

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(s) for stay)

Date: 11/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

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

Mr. Vikas 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. Bhavanishankar V. Gadnis, Adv.

UPON hearing counsel the Court made the following

O R D E R

The problem in this case is about reversion of all India quota seats in post-

graduate courses to State quota on non-filling of some of 50 per cent of seats in all India

quota. We have been informed that nearly one lakh doctors took the competitive

examination for 2700 post-graduate seats in all India quota, both for degree and

diploma courses. The doctors called for counselling for these seats were 3376 in number.

The counselling has taken place between 3rd March, 2005 and 1st April, 2005 in M.D.,

M.S. and P.G.Diploma (Medical stream). We have been further informed that 239 seats

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have fallen vacant on account of this counselling. It cannot be doubted that every

possible attempt shall be made to give effect to the percentage of quota in letter and

spirit and, if necessary, the zone of consideration can be expanded. At the same time, it

also goes without saying that, to an extent possible, none of the seats shall go waste.

It has been brought to our notice that Director General of Health Services has

issued a circular that such of the all India quota seats which are not filled by 17th April,

2005, the same can be filled by the States under the State quota. We have, however,

directed in terms of order dated 8th April, 2005 that the States shall fill seats of only

their 50 per cent quota and no more. That was only an interim order which we continue till we are able to decide this matter. We direct that the issue should be discussed by respondents No.1 and 2 and suggested mode brought to the notice of this Court on the next date of hearing, namely, 15th April, 2005.

(N. Annapurna)

Court Master

(Phoolan Wati Arora)

Court Master