

SECTION-XVI

LISTED ON:16.02.2016

COURT NO.: 2

ITEM No.: 501

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4060 OF 2009

WITH

INTERLOCUTORY APPLICATION NOS. 9 & 10

(Application for intervention & directions)

WITH

INTERLOCUTORY APPLICATION NOS. 11 & 12

(Application for intervention & directions)

WITH

INTERLOCUTORY APPLICATION NOS. 13 & 14

(Application for directions and application for exemption from filing official translation filed by Ms. Kavita Wadia, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 15

(Application for permission to file additional document)

WITH

INTERLOCUTORY APPLICATION NO. 16

(Application for permission to file intervention)

WITH

INTERLOCUTORY APPLICATION NO. 17

(Application for directions)

WITH

INTERLOCUTORY APPLICATION NO. 18

(Application for impleadment)

WITH

INTERLOCUTORY APPLICATION NO. 19

(Application for exemption from filing official translation)

WITH

INTERLOCUTORY APPLICATION NO. 21

(Application for directions filed by Mrs. Kavita Wadia, Advocate)

WITH

INTERLOCUTORY APPLICATION NOS. 22-39

(Application for intervention & directions filed by Ms. Pratibha Jain, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 40

(Application for intervention filed by Mr. PP Singh, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 41

(Application for Stay filed by Ms. Pratibha Jain, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 42

(Application for directions filed by Mr. Mishra Saurabh, Advocate)

WITH

**INTERLOCUTORY APPLICATION NO. 43**

(Application for permission for conducting common Entrance Pre PG Dental and Medical admission Test 2010 for Private Medical and Dental College filed by Mr. Mishra Saurabh, Advocate)

WITH

**INTERLOCUTORY APPLICATION NO. 44**

(Application for amendment of pleadings for urging additional grounds with affidavit filed by Ms. Pratibha Jain, Advocate)

WITH

**INTERLOCUTORY APPLICATION NOS. 45 & 46**

(Application for permission to file additional documents and exemption from filing official translation filed by Mr. Mishra Saurabh, Advocate)

WITH

**INTERLOCUTORY APPLICATION NO. 47**

(Application for direction filed by Mr. Mishra Saurabh, Advocate)

WITH

**INTERLOCUTORY APPLICATION NO. 48**

(Application for direction filed by Mr. Harish Pandey, Advocate)

WITH

**INTERLOCUTORY APPLICATION NOS. 67-68**

(Application for clarification of this Court's Order dated 27.05.2009 and exemption from filing official translation)

WITH

**INTERLOCUTORY APPLICATION NO. 80**

(Application for impleadment)

WITH

**INTERLOCUTORY APPLICATION NO. 83**

(Application for directions)

AND

**INTERLOCUTORY APPLICATION NO.84**

(Application for impleadment as respondent filed by Ms.Manju Sharma Jatley, Advocate)

AND

**INTERLOCUTORY APPLICATION NO.85**

(Application for Impleadment as respondent filed by T.R.B. Sivakumar, Advocate)

AND

**CIVIL APPEAL NO. 4062 OF 2009**

WITH

**INTERLOCUTORY APPLICATION NOS.9 & 10**

(Applications for intervention and directions)

WITH

**INTERLOCUTORY APPLICATION NO. 11**

(Application for direction filed by Mr. Mishra Saurabh, Advocate)

AND

**CIVIL APPEAL NOS. 4061, 4063, 4064 AND 4065 OF 2009**

AND

**SPECIAL LEAVE PETITION (CIVIL) NOS. 8037, 8926 AND 23925 OF 2011**

(With prayer for Interim Relief)

**MODERN DENTAL COLLEGE &  
RESEARCH CENTRE & ORS.**

**... PETITIONERS**

Versus

**STATE OF M.P. & ORS.**

**... RESPONDENTS**

**OFFICE REPORT**

The matters above-mentioned were listed before the Hon'ble Court on 02.02.2010 when the Court was pleased to pass the following order:-

*“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, 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.”*

And the matter was again listed before the Hon'ble Court on 18.1.2016 when the Court was pleased to pass the following order:-

*“SLP(C) No.12801-12803/12 and SLP(C) No.20655/12 are delinked from this group of matters. Let these matters be listed along with Civil Appeal NO. 364 of 2005.*

*List rest of the matters again on 29<sup>th</sup> January, 2016.*

*Ms. Vibha Dutta Makhija learned senior counsel appearing for the State of M.P. shall file an affidavit in terms of our order dated 15<sup>th</sup> December, 2015 in the meantime.”*

**The service position in each of the matter is as under:**

**CA No. 4060 of 2009**

There are four respondents. Respondent nos. 1-2 & 3 are represented through M/s. Mishra Saurabh and R.C Kohli, Advocates respectively. Respondent no.4 is represented through Ms. Pragati Neekhara, Advocate. Respondent nos. 5 to 28 and 29 to 31 have been impleaded as party respondents/Intervenor vide Court's order dated 27.05.2009 passed in IA Nos. 3, 4 and 5 respectively and all the impleading parties/intervenors are represented through Mr. Harish Pandey, Advocate. Respondent nos.32 and 33 impleaded as party respondent vide Court's Order dated 16.07.2009. Respondent no.32 is represented through Mr. Abhinav Mukherjee, Advocate and respondent no.33 is represented through Mr. Amit Kumar, Advocate.

It is submitted that Mr. Mishra Saurabh Advocate has on 27.1.2016 filed an affidavit on behalf of state of M.P as per order dated 15.12.2015 and the same is being circulated to the Hon'ble Court.

It is further submitted that Ms. Manju Sharma Jatley and T.R.B. Sivakumar, Advocates have on 9.2.2016 filed application for impleadment as respondent which are registered as I.A. Nos. 84 & 85 and the same are being circulated to Hon'ble Court.

**CA No. 4061 of 2009**

There are three respondents. Respondent nos.1 & 2 are represented through Mr. Mishra Saurabh, Advocate. Respondent no.3 is unserved. Respondent nos.4 to 27 and 28 to 30 have been impleaded as party respondents/intervenor vide court's order dated 27.05.2009 passed in IA Nos. 3,4 and 5 respectively. All the impleading parties/intervenors are represented through Mr. Harish Pandey, Advocate.

**CA No. 4062 of 2009**

There are three respondents. Respondent nos.1 & 2 are represented through Mr. Mishra Saurabh, Advocate. Respondent no.3 is unserved. Respondent nos.4 to 27 and 28 to 30 have been impleaded as party respondents/intervenor vide court's order dated 27.05.2009 passed in IA Nos. 3,4 and 6 respectively. All the impleading parties/intervenors are represented through Mr. Harish Pandey, Advocate.

**CA No. 4063 of 2009**

There are three respondents. Respondent nos.1 & 2 are represented through Mr. Mishra Saurabh, Advocate. Respondent no.3 is unserved. Respondent nos.4 to 27 and 28 to 30 have been impleaded as party respondents/intervenor vide court's order dated 27.05.2009 passed in IA Nos. 3,4 and 5 respectively. All the impleading parties/intervenors are represented through Mr. Harish Pandey, Advocate.

**CA No. 4064 of 2009**

There are three respondents. Respondent nos.1 & 2 are represented through Mr. Mishra Saurabh, Advocate. Respondent no.3 is unserved. Respondent nos.4 to 29 and 30 to 32 have been impleaded as party respondents/intervenor vide court's order dated 27.05.2009 passed in IA Nos. 3,4 and 5 respectively. All the impleading parties/intervenors are represented through Mr. Harish Pandey, Advocate.

**CA No. 4065 of 2009**

There are seven respondents. Respondent nos.1 & 2 are represented through Mr. Mishra Saurabh, Advocate. Respondent nos.3 & 4 are unserved. However, respondent no.4 is common in CA 4060/2009 and he is represented through Ms. Pragti Neekhara, Advocate. Respondent nos.5-7 are the petitioners in CA 4060/2009 and they are represented through Ms. Pratibha Jain, Advocate. Respondent nos.8 to 10 have been impleaded as intervenors vide Court's Order dated

27.05.2009 passed in IA No. 19. All the intervenors are represented through Mr. Sanjay K. Agrawal, Advocate.

**SC 8037/2011**

There are two respondents in this matter. Both are represented through Mr. CD Singh, Advocate. Counter-affidavit on behalf of respondent no.1 and rejoinder-affidavit to the counter-affidavit filed on behalf of respondent no.1 have been filed and included in paper-books. The service of notice is complete.

**SC 8926/2011**

There are three respondents in this matter. Respondent nos.1 & 2 are represented through Mr. CD Singh, Advocate. Respondent no.3 though served has not entered his appearance, so far.

The service of notice is complete.

**SLP(C) No. 23925/2011:**

There are three respondents in the matter. The service of notice is complete on all the respondents. M/s Rajiv Ranjan Dwivedi and Gaurav Sharma, Advocates have put in appearance on behalf of respondent nos.1 & 3 respectively. Counter-affidavit on behalf of respondent no.1 has been filed and included in paper-books. Respondent no.3 has not filed counter-affidavit, so far. Rejoinder-affidavit to the counter-affidavit filed on behalf of respondent no.1 has also not filed. Respondent no.2 though served by registered AD post has not entered his appearance, so far.

The matters above-mentioned are listed before the Hon'ble Court with this Office report.

Dated this the 15th day of February, 2016

**ASSISTANT REGISTRAR**

**Copy to:** Ms. Pratibha Jain, Advocate  
Mr. Sunil Kumar Jain, Advocate  
Ms. Pragti Neekhara, Advocate  
Mr. Mishra Saurabh, Advocate  
Mr. APJ Chambers, Advocate  
Mr. Sanjay Kumar Agrawal, Advocate  
Mr. RC Kohli, Advocate  
Mr. Harish Pandey, Advocate  
Mr. Abhinav Mukherjee, Advocate  
Mr. Amit Kumar, Advocate  
Mr. CD Singh, Advocate  
Mr. Gaurav Sharma, Advocate  
Mr. Pawanshree Agrawal, Advocate  
Ms. Usha Nandini, Advocate  
Mr. PP Singh, Advocate

**ASSISTANT REGISTRAR**