

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

T.C.(C) NO.98 OF 2012

CHRISTIAN MEDICAL COLLEGE VELLORE & ORS ...Petitioners

VERSUS

UNION OF INDIA AND ORS. ...Respondents

WITH T.C.(C) NO.99/2012

T.C.(C) NO.101/2012

T.C.(C) NO.100/2012

T.C.(C) NO.102/2012

T.C.(C) NO.103/2012

W.P.(C) NO.480/2012

T.C.(C) NO.104/2012

T.C.(C) NO.105/2012

W.P.(C) NO.468/2012

W.P.(C) NO.467/2012

W.P.(C) NO.478/2012

T.C.(C) NO.107/2012

T.C.(C) NO.108/2012

W.P.(C) NO.481/2012

W.P.(C) NO.464/2012

T.C.(C) NO.110/2012

T.C.(C) NOS.132-134/2012

T.C.(C) NOS.117-118/2012

T.C.(C) NOS.115-116/2012

T.C.(C) NOS.125-127/2012

T.C.(C) NOS.113-114/2012

T.C.(C) NOS.128-130/2012

T.C.(C) NOS.121-122/2012

T.C.(C) NO.112/2012

T.C.(C) NO.131/2012

T.C.(C) NOS.123-124/2012

T.C.(C) NO.111/2012

T.C.(C) NO.120/2012

T.C.(C) NO.119/2012

T.C.(C) NOS.135-137/2012

T.C.(C) NOS.138-139/2012

W.P.(C) NO.495/2012

W.P.(C) NO.511/2012

W.P.(C) NO.512/2012

W.P.(C) NO.514/2012

W.P.(C) NO.516/2012

W.P.(C) NO.519/2012

W.P.(C) NO.535/2012

T.C.(C) NO.142/2012 @ T.P.(C) NO.364/2012

W.P.(C) NO.544/2012

W.P.(C) NO.546/2012

W.P.(C) NO.547/2012

T.C.(C) NO.144/2012 @ T.P.(C) NO.1524/2012 & 1447/2012

T.C.(C) NO.145/2012

T.C.(C) NO.1/2013 @ T.P.(C) NO.1527/2012

T.C.(C) NOS.14-15/2013 @ T.P.(C) NOS.1672-1673/2012

T.C.(C) NO.76/2013 @ T.P.(C) NO.1702/2012

T.C.(C) NO.12-13/2013

T.C.(C) NO.4/2013

T.C.(C) NO.11/2013

T.C.(C) NOS.21-22/2013 @ T.P.(C) NO.1714-1715/2012

T.C.(C) NO.5/2013 @ T.P.(C) NO.1718/2012

W.P.(C) NO.2/2013
W.P.(C) NO.1/2013
T.C.(C) NO.60/2013 @ T.P.(C) NO.12/2013
W.P.(C) NO.13/2013
W.P.(C) NO.15/2013
W.P.(C) NO.16/2013
W.P.(C) NO.20/2013
T.C.(C) NO...../2013 @ T.P.(C) NO.31/2013
T.C.(C) NO.2/2013 @ T.P.(C) NO.1532/2012
T.C.(C) NO.8/2013
T.C.(C) NO.3/2013 @ T.P.(C) NO.1533/2012
W.P.(C) NO.24/2013
T.C.(C) NO.9/2013
T.C.(C) NO.17/2013 @ T.P.(C) NO.1588/2012
W.P.(C) NO.483/2012
W.P.(C) NO.501/2012
W.P.(C) NO.502/2012
W.P.(C) NO.504/2012
W.P.(C) NO.507/2012
T.C.(C) NO.10/2013
T.C.(C) NO.7/2013 @ T.P.(C) NO.1644/2012
T.C.(C) NO.18/2013 @ T.P.(C) NO.1645/2012
T.C.(C) NO.75/2013 @ T.P.(C) NO.1647/2012
T.C.(C) NO.19/2013 @ T.P.(C) NO.1653/2012
T.C.(C) NO.20/2013 @ T.P.(C) NO.1654/2012
T.C.(C) NO.59/2013 @ T.P.(C) NO.1656/2012
T.C.(C) NO.53/2013 @ T.P.(C) NO.1658/2012
T.C.(C) NO.25/2013 @ T.P.(C) NO.1671/2012
T.C.(C) NO.23-24/2013 @ T.P.(C) NO.1697-1698/2012
T.C.(C) NO.58/2013 @ T.P.(C) NO.1/2013
W.P.(C) NO.27/2013
T.C.(C) NO.72/2013 @ T.P.(C) NO.58/2013
T.C.(C) NO.16/2013
T.C.(C) NO.61/2013
T.C.(C) NO.73/2013 @ T.P.(C) NO.75/2013
T.C.(C) NO...../2013 @ T.P.(C) NO.79/2013
T.C.(C) NO.62/2013
W.P.(C) NO.47/2013
T.C.(C) NO.28-29/2013
T.C.(C) NO.30/2013
T.C.(C) NO.31-32/2013
T.C.(C) NO.33-36/2013
T.C.(C) NO.37-38/2013
T.C.(C) NO.39/2013
T.C.(C) NO.40/2013
T.C.(C) NO.41/2013
T.C.(C) NO.42/2013
T.C.(C) NO.43/2013
T.C.(C) NO.44/2013
T.C.(C) NO.45/2013
T.C.(C) NO.46/2013
T.C.(C) NO.47/2013
T.C.(C) NO.48/2013
T.C.(C) NO.49/2013
W.P.(C) NO.66/2013
W.P.(C) NO.76/2013
W.P.(C) NO.74/2013
T.C.(C) NOS.63-65/2013
T.C.(C) NOS.66-69/2013
T.C.(C) NOS.70-71/2013
W.P.(C) NO.41/2013
W.P.(C) NO.228/2013

