

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7640/2009

(From the judgement and order dated 23/03/2009 in WP No. 2764/2009 of The
HIGH COURT OF M.P. AT JABALPUR)

ASSOCIATION OF PRIVATE DEN.& MED.COL.

Petitioner(s)

VERSUS

STATE OF M.P.& ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.,intervention and prayer for interim
relief and office report)

WITH SLP(C) NO. 7660 of 2009

(With appln.(s) for exemption from filing O.T. and with prayer for interim relief and
office report)

Date: 09/04/2009 These Petitions were called on for hearing
today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s) Mr.Vivek K.Tankha, Sr.Adv

Mr.Anurag Sharma, Adv.

Ms.Ratna Kaul, Adv.

Mr.Prashant Kumar, Adv.

M/S. Ap & J Chambers,Adv.

Mr.Harish N.Salve, Sr.Adv.

Mr.Mukul Rohtagi, Sr.Adv.

Mr.Puneet Jain,Adv.

Mr.Ajay Ashudani, Adv.

For Mr. Sushil Kumar Jain,Adv.

For Respondent(s) Mr.Ravi Shankar Prasad, Sr.Adv.

Mr.Soli J.Sorabjee, Sr.Adv.

Mr.L.N.Rao, Sr.Adv.

Ms. Vibha Datta Makhija,Adv.

Mr.Vivek K.Tankha, Sr.Adv.

Mr.Siddharth Gupta, Adv.

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Mr. B.K.Satiya ,Adv

UPON hearing counsel the Court made the following
ORDER

No orders on application for intervention.

Heard both sides.

These matters relate to the admission to Post-

Graduate courses for the academic year 2009-10 in the Government as well as Private Medical Colleges in the State of Madhya Pradesh. The State Government is proposing to have Common Entrance Test for admission to all the colleges in the State and an Agency 'VYAPAM' has been authorised to conduct the examination and the examination is scheduled to take place on 12.04.2009. This is opposed to by the petitioners, which is an Association of private Dental and Medical Colleges on the ground that the State Government has no exclusive right to conduct such examination and to have Single Window admission. Learned counsel appearing for the State has submitted that the State of Madhya Pradesh has passed the Madhya Pradesh Niji Vyavsayak Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007 (No.21 of 2007). The provisions of this Statute are under challenge before the High Court and the matter stands posted in the High Court on 16.04.2009.

The Petitioners-association seek stay of the proposed entrance examination, as it will affect the rights of the petitioners' association. We do not find any reason to stay the proposed entrance examination to be conducted by VYAPAM on 12.04.2009. However, we make it clear that the petitioners-

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association to raise their objections in the writ petition which is posted for 16.04.2009. It is also submitted by learned counsel for the petitioners-association that the entrance examination to be conducted by the State is confined only to the Registered Medical Practitioners in the State of Madhya Pradesh, whereas petitioners-association would enable the students to get admission in Post-Graduate courses from All India basis, therefore, a separate entrance test is a must for the association. These petitioners would be at liberty to bring this fact to the notice of the High Court and we are told that the Association is proposing to have an entrance test on 11.4.2009. The same can be postponed for the time being. The High Court may pass appropriate orders regarding the proposed entrance test to be held by the Association. However, the Association would be at liberty to have any preliminary steps for conducting such entrance test.

Learned counsel appearing for the State submits that the results of their entrance examination would be released on 20th April, 2009.

The special leave petitions are disposed of accordingly. No costs.

(G.V.Ramana)
Court Master

(Veera Verma)
Court Master