

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

CIVIL APPEAL NO.4060 OF 2009

MODERN DENTAL COLLEGE &amp; RES.CEN. &amp; ORS.

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH &amp; ORS.

Respondent(s)

(With appln(s) for directions and permission to file additional documents and intervention and directions and impleadment and exemption from filing OT and directions and intervention and directions and intervention and directions)

WITH

CIVIL APPEAL NO.4061 OF 2009

(with appln(s) for exemption from filing OT and with prayer for interim relief and office report)

CIVIL APPEAL NO.4062 OF 2009

(with appln(s) for intervention and with prayer for interim relief and office report)

CIVIL APPEAL NO.4065 OF 2009

(with appln(s) for exemption from filing OT and with office report)

CIVIL APPEAL NO. 4063 OF 2009

(with appln(s) for exemption from filing OT and with prayer for interim relief)

CIVIL APPEAL NO. 4064 OF 2009

(with appln(s) for exemption from filing OT and with prayer for interim relief and office report)

Date: 02/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. R.F.Nariman, Sr. Adv.  
In CA 4060, 4065 Mr. Altaf Ahmed, Sr. Adv.  
4064 of 2009 Mr. Sushil Kumar Jain, Adv.  
Mr. Puneet Jain, Adv. for  
Ms. Pratibha Jain, Adv.  
Mr. Sushil Kumar Jain, Adv.

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For Appellant(s) Mr. B.K.Satija, Adv.(NP)  
in CA 4061/2009

For Appellant(s) M/S. Ap & J Chambers(NP)  
in CA 4062/2009

For Appellant(s) Mr. R.F.Nariman, Sr. Adv.  
In CA 4063/2009 Mr. Altaf Ahmed, Sr. Adv.  
& for respondent Ms. Pragati Neekhara, Adv.  
In CA 4060 & 4062 Mr. Suryanarayana Singh, Adv.  
Of 2009 Ms. Sonika, Adv.for  
Mr. D.K.Sinha, Adv.

For Respondent(s) Mr. Rasvi Shankar Prasad, Sr. Adv.  
Mr. S.K.Dubey, Sr. Adv.  
Mr. B.S. Banthia, Adv.

Mrs. Vibha Datta Makhija, Adv.  
Mr. Vikas Upadhyay, Adv.  
Mr. Yogesh Tiwari, Adv.

Mr. Sunil Kumar Jain, Adv.(NP)

Mr. Arvind Verma, Sr. Adv.  
Ms. Prachi Mishra, Adv.for  
Ms. Kavita Wadia ,Adv

Mr. Sanjay K. Agrawal ,Adv

Mr. Arun K. Beriwal, Adv.

Mr. Gaurav Sharma, Adv.  
Mr. Abhinav Mukerji, Adv.

Mr. Purvish Malkan, Adv.for  
Mr. R.C.Kohli, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned appearing counsel for the parties.

The constitutional validity of the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007, Madhya Pradesh Act No.21 of 2007 (for short 'the Madhya Pradesh Act') has been challenged in this case on various grounds, inter alia,

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legislative competence. The Madhya Pradesh High Court by the impugned order has upheld the constitutional validity but we are informed that the Orissa and Kerala High Courts have struck down similar legislation which relate to admissions to private medical colleges.

In our opinion, since the constitutional validity of the Madhya Pradesh Act has been challenged and there is a divergence of opinion between different High Courts, it would be appropriate if this case is heard by a larger Bench, preferably a Constitution Bench.

Let the papers of this case be placed before the Hon'ble the Chief Justice of India for constituting a larger Bench.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija)  
Court Master