O R D E R

ALTAMAS KABIR, CJI.

1. In all these 115 matters, which include writ petitions filed in this Court and in different High Courts, which have been transferred to this Court for decision, the subject matter of challenge is a notification published on 27th December, 2010, being No. MCI-81(1)/2010-MED/49070 dated 21st December, 2010, issued by the Medical Council of India, notifying a National Eligibility Entrance Test (NEET) for admission to Post-Graduate Medical Courses conducted in colleges all across the country.

2. The challenge to the said notification gave rise to a wide range of submissions involving the competence of the Medical Council of India, constituted under Section 3 of the Indian Medical Council Act, 1956, to introduce such a test which denudes the different medical colleges across the country from having any control over their entrance examinations and admissions on the basis thereof.

3. On 13th December, 2012, when the matters were taken up for consideration, we decided to post the matters for final hearing on 15th, 16th and 17th January, 2013, and allowed the respective entrance examinations, which had already been notified, to be held, while the hearing progressed. Such examinations included the National Eligibility Entrance Test (NEET) for both MBBS and Post-Graduate courses in different disciplines, as also the BDS and MDS examinations. Presuming that the hearing would be completed on the dates indicated, we had directed that the Medical Council of India, the Dental Council of India, as well as the States and Universities and other institutions, would be entitled to conduct their respective examinations for the MBBS, BDS and Post-Graduate courses, but the results of the examinations were not to be declared until further orders of the Court. Consequently, although, the examinations have been held, the results have been withheld and have not been declared, on account of the interim order passed by us.

4. The hearing could not be concluded within 17th January, 2013, as we had hoped, on account of the enlargement of the scope of the hearing and the large number of parties who had to be heard in the matter. In fact, the matters were last heard on 30th April, 2013, and it has, therefore, not been possible to pronounce judgment before the Supreme Court closed for the summer vacations on 10th May, 2013.

5. While the matters were being heard, we had been informed by the learned senior counsel appearing for the Christian Medical College, Vellore, and the Karnataka Pvt. Medical & Dental College, that a large number of students would be adversely affected and would stand to lose a year, if the bar on the declaration of their results was not lifted. Although, initially, we had declined to entertain such prayer, on account of the delay in completion of the hearing and the prospect of the students losing a year on account thereof, we feel that students hoping to gain admission in the MBBS as well as Post-Graduate courses on the strength of the results of the examinations, which have already been held and for which they had appeared, should not be denied such opportunity, at least for this year. We are also alive to the fact that it is the Post-Graduate students in the medical colleges, who take charge of the medical treatment of patients in the hospitals. Without fresh entrants into the Post-Graduate courses, even for a year, the hospitals are likely to be adversely affected on account of lack of doctors to directly take care of the patients in the hospitals.

