

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3191 OF 2009  
(@SPECIAL LEAVE PETITION (CIVIL)NO.1871 OF 2009)

SOUMADEEP GHOSH & ORS.

Appellant(s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

WITH C.A.NO.3192 OF 2009 @ SLP(C)No.2110/2009

C.A.NO.3193 OF 2009 @ SLP(C)No.5715/2009

C.A.NO.3194 OF 2009 @ SLP(C)No.6360/2009

C.A.NO.3195 OF 2009 @ SLP(C)No.6394/2009

C.A.NO.3196 OF 2009 @ SLP(C)No.6400/2009

C.A.NO.3197 OF 2009 @ SLP(C)No.6402/2009

C.A.NO.3198 OF 2009 @ SLP(C)No.6589/2009

C.A.NO.3199 OF 2009 @ SLP(C)No.6596/2009

C.A.NO.3200 OF 2009 @ SLP(C)No.6691/2009

C.A.NO.3201 OF 2009 @ SLP(C)No.6716/2009

C.A.NO.3202 OF 2009 @ SLP(C)No.6719/2009

C.A.NO.3203 OF 2009 @ SLP(C)No.6790/2009

C.A.NO.3204 OF 2009 @ SLP(C)No.6792/2009

C.A.NO.3205 OF 2009 @ SLP(C)No.6851/2009

C.A.NO.3206 OF 2009 @ SLP(C)No.6852/2009

C.A.NO.3207 OF 2009 @ SLP(C)No.6853/2009

C.A.NO.3208 OF 2009 @ SLP(C)No.6960/2009

C.A.NO.3209 OF 2009 @ SLP(C)No.6962/2009

C.A.NO.3210 OF 2009 @ SLP(C)No.6964/2009

C.A.NO.3211 OF 2009 @ SLP(C)No.7320/2009

C.A.NO.3212 OF 2009 @ SLP(C)No.7542/2009

C.A.NO.3213 OF 2009 @ SLP(C)No.7555/2009

C.A.NO.3214 OF 2009 @ SLP(C)No.7580/2009

C.A.NO.3215 OF 2009 @ SLP(C)No.7622/2009

C.A.NO.3216 OF 2009 @ SLP(C)No.7625/2009

C.A.NO.3217 OF 2009 @ SLP(C)No.7634/2009

C.A.NO.3218 OF 2009 @ SLP(C)No.7638/2009

C.A.NO.3219 OF 2009 @ SLP(C)No.7644/2009

C.A.NO.3220 OF 2009 @ SLP(C)No.7649/2009

C.A.NO.3221 OF 2009 @ SLP(C)No.7657/2009

C.A.NO.3222 OF 2009 @ SLP(C)No.7699/2009

C.A.NO.3223 OF 2009 @ SLP(C)No.7706/2009

C.A.NO.3224 OF 2009 @ SLP(C)No.7786/2009

C.A.NO.3225 OF 2009 @ SLP(C)No.7790/2009

C.A.NO.3226 OF 2009 @ SLP(C)No.7791/2009

C.A.NO.3227 OF 2009 @ SLP(C)No.8190/2009

C.A.NO.3228 OF 2009 @ SLP(C)No.8195/2009

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C.A.NO.3229 OF 2009 @ SLP(C)No.7180/2009

C.A.NO.3230 OF 2009 @ SLP(C)No.11503/2009 CC No.5814

C.A.NO.3231 OF 2009 @ SLP(C)No.11290/2009

AND WITH C.A.NO.3232 OF 2009 @ SLP(C)NO.11289/2009

ORDER

Delay condoned.

Leave granted.

By a common judgment, the Division Bench of the High Court of Calcutta, in a series of Writ Petitions, has set aside the admissions of the students in various Engineering colleges in the State of West Bengal. The Division Bench found that the admissions were improperly made and these students had not appeared for the counselling and that some of them were not fully qualified in the Entrance Examination. Aggrieved by the same, some of the students and institutions have filed these appeals before this Court.

Heard learned counsel for the appellants and also learned counsel for the Respondents.

It appears that these colleges take the stand that large number of seats have been lying vacant for the admissions to be made and the students be given admissions, as otherwise these seats would go waste. But we do not think that the plea taken by the colleges could be accepted. However, having regard to the larger interest of the students, we make the following order :

In the present appeals, the appellant-Engineering Colleges had made admissions contrary to the A.I.C.T.E. regulations and guidelines of West Bengal Joint Entrance Examination Board as well as Central

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Selection Committee. In total, there are about 8 private Engineering Colleges who had made 110 admissions of students who were not allotted to them

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by the counselling process. Since private colleges cannot be permitted to make admissions on their own, the management quota for the next academic years i.e. 2009-10 and 2010-11 of their colleges shall reduce as to set off the effect of their admissions made by them in the academic year 2008-09 by entering fresh students as having been admitted in the management quota.

It is made clear that admissions would be given to only those students who have secured marks above the cut-off marks of both in the West Bengal Joint Entrance Examination and also in the All India Engineering Entrance Examination.

