

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO(s). 487 OF 1999

ISLAMIC ACADEMY OF EDUCATION AND ANR. Petitioner(s)

VERSUS

STATE OF KARNATAKA AND ORS. Respondent(s)

ORDER

Heard learned counsel for the petitioners. No one has appeared for the respondents.

The petitioner No. 1 is a muslim educational trust and has set up the petitioner No. 2 institution, namely, Yenepoya Dental College, in the State of Karnataka. The State of Karnataka made the Karnataka Selection of Candidates for Admission to Engineering, Medical, Dental, Pharmacy and Nursing Courses Rules, 1993 (for short "the Rules") and amended the rules in 1997. Rule 18 of the rules, inter alia, provided as follows:

- (xiv) After the closing date of admission as fixed by the Government is over a reconciliation meeting regarding the number of unfilled and unallotted seats shall be held between the CET Cell, the Directorate of Technical Education, Directorate of Medical Education and the respective college and after identifying the vacant seats, issue notification regarding such seats by the concerned Directors. Such seats shall be filled by the colleges.

As per the aforesaid Rule 18 (xiv) of the rules, after closing the date of admission as fixed by the Government is over, a reconciliation meeting was to take place regarding unfilled and unallotted seats between CET Cell of the Directorate of Technical Education, Directorate of Medical Education and the respective college and after identifying the vacant seats, a notification was to be issued of the vacant seats which were to be filled up by the college. For the academic year 1999-2000, the petitioners claim that there was delay on the part of the Government to issue the notification of the vacant seats and in the circumstances, the college had no option but to fill up 13 vacant unfilled government seats to which no allotment had been made by the Government. When the admission of students by the petitioner college into these 13 seats was not accepted by the Government, the petitioners filed the present writ petition praying for declaration that rule 18 (xiv) of the rules is arbitrary and violative of Constitution and cannot be enforced against the petitioners.

This Court passed interim orders permitting the students who were admitted to those vacant seats to continue their B.D.S. course and observed in the order dated 16th October, 2003 that equivalent number of seats which were utilized by the petitioners must be made available from the management category to the Government in future. This Court also observed in the order dated 16th October, 2013 that whether it should be so done or not, will be examined at the time of disposal of the main petition, but so far as these 13 students are concerned, they will be allowed to continue their course as observed earlier.

It is stated in the interlocutory application for directions for withdrawal of the writ petition of the applicants (I.A. No. 5), that the petitioner college accommodated both its own 14 students and the 13 students of CET Cell and all these 27 students duly carried out the B.D.S. Course. It further appears from a copy of the letter dated 26th November, 2013 of Yenepoya University that all these 27 students have completed their B.D.S. course and their results have been declared and B.D.S. degrees have been issued.

In view of the aforesaid developments, we do not think that we should further examine this matter and we accordingly allow the interlocutory application No. 5 and direct that this writ petition be treated as disposed of.

The aforementioned letter dated 26th November, 2013 of the Yenepoya University will form part of the record.

.....J.
(A.K. PATNAIK)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

NEW DELHI,
FEBRUARY 18, 2014

ITEM NO.103

COURT NO.5

SECTION X

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

WRIT PETITION (CIVIL) NO(s). 487 OF 1999

ISLAMIC ACADEMY OF EDUCATION AND ANR. Petitioner(s)

VERSUS

STATE OF KARNATAKA AND ORS. Respondent(s)
(With appln(s) for withdrawal of writ petition and office report)

WITH

Civil Appeal NO. 2846 of 2007
(With appln. for impleadment and office report)

Civil Appeal NO. 2847 of 2007

Civil Appeal NO. 2848 of 2007

Civil Appeal NO. 2849 of 2007

Civil Appeal NO. 2850 of 2007
(With appln. for directions and office report)

Civil Appeal NO. 2851 of 2007

Civil Appeal NO. 2852 of 2007

Civil Appeal NO. 2853 of 2007
(With office report)

IAS 26, 27, 30, 31, 33, 34, 35, 41, 47, 48, 54-64 & 98
in W.P(C) NO. 350 of 1993

(For directions, exemption from filing O.T., modification/clarification,
permission to file application for direction/directions, permission to file
application for interim relief along with application for directions,
directions/modification and office report)

Date: 18/02/2014 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For the parties:

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Mr. Rameshwar Prasad Goyal, Adv.

Ms. A. Subhashini, Adv.

Mr. G.N. Reddy, Adv.

Mr. T. Harish Kumar, Adv.

Mr. K.V. Mohan, Adv.

UPON hearing counsel the Court made the following

O R D E R

WP(C) No. 487 of 1999

I.A. 5 is allowed. Writ Petition is disposed of in terms of the signed order.

Rest of the matters

List next week.

(G. SUDHAKARA RAO)
COURT MASTER

(SHARDA KAPOOR)
COURT MASTER

(SIGNED ORDER IN WP(C) NO. 487 OF 1999 IS PLACED ON THE FILE)