

F,  
SLP(C)No. 9932 OF 2004

ITEM No.101(PH)

Court No. 1

SECTION XVI

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

Petition for Special Leave to Appeal (Civil) No. 9932/2004  
(from the judgment and order dated 7.5.2004 in WP 1425/2004  
of the High Court of Judicature at Bombay)

P.A. INAMDAR & ORS.... Petitioner(s)

vs.

STATE OF MAHARASHTRA & ORS.... Respondent(s)

(with appln.(s) for exemption from filing c/c of the impugned judgment and intervention and with prayer for interim relief)

WITH

SLP(C)No.9935/2004 ASSN.,MUSLIM M.M.EDU.INST., MAHARASHTRA Vs. STATE OF MAHARASHTRA & ORS. (with appln.(s) for exemption from filing c/c of the impugned judgment and with prayer for interim relief)

SLP(C)No.9936/2004 P.A. INAMDAR & ORS. Vs. STATE OF MAHARASHTRA & ORS. (with appln.(s) for exemption from filing c/c of the impugned judgment and with prayer for interim relief)

W.P(C)No.276/2004 KARNATAKA PVT. MEDICAL COLLEGE ASSN.&ORS Vs. STATE OF KARNATAKA & ORS. (With appln.(s) for ex-parte stay and office report)

W.P(C)No.330/2004 CBCI SOCIETY FOR MEDICAL EDUCATION Vs. STATE OF KARNATAKA & ORS.(With appln.(s) for intervention and office report)

W.P(C)No.357/2004 CHRISTIAN MEDI.COLLEGE LUDHIANA SOC.&ORS. Vs. STATE OF PUNJAB & ORS. (with appln.(s) for ex-parte stay and permission to submit additional document(s))

I.A.NOS. 26,27,30,31 AND 33 IN W.P(C)No.350/1993  
ISLAMIC ACADEMY OF EDUCATION & ANR. Vs. STATE OF KARNATAKA & ORS. ETC.ETC. (for directions and clarification/modification)

SLP(C)No.11244/2004 KARNATAKA R.L.MINORITY PROF.COLLEG.ASSN. Vs. STATE OF KARNATAKA & ORS (With appln.(s) for directions and with prayer for interim relief and office report)

W.P(C)No.302/2004 THE (PCMB) SECY.ANDHRA PRADESH VS. STATE OF ANDHRA PRADESH AND ORS (With appln.(s) for ex-parte stay and office report)

W.P(C)No.347/2004 M/S. PUSHPAGIRI MEDICAL SOCIETY Vs. STATE OF KERALA & ORS. (With Appl.(s) for ex-Parte stay and intervention)

W.P(C)No.349/2004 ASSON.,MGMT.,KERALA S.F.E.C.M. ASSON.&ANR Vs. STATE OF KERALA & ANR. (With Appl.(s) for stay and with office report)

W.P(C)No.350/2004 ASSN.,MGMT.,S.F.NURS.COLLEGES,KERALA & ANR. Vs. STATE OF KERALA & ANR.(With Appl.(s) for ex-parte stay)

W.P(C)No.387/2004 M/S. PUSHPAGIRI MEDICAL SOCIETY Vs. FEE FIXATION COMMITTEE & ORS. (With Appl.(s) for ex-parte stay and with office report)

W.P(C)No.423/2004 AMALA CANCER HOSPITAL SOCIETY Vs. FEE FIXATION COMMITTEE & ORS. (With Appl.(s) for ex-parte stay and with office report)

W.P(C)No.480/2004 ST. THOMAS COLLEGE OF NURSING & ORS. Vs. STATE OF KERALA & ANR. (With Appl.(s) for stay and with office report)

W.P(C)No.19/2005 KERALA PRIVATE MEDICAL MGMT. ASSN. Vs. STATE OF KERALA & ORS. (with appln.(s) for ex-parte stay and with office report)

W.P(C)No.261/2004 MODERN DENTAL COLLEGE & RES.INST.& ORS. Vs. STATE OF M.P. & ANR.(With Appl.(s) for stay and with office report)

W.P(C)No.265/2004 ACHARYA GYAN AYURVED COLLEGE & ORS. Vs. STATE OF M.P. & ANR. (With Appl.(s) for stay and with office report)

W.P(C)No.380/2004 SARVAJANIK JANKALYAN PARMARTHIK NYAS&ANR Vs. STATE OF M.P. & ORS. (With Appln.(s) for exemption from filing O.T.)

