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REVISED

ITEM NOS.23,24,57 & 61 to 64

COURT NO.2

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). 300 OF 2005

GLOBAL EDUCATIONAL NET (GENET) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln. for directions)

A N D

Writ Petition (C) Nos.294, 302 & 303 of 2005

Writ Petition (C) No.340 of 2005

(With appln. for directions)

Writ Petition (C) No.319, 321, 326, 330, 310 of 2005

(With office report)

WITH WP (C) NOS.335/05, 347/05, 362/05 & IA NOS. 15-18 & 19 IN WP (C) NO.306/04,

Date: 01/08/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)

in WP 300/05:

Mr. Mukul Rohtagi, Sr.Adv.

Mr. Roy Abraham, Adv.

Mrs. Seema Jain, Adv.

for M/s Arputham, Aruna & Co., Adv.

in WPs.294,302/05:

Mr. Mukul Rohtagi, Sr. Adv.

Mr. P.B. Suresh, Adv.

Mr. Vipin Nair, Adv.

for M/s. Temple Law Firm, Adv.

in WPs.303,310/05:

Mr. Soli J. Sorabjee, Sr. Adv.

Mr. Roy Abraham, Adv.

Mrs. Seema Jain, Adv.

Mr. Himinder Lal, Adv.

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in WP.310/05:

Mr. Mukul Rohtagi, Sr. Adv.

Ms. Priya Rao, Adv.

Ms. Meenakshi Arora, Adv.

in WP 321/05:

Mr. R.F. Nariman, Sr. Adv.

Mr. Huzefa Ahmadi, Adv.

Mr. Mitul Shelat, Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Nakul Dewan, Adv.

Ms. Minakshi Nag, Adv.

in WPs 326,330/05:

Mr. G.L. Sanghi, Sr. Adv.

Mr. Mukul Rohtagi, Sr. Adv.

Ms. Bina Madhavan, Adv.

Mr. S.U.K. Sagar, Adv.

for M/s. Lawyer's Knit & Co., Adv.

in WP 300

Mr. Mukul Rohatgi, Sr. Adv.

M/s. Roy Abraham & Seema Jain for M/s. Arputham
Aruna & Co.

in WP 340/05: Mr. Vivek K. Tankha, Sr. Adv.
Mr. Harsh Pathak, Adv.
Mr. S.N. Prajapati, Adv.
Mr. Siddharth Chouhan, Adv.
Ms. Pooja Dhar, Adv.
Mr. Prashant Kumar, Adv.

in WP 294 & 302 Mr. Mukul Rohtagi, Sr. Adv. with
M/s. PB Suresh & Vipin Nair, Advs.

in WP 319 Mr. Mukul Rohtagi, Sr. Adv. with
Ms. Priya Rao & Ms. Meenakshi Arora, Advs.

For applicants in IAs 15-18 & 19 in WP 306 M/s. KC Kaushik, Rahul Kaushik & Shilpi
Kaushik, Advs.

For Respondent(s) MR. KK Venugopal, Sr. Adv.
-M.C.I.: Mr. Maninder Singh, Mrs. Pratibha M Singh, M/s. Sunil
Fernandes & Saurabh Mishra, Advs.

For State of Assam Ms. Krishna Sarma, M/s. VK Sidharthan & Riku Sarma,
Advs. for Corporate Law Group

Tripura M/s. Rituraj Biswas & Gopal Singh, Advs.

UOI Mr. GE Vahanvati, S.G. with M/s. Mohan Parasaran,
Sandhya Goswami & Sushma Suri, Advs.

RR Ms. Suparna Srivastava, M/s. Deepti Singh & Rajesh
Srivastava, Advs.

" Kerala M/s. KRS Prabhu & G Indira, Advs.

" Meghalaya Mr. Ranjan Mukherjee, Adv.

" Rajasthan Mr. Aruneshwar Gupta, Addl. Adv. General with
Mr. Naveen Kr. Singh, Adv.

" Goa Mr. BV Gadnis & Mrs. Sunita B Rao, Adv.

" Pondicherry Mr. VG Pragasam, Adv.

" MP Ms. Vibha Datta Makhija, Adv.

" Mr. AK Ganguli, Sr. Adv. with M/s. SUK Sagar, Bina
Madhavan, Pooja N Gupta, Madhusudan Naik, S.Kiran
Shetty, Susan Zacharia, A.Vinayagam, Hemal Sheth for
M/s. Lawyers' Knit & Co.

" Uttaranchal Ms. Rachna Srivastava, Addl. Adv. General
Mr. Ajatshatru, Adv.

For State of Uttara- M/s. AS Rawat, Addl. Adv. General
nchal in IAs 15-18 & Mr. Jitendra Kr. Bhatia, Adv.
19 in WP 306

For applicants in Mr. LN Rao, Sr. Adv. with M/s. PA Ahammed, Fazlin
IAs 17-18 in WP 306 Anam & EMS Anam, Adv.

