

ITEM NO.102

COURT NO.3

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). 386 OF 2004

ASSN. OF PROFESSIONAL INST.,M.P. & ANR. Petitioner(s)

VERSUS

STATE OF M.P. & ORS. Respondent(s)

(With appln(s) for stay)

- W.P(C) NO. 397 of 2004
(With appln(s) for ex-parte stay)
- W.P(C) NO. 441 of 2004
(With appln.(s) for exemption from filing O.T.)
- W.P(C) NO. 440 of 2004
(With appln.(s) for exemption from filing O.T.)
- W.P(C) NO. 424 of 2004
(With appln(s) for ex-parte stay and office report)
- W.P(C) NO. 442 of 2004
(With appln.(s) for stay/ direction and office report)
- W.P(C) NO. 443 of 2004
(With APPLN.(S) FOR STAY/DIRECTION)
- W.P(C) NO. 445 of 2004
(With appln.(s) for ex-parte stay)
- W.P(C) NO. 446 of 2004
(With appln.(s) for ex-parte stay)
- W.P(C) NO. 447 of 2004
(With appln.(s) for ex-parte stay)
- W.P(C) NO. 448 of 2004
(With appln.(s) for stay/direction)
- W.P(C) NO. 449 of 2004
(With appln.(s) for ex-parte stay)
- W.P(C) NO. 450 of 2004
(With appln(s) for accepting English Translation)
- W.P(C) NO. 451 of 2004
(With appln.(s) for ex-parte stay)
- W.P(C) NO. 452 of 2004
(With appln.(s) for ex-parte stay)
- W.P(C) NO. 453 of 2004
(With appln.(s) for stay/direction)
- W.P(C) NO. 454 of 2004
(With appln.(s) for ex-parte stay)
- W.P(C) NO. 455 of 2004
(With appln.(s) for ex-parte stay)
- W.P(C) NO. 456 of 2004
(With appln(s) for permission to place addl.documents on record)

2

- W.P(C) NO. 457 of 2004
(With appln.(s) for ex-parte stay)
- W.P(C) NO. 458 of 2004
(With appln.(s) for ex-parte stay)
- W.P(C) NO. 459 of 2004
(With appln.(s) for stay/direction)
- W.P(C) NO. 422 of 2004
(With appln.(s) for ad-interim ex-parte stay and with office
office report)
- W.P(C) NO. 436 of 2004
(With appln.(s) for stay)
- W.P(C) NO. 437 of 2004

(With appln.(s) for exemption from filing c/c of the impugned judgment)
W.P(C) NO. 438 of 2004
(With appln.(s) for stay)
W.P(C) NO. 439 of 2004
(With appln.(s) for stay)
W.P(C) NO. 421 of 2004
(With appln.(s) for stay and office report)
W.P(C) NO. 430 of 2004
(With appln.(s) for stay and office report)
W.P(C) NO. 427 of 2004
(With appln.(s) for stay and office report)
W.P(C) NO. 462 of 2004
appln.(s) for ex-parte stay and office report)
Civil Appeal NO. 5036 of 2005
(With prayer for interim relief)
Civil Appeal NO. 5037 of 2005
(With appln.(s) for exemption from filing c/c of the impugned judgment, directions and prayer for interim relief)
Civil Appeal NO. 5038 of 2005
(With appln.(s) for permission to submit additional documents and prayer for interim relief and office report)
Civil Appeal NO. 5039 of 2005
(With appln.(s) for permission to file volume and prayer for interim relief)
Civil Appeal NO. 5040 of 2005
(With appln.(s) for intervention and prayer for interim relief)
W.P(C) NO. 261 of 2004
(With appln.(s) for stay, intervention and office report)
W.P(C) NO. 349 of 2004
(With office report)
W.P(C) NO. 350 of 2004
(With office report)
W.P(C) NO. 387 of 2004
(With office report)
W.P(C) NO. 423 of 2004
(With office report)
W.P(C) NO. 480 of 2004
(With office report)
W.P(C) NO. 265 of 2004
(With office report)