W.P(C)No.358/2004 MODERN DENTAL COLLEGE &RES. CENTRE & ORS. Vs. STATE OF M.P. & ORS. (With Appl.(s) for stay)

W.P(C)No.359/2004 COLLEGE OF DENTAL SCIENCE & HOSPITAL&ORS. VS. STATE OF M.P. & ORS. (With Appl.(s) for stay)

W.P(C)No.360/2004 ACHARYA GYAN AYURVED COLLEGE & ORS. Vs. STATE OF M.P. & ORS. (With Appl.(s) for stay)

W.P(C)No.361/2004 VAISHNAV INST.,TECHNOLOGY & SCIENCE & ORS. Vs. STATE OF M.P. & ORS. (With Appl.(s) for stay)

W.P(C)No.362/2004 MEDI-CAPS INST. OF TECH. & MGMT. & ORS. Vs. STATE OF M.P. & ORS.(With Appl.(s) for stay)

W.P(C)No.363/2004 INDORE EDUCATION & SERVICES SOCIETY &ORS Vs.STATE OF M.P. & ORS.(With Appl.(s) for stay)

C.A.No.5257-5258/2004 STATE OF KERALA & ORS. Vs. M/S. PUSHPAGIRI MEDICAL SOCIETY & ORS.(with appln.(s) for intervention and with office report)

C.A.No.5259/2004 M/S. PUSHPAGIRI MEDICAL SOCIETY Vs. STATE OF KERALA & ORS. (With Office Report)

C.A.No.5260-5261/2004 STATE OF KERALA & ORS. Vs. M/S. PUSHPAGIRI MEDICAL SOCIETY & ORS. (With Office Report)

C.A.No.5262-5263/2004 JOSHNA BASHEER Vs. MALANKARA ORTHODOX SYRIAN CHURCH & ORS. (With Office Report)

C.A.No.5996/2004 EDUCATE INDIA SOCIETY Vs. STATE OF HARYANA & ORS. (with office report)(with appln.(s) for exemption from filing c/c of the impugned judgment and with office report)

C.A.No.5992/2004 APEEJAY EDUCATION SOCIETY Vs. STATE OF HARYANA & ORS. (With Office Report)

C.A.No.5997-5998/2004 ASSN.,SELF FINANCED PROFESSNL. COLLEGES Vs. STATE OF HARYANA & ORS. (With Office Report)

C.A.No.7969-7971/2004 SCHOOL OF DENTISTRY, INDORE Vs. NIDHI BHARGAVA & ORS. (with appln.(s) for permission and with prayer for interim relief)

C.A.No.7972/2004 SCHOOL OF DENTISTRY VS. NIDHI BHARGAVA & ORS. (with appln.(s) for accepting English translation and with prayer for interim relief)

C.A.No.7973/2004 MODERN DENTAL COLLEGE & RESEARCH CENTRE VS. NIDHI BHARGAVA & ORS. (With prayer for interim relief)

C.A.No.7974/2004 R.D. GARDI MEDICAL COLLEGE Vs. NIDHI BHARGAVA & ORS.

(With appln.(s) for intervention/impleadment and with office report)

C.A.No.7975/2004 STATE OF M.P. & ANR. Vs. NIDHI BHARGAVA & ORS  
er for interim relief and Office Report)

(With pray

W.P(C)No.371/2004 K.S. HEGDE MEDICAL ACADEMY & ORS. Vs. STATE OF KARNATAKA & ANR. (With appln  
. (s) for ex-parte stay and amendment of the petition)

W.P(C)No.368/2004 N.M.ADYANTHAYA MEMORIAL INST.,TECH.&ORS. Vs. STATE OF KARNATAKA & ANR. (Wit  
h appln.(s) for ex-parte stay)

C.A.No.7117-7119/2004 STATE OF WEST BENGAL & ORS. Vs. CHAYAN KUMAR ROY & ORS.(With appln.(s)  
for impleading party and directions/clarifications  
and with prayer for interim relief and office report)

C.A.No.7124-7126/2004 SOUMAYADEEP DATTA ROY & ORS. Vs. CHAYAN KUMAR ROY & ORS. (With Appl.(s)  
for permission to file appln. for impleadment/  
modification/clarification of Court's order dated 29.10.2004 & 13.12.2004)

CONMT.PET.(Civil)No.561-563/2004 In C.A.No.7117-7119/2004  
SUKANTA NANDI & ORS. Vs. KALYAN KUMAR BAGCHI & ORS.