6. Apart from the above, the students, who aspire to gain entry into the medical colleges at the MBBS and BDS and the Post-Graduate levels, have been caught in the legal tangle for no fault of theirs and are the victims of policy decisions. In order to safeguard their interests, as also the interest of the hospitals, we consider it just and equitable to lift the bar imposed by us on 13th December, 2012, for this year's entrance

Writ Petition (C) No.468 of 2012
(With appln.(s) for directions and office report)

Writ Petition (C) No.467 of 2012
(With appln.(s) for stay and office report)

Writ Petition (C) No.478 of 2012
(With appln.(s) for permission to file synopsis and list of dates, stay and office report)

Transferred Case (C) No.107 of 2012

Transferred Case (C) No.108 of 2012

Writ Petition (C) No.481 of 2012
(With appln.(s) for ex-parte stay, exemption from filing O.T. and office report)

Writ Petition (C) No.464 of 2012
(With appln.(s) for stay, impleadment as party respondent and office report)

Transferred Case (C) No.110 of 2012
(With appln.(s) for impleadment and permission to file additional grounds)

Transferred Case (C) Nos.132-134 of 2012

Transferred Case (C) Nos.117-118 of 2012
(With appln.(s) for impleadment)

Transferred Case (C) Nos.115-116 of 2012
(With appln.(s) for impleadment)

Transferred Case (C) Nos.125-127 of 2012

Transferred Case (C) Nos.113-114 of 2012
(With appln.(s) for impleadment)

Transferred Case (C) Nos.128-130 of 2012

Transferred Case (C) Nos.121-122 of 2012

Transferred Case (C) No.112 of 2012
(With appln.(s) for impleadment and permission to raise additional grounds)

Transferred Case (C) No.131 of 2012

Transferred Case (C) Nos.123-124 of 2012
(With appln.(s) for impleadment)

Transferred Case (C) No.111 of 2012
(With appln.(s) for impleadment)

Transferred Case (C) No.120 of 2012
(With appln.(s) for impleadment)

Transferred Case (C) No.119 of 2012
(With appln.(s) for impleadment)

Transferred Case (C) Nos.135-137 of 2012
(With appln.(s) for impleadment)

Transferred Case (C) Nos.138-139 of 2012

Writ Petition (C) No.495 of 2012
(With appln.(s) for stay, impleadment and office report)

Writ Petition (C) No.511 of 2012
(With appln.(s) for stay and office report)

Writ Petition (C) No.512 of 2012
(With appln.(s) for stay and office report)

Writ Petition (C) No.514 of 2012
(With appln.(s) for stay and office report)

Writ Petition (C) No.516 of 2012
(With appln.(s) for stay and office report)

Writ Petition (C) No.519 of 2012
(With appln.(s) for stay and office report)

Writ Petition (C) No.535 of 2012
(With appln.(s) for stay and office report)

Transferred Case (C) No.142/2012 @ T.P. (C) No.364 of 2012
(With appln.(s) for impleadment and office report)

Writ Petition (C) No.544 of 2012
(With appln.(s) for ex-parte stay and office report)

Writ Petition (C) No.546 of 2012
(With appln.(s) for ex-parte stay and office report)

Writ Petition (C) No.547 of 2012
(With appln.(s) for ex-parte stay and office report)

Transferred Case (C) No.144/2012 @ T.P. (C) No.1524/2012
and Transfer Petition (C) No.1447/2012

Transferred Case (C) No.145 of 2012

Transferred Case (C) No.1/2013 @ T.P. (C) No.1527 of 2012
[with appln. for direction in T.C.(C)Nos.1&3/2013 and office report)

Transferred Case Nos.14-15/2013 @ T.P. (C) Nos.1672-1673/2012

Transferred Case (C) No.76/2013 @ T.P. (C) No.1702 of 2012
(With appln.(s) for ex-parte stay and office report)

Transferred Case (C) Nos.12-13/2013 @ T.P. (C) Nos.1703-1704/2012

Transferred Case (C) No.4 of 2013

Transferred Case (C) No.11/2013

Transferred Case (C) Nos.21-22/2013 @ T.P. (C) Nos.1714-1715/2012
(With office report)

Transferred Case (C) No.5 of 2013 @ T.P. (C) No.1718/2012

Writ Petition (C) No.2 of 2013
(With appln.(s) for directions and office report)

Writ Petition (C) No.1 of 2013
(With appln.(s) for directions and office report)

Transferred Case (C) No.60/2013

Writ Petition (C) No.13 of 2013
(With appln.(s) for ex-parte stay and office report)