3

W.P(C) NO. 380 of 2004
(With appln(s) for directions and exemption from filing O.T., ex-parte stay and office report)
W.P(C) NO. 358 of 2004
(With office report)
W.P(C) NO. 359 of 2004
(With office report)
W.P(C) NO. 360 of 2004
(With office report)

W.P(C) NO. 361 of 2004
(With office report)
W.P(C) NO. 362 of 2004
(With office report)
W.P(C) NO. 363 of 2004
(With office report)
Civil Appeal NO. 5262-5263 of 2004
(With office report)
Civil Appeal NO. 7969-7971 of 2004
(With office report)
Civil Appeal NO. 7972 of 2004
(With appln.(s) for permission and accepting English Translation and office report)
Civil Appeal NO. 7973 of 2004
(With office report)
Civil Appeal NO. 7974 of 2004

(With appln.(s) for impleadment, intervention and office report)
Civil Appeal NO. 7975 of 2004
(With office report)
W.P(C) NO. 428 of 2004
(With appln.(s) for stay and office report)
W.P(C) NO. 416 of 2004
(With appln.(s) for ex-parte stay and office report)
Civil Appeal NO. 6912 of 2004
(With appln.(s) for directions and office report)
Civil Appeal NO. 6926 of 2004, Civil Appeal NO. 6922 of 2004
(With appln.(s) for permission, Intervention/Impleadment,
exemption and prayer for interim relief and office report)

Civil Appeal NO. 6923-6925 of 2004
(With appln.(s) for permission, exemption and prayer for interim
relief)
Civil Appeal NO. 6919-6920 of 2004
(With prayer for interim relief)
Civil Appeal NO. 6918 of 2004
(With appln.(s) for permission to place addl.documents and prayer
for interim relief)
Civil Appeal NO. 6913-6917 of 2004
(With prayer for interim relief)
W.P(C) NO. 564 of 2004
(With office report)
WITH SLP(C) NO. 13448 of 2007
(With appln.(s) for directions, permission to file additional

4

documents and prayer for interim relief and office report)
W.P(C) NO. 309 of 2005
(With office report)
W.P(C) NO. 304 of 2005
(With appln.(s) for directions, exemption from filing O.T. And
office report)

Date: 21/07/2010 These Petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Puneet Jain, Adv.
 Ms. Eshita Baruah, Adv.
 Mr. Attar, Adv.
 For Mr. Sushil Kumar Jain, Adv.
 Ms. Pratibha Jain, Adv.

Mr. Sumit Goel, Adv.
M/S. Parekh & Co., Adv.

Mr. U.A. Rana, Adv.
Mrs. Mrinal Majumdar, Adv.
M/S Gagrath & Co., Adv.
(For Applnt. In C.A.7974/04 &
for respt. In C.A.Nos.7969-7971/04,
7972/04 and 7073/04)

(for W.P(C)380/04 Mr. P.S. Patwalia, Sr. adv.
 Mr. Anurag Sharma, Adv.
 Mr. Prashant Kumar, Adv.

Mr. Sanjay R. Hegde, Adv.
Mr. Ramesh Kr. Mishra, Adv.
Mr. Kratin Joshi, Adv.
Mr. Ramesh s. Jadhav, Adv.
Mr. Vikrant Yadav, Adv.

For Mr. Abhishek Malviya, Adv.

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Mr. Devendra Singh, adv.

Mr. E.M.S. Anam, Adv.

Mr. G. Prakash, Adv.

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Mr. M.T. George, Adv.

Ms. Asha Gopalan Nair, Adv.

5

M/S. T.T.K. Deepak & Co., Adv.

Mr. Romy Chacko, Adv.

(In SLP(C)13448/07, Ms. Bina Madhavan, Adv.
WP(C)387,423,564/04) M/S. Lawyer'S Knit & Co, Adv.