CONMT.PET.(Civil)No.564-566/2004 In C.A.No.7124-7126/2004  
SUKANTA NANDI & ORS. Vs. HEALTH DIRECTORATE,GOVT.OF W.BENGAL & ORS  
(With appln.(s) for directions)

W.P(C)No.251/2004 ALL INDIA MEDICAL & ENGG. COLLEGES ASS. Vs. U.O.I. & ORS.(Wi  
th appln.(s) for stay and permission to file  
further additional affidavit and further interim relief and permission to submit additional do  
cument(s))

SLP(C)No.17464/2004 K.J. SOMAIYA MEDICAL TRUST & ORS. Vs. STATE OF MAHARASHTRA & ORS. (With a  
ppln.(s) for permission to file volume  
and with prayer for interim relief)

SLP(C)No.17549/2004 UNAIDED PVT.PVT.MED.COLLEGE&DENT.COLLEGE Vs. STATE OF MAHARASHTRA & ANR.  
(With appln.(s) for exemption from filing c/c of the  
impugned judgment and permission to file volume and intervention and with  
prayer for interim relief)

W.P(C)No.318/2004 J.M.FOUND.'S A.C.P.M. MEDI.&DEN.COLLEGE Vs. STATE OF MAHARASHTRA & ORS. (  
With appln.(s) for permission and office report)

SLP(C)No.17930/2004 N.K.P.SALVE INST.,MEDI.SCI.&RESE. CENTRE Vs. STATE OF MAHARASHTRA & ANR.  
(With appln.(s) for permission to submit additional document(s) and with prayer for interim r  
elief and office report)

SLP(C)No.17931/2004 JAWAHARLAL NEHRU MEDICAL COLLEGE Vs. STATE OF MAHARASHTRA & ANR. (With a  
ppln.(s) for permission to file volume and permission to submit additional document(s) and wit  
h prayer for interim  
relief)

SLP(C)No.17326/2003 ASSN.,MGMT.,UNAID.PVT.MEDI.&DENT.COLLEGE Vs. STATE OF MAHARASHTRA (With  
appln.(s) for permission to place addl. documents on record and exemption from filing c/c of t  
he impugned judgment and  
with prayer for interim relief)

W.P(C)No.386/2004 ASSN. OF PROFESSIONAL INST.,M.P. & ANR. Vs. STATE OF M.P. & ORS. (With appl  
n.(s) for stay and permission to place addl.  
documents on record and taking additional document on record)

W.P(C)No.397/2004 PRASAR SHIKSHAN EVAM SEVA SANSTHAN & ORS Vs. STATE OF M.P. & ORS (With appln  
. (s) for ex-parte stay and exemption from  
filing OT and taking additional document on record)

Date: 09/03/2005 This/These matter(s) was/were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI  
HON'BLE MR. JUSTICE ARUN KUMAR  
HON'BLE MR. JUSTICE G.P. MATHUR  
HON'BLE MR. JUSTICE TARUN CHATTERJEE  
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WP 347, 387, 423/04,

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WP 349,350, 480/04Mr. Altaf Ahmad, Sr. Adv.(NP)(in WP 349&350)

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WP 261, 265, 359,Dr. Rajeev Dhavan, Sr. Adv.  
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WP 380/04 & 358/04Mr. Vivek K Tankha, Sr. Adv.(NP)

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WP 318/04,Mr. R F Nariman, Sr. Adv.(NP)  
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Ms. Promila, Adv.

Mr. Sunil Kumar, Sr. Adv.  
Mr. A P Sahay, Adv.  
Mr. Himanshu Shekhar, Adv.  
(for respondent No.30 in CA7117-7119)

for State of TripuraMr. Gopal Singh, Adv.  
Mr. Anurag Sharma, Adv.

for UGCMr. Gopal Singh, Adv.  
Mr. Amitesh Kumar, Adv.

