

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 & RES.CEN. & ORS.

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH & 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: 09/09/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. R.F.Nariman, Sr. Adv.  
Mr. Sushil Kumar Jain, Adv.  
Mr. Puneet Jain, Adv.  
Ms. Archana Tiwari, Adv.for  
Ms. Pratibha Jain  
Mr. Sushil Kumar Jain

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Mr. Altaf Ahmad, Sr. Adv.  
Mr. Prashant Kumar, Adv.for  
M/S. Ap & J Chambers

Ms. Pragati Neekhara, Adv.  
Mr. Suryanarayana Singh, 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. Rahul Sagar Sahay, Adv.  
Mr. Vikrant Singh Bais, Adv.

Mr. Jagdeep Dhankar, Sr. Adv.

Mr. Sunil Kumar Jain, Adv.  
Mr. Ajay Bhatia, Adv.

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

Mr. Sanjay K. Agrawal, Adv.

Mr. Arun K. Beriwal, Adv.

Mr. Gaurav Sharma, Adv.  
Ms. Surbhi Mehta, Adv. for  
Ms. Pratibha M. Singh, Adv.

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

Heard learned counsel for the parties and also heard

Mr. Gaurav Sharma, Advocate who appeared on behalf of the  
Medical Council of India and Dental Council of India.

In this case, we had passed an interim order on 21st  
May, 2009. In compliance of our order dated 21st May, 2009,  
many students were admitted in Post Graduate courses in two

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Dental Colleges and one Medical College namely Modern  
Dental College & Research Centre, People's College of  
Dental Science & Research Centre and R.D.Gardi Medical  
College, situated in the State of Madhya Pradesh.

Thereafter we passed another detailed order on 27th  
May, 2009 substituting the earlier order dated 21st May,  
2009.

We are informed that the students who were admitted  
in Post Graduate courses in the aforesaid three  
institutions pursuant to our direction dated 21.5.2009 are  
still studying in their P.G. Courses and hence we are of  
the opinion that in the special facts of the case, and  
without laying down any precedent, the interest of justice  
would be sub-served if those students are not disturbed,  
otherwise their career may suffer. We direct accordingly.

In the facts and circumstances of this case and  
keeping in mind the career of the students, we also direct  
that our interim order dated 27th May, 2009 shall hold the  
field for the current session, i.e. 2009-2010. As a

consequence thereto, the admissions made both by the State Government in pursuance to our order dated 27.5.2009 as well as the private institutions will continue.

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We make it clear that this interim arrangement is made only for the current academic year because students who were admitted pursuant to our directions dated 21st May and 27th May, 2009 are in the mid of their study.

The

questions of law raised in this matter will be decided when the final hearing takes place in the matter which we fix on 02nd February, 2010.

We further direct that the applicant in IA No. 21 of 2009 in Civil Appeal No.4060 of 2009 who are four in numbers will also be given admission (two in Modern Dental College & Research Centre and two in People's College of Dental Science & Research Centre) in the same branches which were given earlier.

Liberty is granted to the learned counsel for the parties to file additional documents within eight weeks.

They may also file amendment to the pleadings.  
Issue notice to respondent No.3 herein.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija)  
Court Master