Ms. Vibha Datta Makhija, Adv.

For Respondent(s) Ms. Vibha Datta Makhija, Adv.

Mr. P.V. Dinesh, Adv.

Mr. P. Rajesh, Adv.

Mr. Haribans Manav, Adv.

Mr. S. Chandra Shekhar , Adv

(For state of M.P.) Mr. B.S. Banthia, Adv.
Mr. Vikas Upadhyay, Adv.

(For AICTE) Mr. Gopal Singh, Adv.
Mr. Amitesh Kumar, Adv.
Mr. Ravi Kant, Adv.

Mr. E.M.S. Anam, Adv.

M/S Gagrat & Co., adv.

Ms. Pratibha Jain, Adv.

Mr. K.R. Sasiprabhu, Adv.

Mr. M.P. Vinod, Adv.

(In C.A.NO.5262-63/04) Ms. Bina Madhavan, Adv.
Mr. Tarun Satija, Adv.
M/S. Lawyer'S Knit & Co

Mr. S. Chandra Shekhar, Adv.

Mr. Ravindra Keshavrao Adsure, ADV.

Mr. Abhinav Mukerji, Adv.

For Intervenors Dr. M.P. Raju, Adv.
(In IA3 in CA6912/04, Mr. P. George giri, Adv.
IA___in CA 6926/04 & Mr. Anupam roy, Adv.
IA___in CA 6922/04 Dr. Ashwani Bhardwaj, Adv.

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

Civil Appeal NO. 6918 of 2004

Learned counsel for the appellant submit

that this appeal has become infructuous as the appellant has not been able to obtain an interim order and therefore the relief that was prayed has become infructuous.

The appeal is dismissed as having become infructuous in terms of the signed order.

W.P.(C)NOS.349/2004, 350/2004 AND 480/2004

Learned counsel for the petitioners submits that these petitions challenged the constitutional validity of Kerala Self Financing Professional Colleges (Prohibition and Capitation Fees and Procedure for Admission and Fixation of Fees)Act, 2004; and as the said Act is no longer in force having been replaced by 2006 Act, the petitions have become infructuous.

The Writ Petitions are dismissed accordingly.

W.P(C)Nos.387/2004 and 423/2004

Learned counsel for the petitioner submitted that these petitions have become infructuous as they relate to fee fixation for 2004-05 and the affected students have already completed the course and left the college.

Hence these petitions are dismissed as having

7

become infructuous.

Rest of the matters

In rest of the matters (excluding Civil

Appeal No.6918/2004, W.P.(C)NOS.349/2004, 350/2004, 480/2004, 387/2004 and 423/2004), the

learned counsel submitted that some cases relate to fee fixation for 2003-04, some cases

relate to fee fixation for 2004-05 and subsequent years. It has also submitted that the issue of fee fixation for 2003-04 may involve a decision as to whether the State could fix a quota for State itself in the available seats. It is stated that said issue is also involved in the cases relating to similar enactment in Kerala and other States which have been challenged in a large number of cases and they are not listed.

Learned counsel for the petitioners and learned counsel for the State of M.P. and Kerala are requested to meet the Registrar(Judl.) and get all the cases on the several related issues categorised and grouped appropriately. If there are similar cases relating to other states, they may also be categorised and grouped appropriately.

Learned counsel for the petitioners are
8
also directed to give one extra copy of the petitions to the learned counsel for the State of Madhya Pradesh in the cases relating to the State of Madhya Pradesh.

List after three weeks.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

9

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
Civil Appeal NO. 6918 of 2004

VERSUS

STATE OF KERALA & ORS.

RESPONDENT

O R D E R

Learned counsel for the appellant submit that this appeal has become infructuous as the appellant has not been able to obtain an interim order and therefore the relief that was prayed has become infructuous.

The appeal is dismissed as having become infructuous.

.....J.
[R.V.RAVEENDRAN]

NEW DELHI
DATED JULY 21, 2010.

.....J.
[H.L. GOKHALE]