

SUPR EME COUR T OF I N D I A
RECORD OF PROCEEDINGS

IA 9-19/2009 in CIVIL APPEAL NO. 4060 OF 2009

MODERN DENTAL COLLEGE & RES.CEN. & ORS.

Appellant (s)

VERSUS

STATE OF MADHYA PRADESH & ORS.

Respondent(s)

(for directions, intervention, permission to file additional affidavit, seeking permission to intervene in Civil Appeal, praying for issuance of appropriate urgent directions, seeking impleadment of R.D.Gardi Medical College, Ujjain as party respondent and office report)

WITH

I.A. NOS.9-10 IN CIVIL APPEAL NO.4062 OF 2009

(for intervention and directions and office report)

Date: 16/07/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Appellant(s) Mr. R.F.Nariman, Sr. Adv.
in CA 4060/2009 Mr. Harish N. Salve, Sr. Adv.
 Mr. Ashok Desai, Sr. Adv.
 Mr. Puneet Jain, Adv.
 Mr. Ajay Ashudani, Adv.
Mr. Sushil Kumar Jain, Adv.for
Ms. Pratibha Jain, Adv.
Mr. Sushil Kumar Jain, Adv.

For Appellant(s) Mr.Vivek K.Tankha, Sr. Adv.
in CA 4062/2009 Ms. Ratna Kaul, Adv.
 Mr. Prashant Kumar, Adv.for
 M/s. AP & J Chambers

Dr. Rajiv Dhawan, Sr. Adv.
Ms. Pragati Neekhara, Adv.
Mr. Ajay Ashudani, Adv.
Mr. Surnarayana Singh, Adv.
Mr. D.K. Sinha, Adv.

Mr. Arun Kumar Beriwal, Adv.
Mr. Anup Jain, Adv.
Ms. Chhavi Batra, Adv.

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Ms. Indu Malhotra, Sr. Adv.
Mr. Nishkant Pandey, Adv.
Ms. Prachi Mishra, Adv.
Ms. Kavita Wadia, Adv.

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

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

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2009: We had passed the following interim order on 21 May,

"....Issue notice.

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Until further orders, we stay the operation of the impugned judgment of the High Court dated 15.5.2009 and permit the petitioners to admit students on the basis of the Common Entrance Test - Pre-PG DEMAT 2009 conducted by respondent No.4- Association."

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Subsequently on 27 May, 2009, the aforesaid interim order dated 21 May, 2009 was substituted by a detailed order after considering the entire case law regarding admissions in private unaided medical/dental colleges.

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It appears that in pursuance of our order dated 21 May, 2009 admissions have already been made by certain medical/dental colleges under the post-graduate courses by filling up all the seats instead of only 50% as subsequently clarified by this Court in its order dated 27 May, 2009. We are informed that those students are studying over a month.

In the extraordinary peculiar facts and circumstances of the case, we pass the following order:

"1. Students who are selected in the test held by State for post-graduate courses shall be admitted forthwith by the medical/dental colleges in terms of our order dated 27 May, 2009. Some students admitted by colleges would be rendered surplus.

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2. Medical Council/Dental Council shall be joined as parties and they shall report to the Court after inspecting all the Colleges, within two weeks, as to whether these colleges are having proper infrastructure for accommodating surplus students.

3. In the meantime, students who have already been admitted and have been rendered surplus will continue with their study.

4. Further continuance of the surplus students would depend upon the said reports as also the final outcome of these appeals.

5. This order shall not create any right in the surplus students."

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List this matter again on 04 August, 2009.

(Parveen Kr. Chawla) Court Master

(Indu Satija) Court Master

P.S.: Copy of this Order be given dasti to the parties.