

\2103

PART-HEARD

ITEM NOS.4 & 5

COURT NO.1

SECTION XVIA

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

TRANSFERRED CASE (CIVIL) NO.101 OF 2012

A.P.PVT.MEDICAL & DENTAL COLLEGE MGT.ASS Petitioner(s)

VERSUS

DR.N.T.R.UNIV.OF HEALTH SCIENCES & ANR. Respondent(s)

(With appln(s) for impleadment)

Transferred Case (C) No.100 of 2012

Transferred Case (C) No.102 of 2012
(With appln.(s) for impleadment)

Transferred Case (C) No.103 of 2012
(With appln.(s) for impleadment)

Writ Petition (C) No.480 of 2012
(With appln.(s) for ex-parte stay and office report)

Transferred Case (C) No.104 of 2012
(With appln.(s) for impleadment)

Transferred Case (C) No.105 of 2012
(With appln.(s) for impleadment)

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)

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...../2012 @ T.P. (C) No.1534 of 2012
(With appln.(s) for ex-parte stay)

...2/-

- 2 -

Transferred Case (C) No...../2012 @ T.P. (C) No.1524 of 2012
(With appln.(s) for ex-parte stay and office report)

Transferred Case (C) No...../2012 @ T.P. (C) No.1527 of 2012
(With appln.(s) for ex-parte stay, directions and office report)

Transferred Case (C) No...../2012 @ T.P. (C) No.1532 of 2012
(With appln.(s) for ex-parte stay)

Transferred Case (C) No...../2012 @ T.P. (C) No.1535 of 2012
(With appln.(s) for ex-parte stay and office report)

Transferred Case (C) No...../2012 @ T.P. (C) No.1533 of 2012
(With appln.(s) for ex-parte stay, direction and office report)

Transferred Case (C) No.110 of 2012
(With appln.(s) for impleadment)

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)

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)

...3/-

- 3 -

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

Transfer Petition (C) No.1446 of 2012
(With office report)

Transfer Petition (C) No.1447 of 2012
(With 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)

Transfer Petition (C) No.1588 of 2012
(With appln.(s) for ex-parte stay and office report)

Transferred Case (C) No.142/2012 @ T.P. (C) No.364 of 2012
(With appln.(s) for ex-parte stay and 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)

...4/-

- 4 -

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...../2012 @ T.P. (C) No.1572 of 2012

Transfer Petition (C) No.1644 of 2012
(With appln.(s) for ex-parte stay and office report)

Transfer Petition (C) No.1645 of 2012
(With appln.(s) for ex-parte stay and office report)

Transfer Petition (C) No.1647 of 2012
(With appln.(s) for ex-parte stay and office report)

Transfer Petition (C) No.1653 of 2012
(With appln.(s) for ex-parte stay and office report)

Transfer Petition (C) No.1654 of 2012
(With appln.(s) for ex-parte stay and office report)

Transfer Petition (C) No.1656 of 2012
(With appln.(s) for ex-parte stay and office report)

Transfer Petition (C) No.1658 of 2012
(With appln.(s) for ex-parte stay and office report)

Transferred Case (C) No.98 of 2012
(with appln.(s) for interim relief, intervention, impleadment and office report)

Transferred Case (C) No.99 of 2012
(with appln.(s) for interim relief, impleadment 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)

Date: 13/12/2012 This Matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

- 5 -

For Petitioner(s) Mr. L.N. Rao, Sr. Adv.

Mr. A. Ramesh, Adv.
Mr. G. Madhavi, Adv.
Mr. Y. Rajesh Kumar, Adv.
Mr. C.S.N. Mohan Rao, Adv.
Mr. D. Geetha, Adv.

Mr. P.P. Rao, Sr. Adv.
Mr. R. Venkataramani, Sr. Adv.
Mr. G.N. Reddy, Adv.
Mr. M. Rambabu, Adv.
Mr. S. Nagarajan, Adv.

Mr. K. Parasaran, Sr. Adv.
Mr. Satish Parasaran, Adv.
Mr. Senthil Jagadeesan, Adv.
Mr. Krishna Dev, Adv.
Ms. Sony Bhatt, Adv.

Mr. K.K. Mani, Adv.
Mr. Ashutosh Kaushik, Adv.

Mr. Altaf Ahmed, Sr. Adv.
Mr. Neeraj Shekhar, Adv.
Mr. Ashutosh Thakur, Adv.

Mr. K. Parasaran, Sr. Adv.
Mr. Satish Parasaran, Adv.
Mr. G. Umapathy, Adv.
Ms. R. Nekhala, Adv.
Mr. Rakesh K. Sharma, Adv.

Mr. K.K. Trivedi, Adv.
Mr. Priank Adhyaru, Adv.
Mr. K.V. Sreekumar, Adv.

Ms. Meenakshi Arora, Adv.

Mr. Nidhesh Gupta, Sr. Adv.
Mr. Amit Kumar, Adv.
Mr. Avijit Mani Tripathi, Adv.
Mr. Ravinder Kumar Katna, Adv.
Mr. Ankit Rajgarhia, Adv.

Mr. Subramonium Prasad, AAG., TN.
Mr. B. Balaji, Adv.
Mr. P. Rakesh Sharma, Adv.
Mr. P. Krishnamoorthy, Adv.
Mr. Varun Tandon, Adv.

...6/-

- 6 -

Mr. K.K. Venugopal, Sr. Adv.
Mr. Shashi Kiran Shetty, Adv.
Mr. Sharan Thakur, Adv.
Dr. Sushil Balwada, Adv.

Mr. K.K. Venugopal, Sr. Adv.
Mr. K. Shashi Kiran Shetty, Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Anindita Pujari, Adv.

Mr. Praseena E. Joseph, Adv.
for M/s. Lawyers' Knit & Co., Advs.

Mr. L.N. Rao, Sr. Adv.
Mr. R. Jagannath Goulay, Adv.
Ms. E.S. Sumathy, Adv.

Dr. Rajiv Dhavan, Sr. Adv.
Mr. Naveen R. Nath, Adv.
Ms. Lalit Mohini Bhat, Adv.
Ms. Hetu Arora, Adv.
Mr. