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ITEM NO.45

COURT NO.5

SECTION IVA

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

Petition(s) for Special Leave to Appeal (Civil) No(s).27315/2011

(From the judgement and order dated 22/08/2011 in WP No.27771/2011 of The HIGH COURT OF KARNATAKA AT BANGALORE)

MEDICAL COUNCIL OF INDIA

Petitioner(s)

VERSUS

M.V.J.MEDICAL COLLEGE & RES.HOSP.& ANR.

Respondent(s)

(With prayer for interim relief and office report)

WITH I.A.2(With appln.(s) for permission to file additional documents)

Date: 16/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Nidesh Gupta, Sr. Adv.

Mr. Amit Kumar, Adv.

Mr. Atul Kumar, Adv.

Mr. Ankit Rajgharia, Adv.

Mr. Rituraj Kumar, Adv.

For Respondent(s)

Mr. U.U. Lalit, Sr. Adv.

Mr. Jitendra Singh Bhasin, Adv.

Ms. Rashmi Priya, Adv.

Mr. T. Mahipal, Adv.

UPON hearing counsel the Court made the following

O R D E R

This Court has consistently and persistently been observing that no interim order should be granted which amounts to final order. Granting admission in medical or engineering college by increasing the number of seats or on any other ground creates a serious problem as the third party interest is created and by the time the matter is heard finally by the court, the students generally complete their course. Though it is always observed that any admission, if made, would be subject to the final outcome of the litigation pending in the court. However, as the considerations change by the time the matters are finally heard, such interim orders should not be passed in ordinary course.

In the facts and circumstances of the case as all the deficiencies pointed out by the Medical Council of India (MCI) have been removed by the respondent and the respondent College has been permitted by the MCI to admit 150 students for academic session 2013-14 and even in the last Session i.e. 2012-13, 100 students were permitted, we do not see any cogent reason to interfere in the matter at such a belated stage.

The special leave petition stands disposed of accordingly.

With the consent of learned counsel for the parties, the Writ Petition No.27771 of 2011 pending before the High Court of Karnataka at Bangalore stands transferred to this Court and stands disposed of, in terms of the order passed in SLP(C)No.27315/2011.

A copy of this order be sent to the Registry of the High Court of Karnataka for formal disposal of the said writ petition.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master