The colleges concerned are directed to file undertakings before this Court within a period of four weeks.

Appeals are disposed of accordingly. No costs.

.....CJI.  
(K.G. BALAKRISHNAN)

.....J.  
(P. SATHASIVAM)

.....J.  
(Dr.MUKUNDAKAM SHARMA)

NEW DELHI;  
4TH MAY, 2009.

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ITEM NOS.10+65                      COURT NO.1                      SECTION XVI

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1871/2009  
(From the judgement and order dated 23/12/2008 in ASTA No. 153/2008 &  
MAT No. 937/2008 & WP No. 29149/2008 of The HIGH COURT OF CALCUTTA)

SOUMADEEP GHOSH & ORS.                      Petitioner(s)

VERSUS

STATE OF WEST BENGAL & ORS.                      Respondent(s)  
(With appln(s) for directions and prayer for interim relief )

WITH SLP(C) NO. 2110 of 2009  
(With appln.(s) for permission to place addl.documents on record and with  
prayer for interim relief and office report)  
SLP(C) NO. 5715 of 2009  
(With prayer for interim relief and office report)  
I..ANo.1&2 (Appln.for direction and impleadment)  
SLP(C) NO. 6360 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6394 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6400 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6402 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6589 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6596 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6691 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6716 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6719 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6790 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6792 of 2009  
(With appln.(s) for exemption from filing c/c of the impugned judgment and  
with prayer for interim relief and office report)

SLP(C) NO. 6851 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6852 of 2009  
(With prayer for interim relief and office report)

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SLP(C) NO. 6853 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6960 of 2009  
(With prayer for interim relief and office report)

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SLP(C) NO. 6962 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 6964 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7180 of 2009  
(With appln.(s) for directions and permission to file lengthy list of dates and  
with prayer for interim relief and office report)  
I.A.NO.3(Appln.for permission to file affidavit of undertaking)  
SLP(C) NO. 7320 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7542 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7555 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7580 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7622 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7625 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7634 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7638 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7644 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7649 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7657 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7699 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7706 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7786 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7790 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 7791 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 8190 of 2009  
(With prayer for interim relief and office report)  
SLP(C) NO. 8195 of 2009  
(With prayer for interim relief and office report)

WITH SLP(C).../2009 CC NO.5814 (With appln.(s) for c/delay in filing SLP and  
office report)

WITH SLP(C)No.11290/2009 (With appln.(s) for c/delay in filing SLP and office  
report)

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WITH SLP(C)NO.11289/2009 (With appln.(s) for c/delay in filing SLP and office  
report)

Date: 04/05/2009 These Petitions were called on for hearing  
today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Mr.Kanak Raju, Sr.Adv.  
Mr.Parthapratim Chaudhuri, Adv.  
Mr. Ajay Sharma,Adv.

Mr.M.N.Krishnamani, Sr.Adv.  
Ms.Indrani, Adv.  
Mr. Indra Makwana, Adv.

Mr.Sauvik Nandi, Adv.  
Mr. Abhijit Sengupta, Adv.

Mr.Abhijit Sengupta, Adv.

Mr.K.V.Viswanathan, Sr.Adv.  
Mr. Abhishth Kumar, Adv.

Mr.M.N.Krishnamani, Sr.Adv.  
Mr. Shibashish Misra, Adv.  
Mr.Anurag Singh,Adv.  
Ms.M.Indrani, Adv.

Mr. Siddhartha Chowdhury, Adv.

Dr.M.P.Raju, Adv.  
Ms.Mary Scaria, Adv.  
Mr.Abraham Jose, Adv.  
Mr.P.George Giri, Adv.  
Mr. Ashwani Bhardwaj, Adv.

Mr.Dipak Bhattacharya, Adv.  
Mr. Vishal Arun, Adv.  
Ms.Indrani, Adv.

Mr. Somiran Sharma, Adv.

For Respondent(s) Mr. T.C. Sharma,Adv.  
Miss Neelam Sharma,Adv.

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Mr.Ranjit Kumar, Sr.Adv.  
Mr. Lakshmi Raman Singh  
Mr.Rauf Rahim, Adv.  
Miss Udit Singh, Adv.  
Mrs.Neelam Singh, Adv.  
Mr.Yadunandan Bansal, Adv.

Mr.Harish Salve, Sr.Adv.  
Mr.Maninder Singh, Adv.  
Mr.Gaurav Sharma, Adv.  
Mr.Sumeet Bhatia, Av.  
Ms.Surbhi Mehta, Adv.

Mr.Shyam Divan, Sr.Adv.  
Mr.Prabal K.Mukherjee, Adv.  
Mr.R.P.GOyal, Adv.

UPON hearing counsel the Court made the following  
ORDER

Delay condoned.

Leave granted.

Heard learned counsel for the appellants and also learned counsel  
for the various colleges.

Civil Appeals are disposed of, in terms of the signed order. No  
costs.

(G.V.Ramana)

Court Master

(signed order is placed on the file)

(Veera Verma)

Court Master