

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

CIVIL APPEAL NO(s). 2871 OF 2007

STATE OF ORISSA

Appellant (s)

VERSUS

ORISSA PVT. MED. & DENTAL COLLEGES ASSCN.

Respondent(s)

(With Appln(s) for impleadment and directions and with office report)

C.A. No.2872 of 2007 (With appln.(s) for clarification/modification of court's order and with office report)

C.A. 2873 OF 2007 (With appln.(s) for directions)
C.A. No.2874 of 2007 (With appln.(s) for directions)

SLP(C) No.2203-2204 of 2010 (With prayer for interim relief and office report)

SLP(C) No.28576 of 2009 (With appln.(s) for permission to place addl. Documents on record and with prayer for interim relief and office report)

SLP(C) No.29875-29876 of 2009 (With appln.(s) for exemption from filing c/c of the impugned judgment and with prayer for interim relief and office report)

SLP(C) No.30058-30059 of 2009 (With appln.(s) for stay and with prayer for interim relief and office report)

With SLP(C) No.30089-30090 of 2009 (With appln.(s) for permission to place addl. Documents on record and with prayer for interim relief and office report)

SLP(C) No.686 of 2010 (With prayer for interim relief and office report)

Withs

SLP(C) No.16805 of 2010 (With prayer for interim relief and office report)

Date: 29/09/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For the appearing parties :

Mr. Uday Lalit, Sr. Adv.
Mr. A.K. Gupta, Adv.
Ms. Mridula Ray Bhardawaj, adv.

Mr. Janaranjan Das, Adv.
Mr. Swetaketu Mishra, Adv.
Mr. P.P. Nayak, Adv.

Ms. Manjula Gupta, Adv.

Ms. Punam Kumari, Adv.

Mr. Milind Kumar, Adv.

Mr. L.N. Rao, Sr. Adv.
Mr. K.V. Visvanathan, Sr. Adv.
Mr. A. Bagchi, Adv.
Mr. S.K. Das, Adv.
Ms. Sharmila Upadhyay, Adv.

Mr. Abhinav Mukerji, Adv.
Mr. Gaurav Sharma, Adv.
Ms. Surbhi Mehta, Adv.

Mr. Amit Kumar, Adv.
Mr. Ashish Kumar, Adv.
Mr. Somesh Chander Jha, Adv.

Mr. Sibbo Sankar Mishra, Adv.

Mr. Prem Sunder Jha, Adv.

Mr. Abhinav Mukerji, Adv.

Mr. Ajay Choudhary, Adv.

Ms. C.K. Sucharita, Adv.

Ms. Charu Mathur, Adv.

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

I.A. 19 OF 2010 IN C.A. 2871 OF 2007

Following the order dated 12th November, 2007 made in I.A. 3 of 2007 in C.A. 2871 OF 2007 and in view of the statement made by the learned counsel appearing for the State of Orissa that the Authority is not in a position to conduct Joint Entrance Examination (in short the 'JEE') for paucity of time, permission is granted to the two colleges before us to admit the qualified students on the basis of merit inter se under the supervision of the Policy Planning Body (in short the 'PPB') in charge of the JEE. The admission process shall be completed within a period of two weeks from today. The last date for admissions is accordingly extended till 20th October, 2010. It is needless to clarify that the admissions shall be made strictly in accordance with norms prescribed by the Medical Council of India and as well as Dental Council of India respectively.

I.A. 19 of 2010 in C.A. 2871 of 2007 is accordingly ordered.

I.A. 7 OF 2010 in C.A. 2873 OF 2007

We have heard the learned counsel appearing for the applicant and the counsel for the State of Orissa and following the order passed in I.A. 4 of 2008 in C.A. 2873 OF 2007 dated 31.7.2008 the Members of the applicant-Association are permitted to fill up the vacant seats out of the 15% Non

Resident Quota (in short the 'NRI Quota') earmarked for the children or wards of the persons who are residing outside India subject to the procedure laid down by the JEE Committee of the State of Orissa.

It is brought to our notice by the learned counsel for the State of Orissa that the State of Orissa is likely to hold second JEE examination for the engineering students within four weeks from today. After holding the said examination, the State may undertake the process of counseling and allocate students into the institutions of the applicant- Association to fill up the remaining vacancies. Such an allocations and admissions in the applicant-Association Institution shall be strictly on the merit basis for which purposes a transparent procedure should be followed.

I.A. 7 is accordingly ordered.

I.A. 6 OF 2010 IN C.A. 2872 OF 2007

Learned counsel for the State of Orissa requests two weeks' time to get instructions from the State. Permission granted.

All the appeals and petitions stand over for eight weeks.

(NEELAM GULATI)
Sr. P.A.

(RENU DIWAN)
COURT MASTER