Writ Petition (C) No.15 of 2013
(With appln.(s) for ex-parte stay and office report)

Writ Petition (C) No.16 of 2013
(With appln.(s) for ex-parte stay and office report)

Writ Petition (C) No.20 of 2013
(With appln.(s) for permission to file synopsis and list of dates and stay/Direction and office report)

Transferred Case (C) No...../2013 @ T.P. (C) No.31 of 2013
(With office report)

Transferred Case (C) No.2/2013 @ T.P. (C) No.1532 of 2012

Transferred Case (C) No.8 of 2013

Transferred Case (C) No.3/2013 @ T.P. (C) No.1533 of 2012
(With office report)

Writ Petition (C) No.24 of 2013
(With appln.(s) for ex-parte stay and office report)

Transferred Case No.9 of 2013

Transferred Case (C) No.17/2013 @ T.P. (C) No.1588 of 2012
(With office report)

Writ Petition (C) No.483 of 2012
(With appln.(s) for ex-parte stay, permission to file additional documents and office report)

Writ Petition (C) No.501 of 2012
(With appln.(s) for ex-parte stay and office report)

Writ Petition (C) No.502 of 2012
(With appln.(s) for ex-parte stay and office report)

Writ Petition (C) No.504 of 2012
(With appln.(s) for ex-parte stay and office report)

Writ Petition (C) No.507 of 2012
(With appln.(s) for ex-parte stay and office report)

Transferred Case (C) No.10 of 2013

Transferred Case (C) No.7/2013 @ T.P. (C) No.1644 of 2012
(With office report)

Transferred Case No.18/2013 @ T.P. (C) No.1645 of 2012
(With office report)

Transferred Case No.75/2013 @ T.P. (C) No.1647 of 2012
(With office report)

Transferred Case No.19/2013 @ T.P. (C) No.1653 of 2012
(With office report)

Transferred Case No.20/2013 @ T.P. (C) No.1654 of 2012
(With office report)

Transferred Case No.59/2013 @ T.P. (C) No.1656 of 2012
(With office report)

Transferred Case No.53/2013 @ T.P. (C) No.1658 of 2012

Transferred Case No.25/2013 @ T.P. (C) No.1671 of 2012

(With office report)

Transferred Case (C) Nos.23-24/2013 @ T.P. (C) Nos.1697-1698/2012
(With office report)

Transferred Case No.58/2013 @ T.P. (C) No.1 of 2013
(With office report)

Writ Petition (C) No.27 of 2013
(With appln.(s) for ex-parte stay and office report)

Transferred Case No.72/2013 @ T.P. (C) No.58 of 2013
(With office report)

Transferred Case No.16/2013 @ T.P. (C) No.65 of 2013

Transferred Case No.61/2013

Transferred Case No.73/2013 @ T.P. (C) No.75 of 2013
(With office report)

Transferred Case No...../2013 @ T.P. (C) No. 79 of 2013
(With appln.(s) for ex-parte stay and office report)

Transferred Case No.62/2013

Writ Petition (C) No.47 of 2013
(With appln.(s) for ex-parte stay and office report)

Transferred Case Nos.28-29 of 2013

Transferred Case No. 30 of 2013

Transferred Case Nos.31-32 of 2013

Transferred Case Nos.33-36 of 2013

Transferred Case Nos.37-38 of 2013

Transferred Case No. 39 of 2013

Transferred Case No. 40 of 2013

Transferred Case No. 41 of 2013

Transferred Case No. 42 of 2013

Transferred Case No. 43 of 2013

Transferred Case No. 44 of 2013

Transferred Case No. 45 of 2013

Transferred Case No. 46 of 2013

Transferred Case No. 47 of 2013

Transferred Case No. 48 of 2013

Transferred Case No. 49 of 2013

Writ Petition (C) No.66 of 2013
(With appln.(s) for ex-parte stay and office report)

Writ Petition (C) No.76 of 2013
(With appln.(s) for ex-parte stay and office report)

Writ Petition (C) No.74 of 2013
(With appln.(s) for ex-parte stay and office report)

Transferred Case No.63-65/2013

Transferred Case No.66-69/2013

Transferred Case No.70-71/2013

Writ Petition (C) No.41 of 2013

Writ Petition (C) No.228 of 2013

(with appln.(s) for directions and exemption from filing O.T.and office report)

Date: 13/05/2013 These Petitions were called on for ORDERS today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Naveen R. Nath, AOR.
In TC 121-122/12 Ms. Lalit Mohan Bhat, Adv.
& TC 135-137/12 Ms. Amrita Sharma, Adv.