For applicants in Mr. Mukul Rohtagi, Sr. Adv. with M/s. Fazlin Anam &
IAs 15-16 in WP 306 EMS Anam, Adv.

For appl. in IA 19 M/s. Ravi P Mehrotra, Deepti R Mehrotra & Garvesh
Kabra, Adv.

" Manipur KH. Nobin Singh, Adv.

For UT Chandigarh Ms. Kamini Jaiswal & Mrs. Shomila Bakshi, Adv.

In WP 347 Mr. RF Nariman, Sr. Adv. with M/s. SUK Sagar, Bina
Madhavan & DB Vohra, Adv. for Lawyer's Knit & Co.

" Haryana M/s. Manjeet Singh, Mrs. Vivekta Singh, Hariksh Singh,
Harikishan Kataria, Sanjay Rathee & TV George, Adv.

For State of Haryana M/s. Ajay Siwach, Pardeep Dahiya & TV George, Advs.
in IAs. 15-18 & 19

In IAs 15-18 & 19
in WP 306 (HP State)

Mr. JS Attri, Addl. Advocate General.

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For State of Punjab M/s. Kuldip Singh & AK Sinha, Advs.

For State of Nagaland Mr. U Hazarika, Ms. Sumita Hazarika & Mr. Satya
Mitra, Advs.

For State of WB & CBSE Mr. TC Sharma & Ms. Neelam Sharma, Advs.

" Jharkhand Ms. Pinky Anand, Sr. Standing Counsel with M/s.
Gopal Prasad & Rajesh Pathak, Advs.

" Maharashtra Mr. RK Adsure, Adv.

For RR : M/s. Jasbir Singh, Arun Kr. Singh & SK Sabharwal,
Advbs.

M/s. SWA Qadri, Mohd. Saud & LR Singh, Advs.

" Sikkim Mr. A Mariarputham & Ms. Aruna Mathur, Advs.

UPON hearing counsel the Court made the following

O R D E R

Mr. K.K. Venugopal, learned senior counsel appearing for the Medical

Council of India, has taken us through various judgments and orders passed by this

Court, and the last date(s) for completion of various stages as per the Schedule from the

date of receipt of the application by the Central Government for establishment of new

Medical Colleges and renewal up to the issue of the letter of permission by the Central

Government. There are various intervening stages for taking of steps from 1st August up

to 15th July of the succeeding year. The submission is that non-adherence of the time

schedule has a chain reaction including the heart-burning amongst the students on

account of non-availability of the seats at the commencement of the course and/or

counseling. On the other hand, learned Solicitor General puts across the viewpoint of

the Government and submits that as a special case, without it being treated as

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a precedent, the MCI be directed to re-inspect 9 Medical Colleges wherein the question is

about renewal of permission. The particulars of 9 Colleges have been provided which,

according to the learned counsel, are on the basis of examination of their respective

merits. It is contended that, if necessary, further efforts will be made to synchronise the

time-schedule in consultation with the MCI. Though reluctantly and without it being

treated as a precedent since such late inspections and permissions have a chain reaction,

we permit inspection of the nine Medical Colleges and direct the MCI to inspect the said

Colleges and send its report and recommendations in respect of request of renewal of

their permissions to the Central Government by 13th August, 2005. The Central

Government shall pass orders by 17th August, 2005. The following writ petitions, in

relation to the Colleges where re-inspection has been directed, are disposed of in terms of the above order.

1. WP (C) No.319/2005 (Swami Vivekananda Institute of Medical Sciences Valia)
2. Arupadai Vedu Medical College, Pondicherry.
3. WP (C) No.310/2005 (Medical Institute of Medical Sciences, Bhanpur, A.P.)
4. IA Nos.15-16 in WP (C) No.306/2004 : (MES Mallapuram, Calicut)
5. WP (C) No.340/2005 (Aurobindo Institute of Medical Sciences, Indore)

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6. WP (C) No.321/2005 (Kesar Sal Medical College and Research Institute, Ahmedabad)
7. WP (C) No.326/2005 (S.Nijalingappa Medical College, Bangalore)
8. WP (C) No.347/2005 (MVJ, Bangalore)
9. Subharthi Medical College, Meerut, U.P.

The order passed earlier in the day issuing notice in Writ Petition (C) No.340 of 2005 stands recalled, it having been disposed of in terms of above order for re-inspection.

I.A.Nos.15-16 in W.P.(C) no.306/2004 are disposed of.

WP (C) No.330/2005

Mr. Rohtagi, learned senior counsel, states that without prejudice to the rights

and contentions of the petitioner, for the present academic year 2005-06, the petitioner would accept the permission of 50 seats and for the remaining, submissions will be made after the counter affidavit is filed by the respondents. The counter affidavit may be filed by the respondents within 4 weeks. Rejoinder within 4 weeks thereafter. List thereafter.

Rest of the matters are adjourned to 16.8.2005.

(RK Rakheja)
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Court Ma