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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 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 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)

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)
(with IA 4 for intervention)

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 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 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.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.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.17930/2004 N.K.P.SALVE INST.,MEDI.SCI.&RESE. CENTRE Vs. STATE OF MAHARASHTRA & ANR.
(WITH APPLN.(S) FOR PERMISSION TO SUBMIT DOCUMENT(S) AND WITH PRAYER FOR INTERIM RELIEF AND O
FFICE 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 O.T. AND TAKING ADDITIONAL DOCUMENT ON RECORD)

Date: 08/02/2005 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 350/93Mr. Bharat Sangal, Adv.(NP)

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WP 302/04 & in IA 30Mr. F S Nariman, Sr. Adv. (in WP 350/93)
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WP 349,350, 480/04Mr. Altaf Ahmad, Sr. Adv.(in WP 349&350)

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WP 261, 265, 359,Dr. Rajeev Dhavan, Sr. Adv.
360, 361, 362, 363/04,Mr. Sushil Kumar Jain, Adv.
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WP 380/04 & 358/04Mr. Vivek K Tankha, Sr. Adv.

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WP 318/04, Mr. R F Nariman, Sr. Adv. (in WP318&SLP17464)
SLP 17464/04, Mr. P H Parekh, Adv.
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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.

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.
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. Amit Bhandari, Adv.
Mr. Yash Anand, Adv.
Ms. Promila, Adv.

in SLP 17549/04Mr. Nitin S Tambwekar, 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. Soli J. Sorabjee, learned senior counsel resumed his arguments at 10.30 A.M. and concluded at 11.40 A.M. Thereafter, Mr. Ashok H. Desai, learned senior counsel made his submissions ti

11 2.45 P.M. Thereafter, Mr. R F Nariman, learned senior counsel addressed the Court 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

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ITEM NO. 101 (PH) COURT NO.1 DATE: 9.2.2005

CORAM & APPEARANCE : SAME AS ABOVE

Dr. Rajeev Dhavan, learned senior counsel commenced his arguments at 10.30 A.M. and concluded at 1.00 P.M. Thereafter, Mr. F S Nariman, learned senior counsel started his arguments and concluded at 3.45 P.M. Thereafter, Mr. M Rama Jois, learned senior counsel started his arguments and his arguments remained inconclusive 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

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ITEM NO. 101 (PH) COURT NO.1 DATE: 10.2.2005

CORAM & APPEARANCE : SAME AS ABOVE

Mr. M Rama Jois, learned senior counsel resumed his arguments at 10.30 A.M. and concluded at 11.20 A.M. Thereafter, Mr. Altaf Ahmed and Mr. Mukul Rohtagi, learned senior counsel made their submissions for 35 minutes. Thereafter, Mr. Vivek K Tankha and Mr. S K Dholakia, learned senior counsel addressed the Court for 25 minutes each. Thereafter, Mr. S K Gambhir, learned senior counsel and Mr. Gaurav Aggarwal and Mr. Sushil Kumar Jain, learned counsel made their submissions for some time.

Mr. K K Venugopal, learned senior counsel commenced his arguments in reply at 12.55 P.M. 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