In WP 467/2012 & Mr. K. Parasaran, Sr. Adv.
T.C.98/12 : Mr. G. Umamathy, Adv.
Mr. Rakesh K. Sharma, AOR.

In WP Nos.
502, 504, 66 & 76 Mr. V. Balachandran, AOR.
all of 2012

for M/s. Parekh & Co., Adv.

TC 110-111/12 Mr. B. Balaji, AOR
Mr. T. Mouli Mahendran, Adv.
Mr. Rakesh K. Sharma, AOR.

T.C. 39/13 Mr. Dushyant Parashar, AOR

TC 100-101/12 Mr. L. Nageshwara Rao, Sr. Adv.
WP 464/12 & Mr. Allanki Ramesh, Adv.
TC 4/13 Mr. G. Madhavi, Adv.

WP 15/13 Mr. D. Geetha, Adv.
Mr. Y. Rajesh Kumar, Adv.
Ms. Shilpi, Adv.
Ms. Manju Jena, Adv.
Mr. Shravan, Adv.
Mr. Lokesh Kumar, Adv.
for Mr. C.S.N. Mohan Rao, AOR.

WP 480/12 Mr. Senthil Jagdeesan, Adv.
Mr. J.B. Ravi, Adv.

WP 228/13 Mr. Ravindra Kesharao Adsure, Adv.
and Mr. Pramod K. Singh, Adv.
TP(C) 58/13 Mr. G.B. Sathe, Adv.

In TC 104 & 105/12: Mr. K.K. Mani, AOR.

In WP 468/12 Mr. Neeraj Shekhar, AOR

In T.C. 5/13 Mr. A. Venayagam Balan, AOR

Mr. Rakesh K. Sharma, AOR.

WP 495/12 Mr. Rameshwar Prasad Goyal, AOR
TC 108/12

Ms. Meenakshi Arora, AOR

TC 98/12 Mr. Nidhesh Gupta, Sr. Adv.
Mr. Amit Kumar, AOR.

Medical Council of India Mr. Atul Kumar, Adv.
Mr. Ravinder Kumar, Adv.
Mr. Tarun Gupta, Adv.

TC 117-118/12 & Dr. Sushil Balwada, AOR.
TC 123-124/12 Mr. Sanjeev Bhatnagar, Adv.
Mr. Rupi Sagar, Adv.

TC 132-134/12 Dr. Sushil Balwada, AOR.

Mr. K.K. Venugopal, Sr. Adv. (N/P)

T.C. 112/12 for M/s. Lawyers' Knit & Co.,Adv.

In TC 113-114/2012: Mr. L.Nageshwar Rao,Sr.Adv.(N/P)
Siddhartha Academy Mr. R. Jagannath Goulay,Adv.
of Higher Edcn. Ms. E.R. Sumathy,AOR.

T.C.42/13 Mr. Dharmendra Kumar Sinha,AOR.

WP 483/12 Mr. E.C. Agrawala,AOR.

WP 501/12 Mr. Abhijat P. Medh,AOR.

In WPs 66 & 76 Mr. V. Balachandran,AOR
of 2013

WP 16/13 Mr. Zulfikar Ali, Adv.(N/P)
Mr. P. George Giri,AOR.

In TC 17/2013: Mr. R. Venkataramani,Sr.Adv.
UT/Puducherry Mr. V.G. Pragasam,AOR.
Mr. S.J. Aristotle, Adv.
Mr. PrabuRamasubramanian, Adv.

St.of Andhra Pradesh

In TC 98/12 & Mr. G.N. Reddy, AOR.
Batch Mr. B.Debojit, Adv.
Mr. Manish sashank, Adv.

In WP 74/2013: Ms. Namita Choudhary, AOR

In WP 20/2013: Mr. Rakesh K. Sharma,AOR.

In WP 535/12 Mr. Jayanth Muth Raj, Adv.
Mrs. Malavika J., Adv.
Mr. Sureshan P., AOR.

