

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. NO. 46907 OF 2017
AND
I.A. NO. 46898 OF 2017
IN
M.A. No.10 OF 2017
IN
WRIT PETITION (C) NO. 306 OF 2004

MRIDUL DHAR (MINOR) AND ANR. ... PETITIONERS

VERSUS

UNION OF INDIA AND ORS. ... RESPONDENTS

ORDER

I.A. No. 46907 OF 2017

The application is dismissed in view of the order passed in I.A. No. 45538 of 2017.

I.A. NO. 46898 OF 2017

By means of this application, the applicant-Association has prayed for extension of time till 21st June, 2017 for filling up the vacant seats in postgraduate medical and dental courses for

academic session 2017-18.

In *Ashish Ranjan & Ors. v. Union of India & Ors.* [WP (C) No. 76/2015], this Court laid down a schedule to be followed for admission to medical colleges. This schedule, as approved by this Court, must be followed to ensure that medical education standards are not lowered as per the schedule laid down in *Ashish Ranjan* case (supra). The 1st round of counselling was to be completed from 9th to 10th May 2017. The 2nd round of counselling was to be completed from 11th to 20th May, 2017 and last date for admission is 31st May, 2017. As far as the State of Uttar Pradesh is concerned, the first round of counseling was carried out from 28th March, 2017 to 3rd April, 2017 and the result was declared on 22nd April, 2017. The second round of counseling was conducted from 13th May, 2017 to 17th May, 2017 and the result was declared on 22nd May, 2017. All the States have followed the system of mop-up counselling which had

to be done before 31st May, 2017. As far as the State of Uttar Pradesh is concerned mop-up counselling took place on 26th May, 2017. A large number of seats remained vacant after the mop-up counselling.

The Allahabad High Court vide its judgment dated 29th May, 2017 in Writ Petition (C) No. 17183 of 2017, set aside the institutional preference in the Aligarh Muslim University (for short 'AMU') and Banaras Hindu University (for short 'BHU') and further directed that the post-graduate seats in these institutions shall be filled up only from those students who have passed MBBS from Institutions, Universities and Colleges in the State of Uttar Pradesh.

The Allahabad High Court also directed that the benefit of service rendered in remote/difficult areas should be given only to those doctors of the provincial Medical Health Services (for short 'the

PMHS') who have cleared MBBS examination from a college within the State of U.P.

This Court vide its order dated 07th June, 2017 in *Dr. Saurabh Dwivedi and Ors. v. Union of India and Ors.* [C.A No. 8268/2017] set aside the judgment of the Allahabad High Court in the following terms:

"21. In view of the above discussion, we set aside the judgment and order of the High Court and all consequential action taken by the State of U.P. and / or any other authority pursuant to that order. It is clarified that those who were counselled and granted admission prior to the impugned judgment of the High Court shall be permitted to continue in their respective courses. The time for filling up the vacant seats, if any, in AMU and BHU and Government run medical colleges/institutions in the State of U.P. is extended up to 12th June, 2017 in the peculiar facts and circumstances of the case. We further permit the AMU, BHU and Government run medical colleges/institutions in the State to fill up the seats in the post graduate courses in the AMU, BHU and Government run medical colleges/institutions up to 12.06.2017.

All the civil appeals as well as the interlocutory application(s)

relating to the State of Uttar Pradesh in Writ Petition (C) No. 76 of 2015 are disposed of in the aforesaid terms."

Now unaided medical colleges have approached for extension of time.

The main ground is that due to the judgment of the Allahabad High Court, admissions could not be completed in the colleges. This is not correct.

As pointed above, as far as the State of U.P. is concerned even the mop-up counselling had been completed by 26th May, 2017.

The judgment of the Allahabad High Court was limited to Aligarh Muslim University, Banaras Hindu University and in service candidates in Provincial Medical Health Services of the State of U.P. This did not in any manner affect the admission to private medical colleges since that had nothing to do with the institutional preference in AMU or BHU or weightage to in service candidates.

The result of the judgment of this Court in Dr. Saurabh Dwivedi (supra) is that those who were counselled and got admission prior to 29th May, 2017 have been restored.

Seats remain vacant in Medical Colleges for various reasons. Doctors are not willing to take admission in non-clinical courses especially in private colleges where fees are very high. In our view, the schedule must be strictly followed and we find no reason to extend the time.

The application is dismissed.

.....J.
PRAFULLA C. PANT

.....J.
(DEEPAK GUPTA)

NEW DELHI
JUNE 13, 2017

ITEM NO.1A
(Judgment)

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

M.A. No. 10/2017 In Writ Petition(s) (Civil) No(s). 306/2004

Mridul Dhar (Minor) and Anr.

Petitioner(s)

VERSUS

Union of India and Ors.

Respondent(s)

[For appropriate orders/directions]

Date : 13/06/2017 This application was called on for judgment today.

For Petitioner(s) Mr. Salman Khurshid, Sr. Adv.
Mr. Nidhesh Gupta, Sr. Adv.
Mr. Amit Kumar, Adv.

Applicant Mr. Tarun Gupta Gupta, AOR

For Respondent(s) Mr. Gaurav Sharma, Adv.
Mr. T. Singh Dev, Adv.
Ms. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv.
Ms. Vara Gaur, Adv.
Mr. Tarun Verma, Adv.
Mr. R.K. Rathore, Adv.
Mr. Vibhu Shankar Mishra, Adv.
Mr. G.S. Makker, Adv.

Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.
Mr. Ajay Sharma, Adv.
Mr. Rupesh Kumar, Adv.

Mr. Ajay Kumar Mishra, Sr. Adv.
Mr. A.K. Prasad, Adv.

Hon'ble Mr. Justice Deepak Gupta pronounced the Order of the Vacation Bench comprising Hon'ble Mr. Justice Prafulla C. Pant and His Lordship

The application for extension of time is dismissed.

(NEELAM GULATI)
COURT MASTER

(SHARDA KAPOOR)
ASSISTANT REGISTRAR

(Signed Non reportable Order is placed on the file)