

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

Petition(s) for Special Leave to Appeal (Civil) No(s).2755/2008

(From the judgement and order dated 17/12/2007 in CWP No.  
14646/2007 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SHIROMANI GURUDWARA PRABANDHAK COMMTT.

Petitioner(s)

VERSUS

SHAIL MITTAL & ORS.

Respondent(s)

(With appln(s) for permission to submit additional document(s) and  
prayer for interim relief and office report )

WITH SLP(C) NO. 11790 of 2008  
(With prayer for interim relief)

SLP(C) NO. 14305 of 2008  
(With prayer for interim relief)

SLP(C) NO. 3660 of 2008  
(With prayer for interim relief and office report)

SLP(C) NO. 5577 of 2008  
(With appln.(s) for permission to file addl. grounds and with  
prayer for interim relief and office report)

SLP(C) NO. 6102 of 2008  
(With appln.(s) for permission to file addl. grounds and with  
prayer for interim relief and office report)

Date: 18/11/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For the appearing parties :

Mr. Harish N. Salve, Sr.Adv.  
Mr. Raju Ramachandran, Sr.Adv.  
Ms. Jayshree Anand, Adv.  
Mr. Alok Prakash, Adv.  
Ms. Aprajita, Adv.  
Ms. Madhu Moolchandani, Adv.

Mr. Ajay Pal, Adv.

Mr. K.K. Venugopal, Sr.Adv.  
Mr. Ritin Rai, Adv.

Mr. Siddhartha Jha, Adv.  
Ms. Akriti Gandotra, Adv.  
Mr. Janaranjan Das, adv.

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Mr. Anuj Aggarwal, Adv.  
Mr. Sanjay Sharawat, Adv.  
Mr. Sunil Verma, Adv.

Mr. Janaranjan Das, adv.

Mr. Ajay Pal, Adv.

Mr. G.K. Bansal, Adv.

Mr. Sanjay Sharawat, Adv.

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

The High Court vide its impugned judgment set aside the Notifications dated 13th April 2001 and 26th April, 2001 relying upon the judgment of this Court in Bal Patil and Anr. versus Union of India & Anr. reported in 2005 (6) SCC 690. The State of Punjab vide the said Notifications declared the "Sikh Institutions" run by the Sikh Gurudwara Prabandhak committee to be "minority" Institutions for the purpose of Section 2(f) of the Punjab Private Health Sciences Educational Institutions (Regulation of Admission, Fixation of fee and Making of Reservation) Act, 2006. Those Notifications are now declared to be ultra vires. The result is that the Sikh Institutions run by Sikh Gurudwara Prabandhak Committee cannot be treated as Minority Institutions for the purpose of said Act.

It is brought to our notice that the decision rendered by Bal Patil and Anr. Versus Union of India & Anr. is under reconsideration and the same is directed to

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be listed along with Writ Petition(C) No.9683-9684 of 1983. The said Writ Petitions were also disposed of in Brahma Samaj Education Society and Ors. Versus State of West Bengal and Ors. reported in 2004 (6) SCC 224 but the Review Petition filed to review the said judgment has been allowed and accordingly, the Writ Petitions(C) Nos. 9683-9684 of 1983 are directed to be reheard by a Constitution Bench vide order dated 31st July, 2008.

In such view of the matter, it would be appropriate to place these matters to be heard along with Writ Petition(C) Nos. 9683-9684 of 1983.

Let these matter be placed before Hon'ble the Chief Justice of India for further appropriate orders.

(Sukhbir Paul Kaur)  
Court Master

(Renuka Sadana)  
Court Master