For Union of India:

TC 98/12 Mr. Sidharth Luthra,ASG.
Mr. Mukul Gupta, Sr. Adv.
Ms. Rashmi Malhotra, Adv.
Mr. Ritin Rai, Adv.
Mr. A.K.Panda, Adv.
Ms. Sushma Suri, AOR.
Ms. Rashmi Aggarwal, Adv.
Ms. Supriya Juneja, Adv.
Mr. Arjun Dewan, Adv.
Ms. Aakansha Tandon, Adv.
Mr. Gurmohan Singh Bedi, Adv.

WP 544/12 Mr. Radha Shyam Jena,AOR.

In TC 9/13 & Mr. Amit Anand Tiwari,AOR.
TC 145/2012:

In TC 1 and 3/2013: Mr. Ajit Kumar Sinha,Sr.Adv.
Sri Ramachandra Mr. Ashwarya Sinha,Adv.
University Mrs. Priyanka Sinha, Adv.
for Mr. Ambhoj Kumar Sinha,AOR.

WP 1/13 & Mr. Ambar Qamaruddin,AOR.
2/13

IA3 in Mr. G.S. Kannur, Adv.
TC 98/12 & Mrs. Vaijyanthi Girish,AOR.
WP 13/13 Mr. Y.Rajesh Kumar, Adv.
Mr. Shravan, Adv.
Mr. Vijaya Bhaskar, Adv.

Mr. P. George Giri,AOR.

WP 483,24 & 535
of 2012

TP(C) 31,58 of 2013 Mr. Gaurav Sharma,AOR.

In WP 24/2013: Mr. Navin Prakash,AOR.

In TP(C) 1/13 Mr. Gopal Balwant Sathe,AOR.
TC 58/13

T.C.2/13 Mr. Amit Kumar Mishra, AOR

TC 98/12 Mr. S. Gowthaman,AOR.
Mr. K. Rajeev,AOR.

TC 49/13 Mr. L.R. Singh,AOR.

In WP 41/13 Mr. E.M.S. Anam, AOR.

In WP 228/13 Mr. Ravindra Keshavrao Adsure, AOR.

In WP 168/13 Mr. Shakil Ahmed Syed, AOR

For Respondent(s) Mr. Y. Raja Gopala Rao, AOR
T.C.Nos.100,101 & Ms. Y.Vismai Rao, Adv.
102 of 2012[NTR University]

TC 98/12 Mr. Ashok Kumar Panda, Sr. Adv.
Mr. Satyabrata Panda, Adv.
Mr. Lingaraj Sarangi, Adv.

(all matters) Mr. Tara Chandra Sharma,AOR.
CBSE Ms. Neelam Sharma, Adv.

TC 98/12 etc. Mr. Rudreshwasr Singh, Adv.
Mr. Rakesh Gosain, Adv.
Mr. Kaushik Poddar,AOR.

For AIIMS:

TC 107/12 Ms. Suruchii Aggarwal,Adv.
(R.3)
WP 74/13

In TC 117-118/2012: Mr. Amitesh Kumar,Adv.
UGC Mr. Ravi Kant,Adv.
(all connected Mr. C.S. Singh, Adv.
matters) Mr. Gopal Singh,AOR.

WP(C)Nos.
481,353,483,31,24, Mr. Gaurav Sharma, AOR
58,74 of 2012 Ms. Surbhi Mehta, Adv.
and for petitioner
in TP(C) 58 & 31 of
2013

In TC 98 & 99/2012: Mr. R. Chandrachud,AOR.

In WP 13/2013
for respondent in Mrs. Vaijanthi Girish,AOR.
T.C.98/12

In TC 8/2013: Mr. G.GuruKrishna Kumar,Sr.Adv.(N/P)
Mr. Rajiv Ranjan Dwivedi,AOR.

In T.C.108/2012: Ms. Hemantika Wahi, AOR
WP 483/12 Mr. Aakarshan Aditya, Adv.

St. of Guj. Mr. Preetesh Kapur, Adv.
Mr. Garvesh Kabra, AOR.

In TC 110-111/2012:
St. of T.N. Mr. B. Balaji, AOR.
Mr. T. Mouli Mahendran, Adv.
Mr. R. Rakesh Sharma, AOR.

IA 2/13 in Mr. Abhigya Adv.
In WP 495/2012: Mr. Abhay Singh Kushwaha, Adv.
Mr. Pradeep Kumar Dubey, AOR.

