suggestions, insofar as admission to Postgraduate courses in this year is concerned, we

1

direct that for filling up of 239 remaining vacant postgraduate MD/MS degree and

Medical diploma seats, an additional list of 405 qualified candidates may be issued

which will mean increase of waiting list upto 40% from existing 25%. In regard to the

waiting list of 25%, counseling has already taken place between 3rd March, 2005 and 1st

April, 2005. The counseling for additional 405 seats shall be done expeditiously. We

approve the suggestion that it can be done after fifteen days of the declaration of that list

by the All India Institute of Medical Sciences. We direct the Institute to declare the list

within three days from today.

To consider other suggestions, including second round of counseling for

postgraduate medical and dental courses, particularly, having regard to the increase of

the all India quota from 25% to 50% and the suggestions to increase the waiting list

from existing 20% to 40% or more, the petition shall be listed for final disposal on a

non-miscellaneous day in August, 2005.

In view of the above, the restraint contained in the order dated 8th April, 2005

and continued by order dated 11th April, 2005 that the States shall fill seats of only their

50% quota and no more shall stand modified. The States are permitted to fill up the

seats reverted to them on account of seats of all India quota having fallen vacant on the selected candidates having not joined the courses.

Insofar as the aforesaid 239 seats are concerned, only such of the seats would

revert to States which may still remain vacant after second counseling as above directed.

For proper understanding of the matter, this Court should have the details

about the number of seats from all India quota that stood reverted to States on the

selected candidates vacating the seats during this year. The State Governments are

directed to furnish that information to the Director General of Health Services by 15th

June, 2005. The DGHS shall file the said particulars in this Court along with an

affidavit by 15th July, 2005.

(N. Annapurna)

Court Master

(Phoolan Wati Arora)

Court Master