Mr. A V Rangam, Adv.  
Mr. A Rangandhan, Adv.  
Mr. Buddy A Rangandhan, Adv.

Mr. Devendra Singh, Adv. (NP)

for State of NagalandMr. U Hazarika, Adv.  
Mr. Satya Mitra, Adv.  
Ms. Sumita Hazarika, Adv.

for State of RajasthanMr. Aruneshwar Gupta, Addl.Adv.Genl.  
Mr. Naveen Kumar Singh, Adv.  
Ms. Shivangi, Adv.

For Applicant(s)  
in IA for intervention/  
impleadment  
in SLP 9932/04Ms. Sheela Goel, Adv.

in WP 330/04Mr. 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 350/93  
(on behalf of Era Edu-Mr. A Mariarputham, Adv.  
cational Trust)Ms. Aruna Mathur, Adv.  
for Arputham Aruna & Co., Adv.

in WP 347/04Mr. M P Vinod, Adv.  
Mr. Ajay K Jain, Adv.  
Mr. Arvind Kumar, Adv.

in CA 5257-5258/04Mr. P H Parekh, Adv.  
Mr. Rohit Alex, Adv.  
Mr. E R Kumar, Adv.  
Mr. Rajeev Mishra, Adv.  
for M/s. P H Parekh & Co., Adv.

Mr. F S Nariman, Sr. Adv. (NP)  
Mr. M Qamaruddin, Adv.  
Ms. M Qamaruddin, Adv.  
Mr. Ambar Qamaruddin, Adv.  
Mr. Wahid Hussain, Adv.  
Mr. C M Zafarullah, Adv.  
Ms. Ritu Bhardwaz, Adv.

Dr. Chandra Veer Singh, in-person.

in CA 7974/04Ms. Anuradha Rustagi, Adv.  
Mr. S V Deshpande, Adv.

in CA 7117-7119/04Mr. Himanshu Munshi, Adv.

in CA 7124-7126/04Dr. Abhishek Manu Singhvi, Sr. Adv.  
Mr. Rana Mukerjee, Adv.  
Mr. Amit Bhandari, Adv.  
Mr. Yash Anand, Adv.  
Ms. Promila, Adv.

in SLP 17549/04Mr. Nitin S Tambwekar, Adv.  
Mr. Sunil Bedekar, Adv.  
Mr. B S Sai, Adv.  
Mr. C Ravichandran Iyer, Adv.

in the matter of Dr. Rajeev Dhavan, Sr. Adv.  
Consortium of Professional Mr. R Jagannath Goulay, Adv.  
Arts & Science Colleges Mr. Baldev Atreya, Adv.  
in Tamilnadu Mr. R C Iyer, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Mr. T R Andhyarujina, learned senior counsel resumed his arguments at 10.30 A.M. and concluded at 12 Noon. Thereafter, Mr. P P Rao, learned senior counsel appearing for the State of Tamil Nadu was permitted to address the Court and he made his submissions till rising of the Court.

The matters remained part-heard.

(D.P. WALIA) (AJAY KR. JAIN) (RADHA R. BHATIA)  
COURT MASTER COURT MASTER COURT MASTER

contd...p.13

ITEM NO. 101 (PH) COURT NO.1 DATE: 10.03.2005

CORAM & APPEARANCE : SAME AS ABOVE

Mr. G E Vahanvati, learned Solicitor General appearing for Union of India, Medical Council of India and Dental Council of India commenced his arguments at 10.30 A.M. and concluded at 11 A.M. Thereafter, Mr. R N Trivedi, learned senior counsel appearing for State of Haryana addressed the Court till 11.50 A.M. Thereafter, Mr. T L V Iyer, learned senior counsel appearing for State of Andhra Pradesh and Dr. N M Ghatate, learned senior counsel appearing for State of Madhya Pradesh made their submissions for 20 minutes and 30 minutes respectively. Mr. U U Lalit, learned senior counsel appearing for State of Maharashtra then started his submissions at 12.40 P.M. and concluded at 3.25 P.M.

Thereafter, Mr. Harish N Salve, learned senior counsel started making his rejoinder submission and was on his legs when the Court rose for the day.

The matters remained part-heard.

(D.P. WALIA) (AJAY KR. JAIN) (RADHA R. BHATIA)  
COURT MASTER COURT MASTER COURT MASTER