ERA Med. College Mr. A. Mariarputham, Sr. Adv. (N/P)
In TC 59/13 Ms. Aruna Mathur, Adv.
for M/s. Arputham, Aruna & Co., Advs.

In TP(C)98/12, etc. Mr. T.R. Andhiyaru Jina, Sr. Adv. (N/P)
/NBE Mr. Rudreshwar Singh, Adv.

For Dean, Goa Mr. Bhavanishankar V. Gadnis, Adv.
Medical College: Ms. B. Sunita Rao, Adv.

In TC 7/2013: Mr. Huzefa Ahmadi, Sr. Adv. (N/P)
Mr. Shivaji M. Jadhav, AOR.

TC 98/12 Dr. Manish Singhvi, AAG. St. of Raj.
St. of Raj. Mr. Amit Lubhaya, Adv.
Mr. Irshad Ahmad, Adv.

TC 101/12 Mr. Kh. Nobin Singh, Adv.
St. of Manipur Mr. T.C. Sharma, AOR.

T.C. 61/12 Ms. Bina Gupta, AOR.

1. In all these 115 matters, which include writ petitions filed in this Court and in different High Courts, which have been transferred to this Court for decision, the subject matter of challenge is a notification published on 27th December, 2010, being No. MCI-81(1)/2010-MED/49070 dated 21st December, 2010, issued by the Medical Council of India, notifying a National Eligibility Entrance Test (NEET) for admission to Post-Graduate Medical Courses conducted in colleges all across the country.

2. The challenge to the said notification gave rise to a wide range of submissions involving the competence of the Medical Council of India, constituted under Section 3 of the Indian Medical Council Act, 1956, to introduce such a test which denudes the different medical colleges across the country from having any control over their entrance examinations and admissions on the basis thereof.

3. On 13th December, 2012, when the matters were taken up for consideration, we decided to post the matters for final hearing on 15th, 16th and 17th January, 2013, and allowed the respective entrance examinations, which had already been notified, to be held, while the hearing progressed. Such examinations included the National Eligibility Entrance Test (NEET) for both MBBS and Post-Graduate courses in different disciplines, as also the BDS and MDS examinations. Presuming that the hearing would be completed on the dates indicated, we had directed that the Medical Council of India, the Dental Council of India, as well as the States and Universities and other institutions, would be entitled to conduct their respective examinations for the MBBS, BDS and Post-Graduate courses, but the results of the examinations were not to be declared until further orders of the Court. Consequently, although, the examinations have been held,

the results have been withheld and have not been declared, on account of the interim order passed by us.

4. The hearing could not be concluded within 17th January, 2013, as we had hoped, on account of the enlargement of the scope of the hearing and the large number of parties who had to be heard in the matter. In fact, the matters were last heard on 30th April, 2013, and it has, therefore, not been possible to pronounce judgment before the Supreme Court closed for the summer vacations on 10th May, 2013.

5. While the matters were being heard, we had been informed by the learned senior counsel appearing for the Christian Medical College, Vellore, and the Karnataka Pvt. Medical & Dental College, that a large number of students would be adversely affected and would stand to lose a year, if the bar on the declaration of their results was not lifted. Although, initially, we had declined to entertain such prayer, on account of the delay in completion of the hearing and the prospect of the students losing a year on account thereof, we feel that students hoping to gain admission in the MBBS as well as Post-Graduate courses on the strength of the results of the examinations, which have already been held and for which they had appeared, should not be denied such opportunity, at least for this year. We are also alive to the fact that it is the Post-Graduate students in the medical colleges, who take charge of the medical treatment of patients in the hospitals. Without fresh entrants into the Post-Graduate courses, even for a year, the hospitals are likely to be adversely affected on account of lack of doctors to directly take care of the patients in the hospitals.

6. Apart from the above, the students, who aspire to gain entry into the medical colleges at the MBBS and BDS and the Post-Graduate levels, have been caught in the legal tangle for no fault of theirs and are the victims of policy decisions. In order to safeguard their interests, as also the interest of the hospitals, we consider it just and equitable to lift the bar imposed by us on 13th December, 2012, for this year's entrance examinations and, to that extent, we modify our order of 13th December, 2012, and allow the results of the examinations already conducted to be declared to enable the students to take advantage of the same for the current year.

|(Sheetal Dhingra)
|AR-cum-PS

|(Juginder Kaur)
|Assistant Registrar

[Signed reportable Order is placed on the file]