

ITEM NO.2

COURT NO.3

SECTION XVI

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

IA 93-95 &amp; 96-104 in CIVIL APPEAL NO. 7124-7126 OF 2004

SOUMAYADEEP DATTA ROY &amp; ORS.

Appellant

(s)

VERSUS

CHAYAN KUMAR ROY &amp; ORS.

Respondent

(s)

(With appln. for permission to file appln.for impleadment/clarification/  
modification of Order dt.29/10/2004 & 13/12/2004)

(For impleadment/clarification/modification of Order dt.29/10/2004 &  
13/12/2004)

Date: 04/01/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE Mr. JUSTICE P.P. NAOLEKAR

For Appellant(s) Mr. Rana Mukherjee, Adv.

Mr. Siddharth Gautam, Adv.

Mr. Goodwill Indeevar, Adv.

For applicants: Mr. Gopal Susbramanium, Sr. Adv.

Mr. Arun Jaitley, Sr. Adv.

Mr. RF. Nariman, Sr. Adv.

Mr. Yash Anand, Adv.

Ms. Promila, Adv.

For Respondent(s)

For MCI: Mr. Maninder Singh, Adv.

Mrs. Prathibha M. Sisngh, Adv.

Mr. Angad Mirdha, Adv.

Mr. Mukul Rohtagi, Sr. Adv.

Mr. Sanjeev Sen, Adv.

Mr. Partha Sil, Adv.

Mr. Sanjiv Kr. Saxena, Adv.

Mr. Ghanshyam Joshi, Adv.

Mr. KK. Venugopal, Sr. Adv.

Mr. TC. Sharma, Adv.

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Ms. Neelam Sharma, Adv.

Mr. Tarun Sharma, Adv.

For State: Mr. KK. Venugopal, Sr. Adv.

Mr. Tara Chandra Sharma, Adv.

Ms. Neelam Sharma, Adv.

Mr. Tarun Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

These applications have been filed by those students who have been ousted from MBBS Ist year Course from the two colleges in question pursuant to judgment and order of the High Court dated 29th September, 2004, orders of this Court dated 29th October, 2004 and 13th December, 2004. The applicants seek modification of the Order dated 29th October, 2004, so that they could continue with the course and the candidates who have come in their place may be accommodated in the next academic year 2004-2005.

Having heard learned counsel for the parties we see no ground to modify the order dated 29th October, 2004. It may, however, be noted that instead of 30 students permitted to be continued under NRI quota in terms of order dated 29th October, 2004, Mr. Venugopal, learned senior counsel appearing for the State Government submits that two students have shifted to JEE quota and now 28 students stand admitted in the two colleges. Learned counsel seeks leave of the Court to fill up those two seats by continuing admission of students at Serial Nos. 31 and 32 as a special case. We accede to

the request of learned counsel.

A prayer in alternate has been made on behalf of the applicants that they may be adjusted in the next academic year 2005-

2006 may be equally in the nine government colleges in the State of

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West Bengal. We are of the view that this alternate prayer can be

considered when the Civil Appeals are taken up for hearing. The

hearing of the appeals has already been expedited. In the

meanwhile, if so advised, without prejudice to the alternate

submission of the applicants and these applications, the applicants

may appear in the entrance examination for the next academic year

and may be some of the applicants get admission on merit in their

own right, in the general category, thus further reducing the number

of candidates to be considered for admission under the NRI quota.

In this view, we would keep these applications pending, to be heard

along with the main appeals. If for any reason the matters cannot

be heard before close of the Court for summer vacation, the

applicants are given liberty to seek appropriate directions.

(S. Thapar)

PS to Registrar

(Vijay Dhawan)

Court Master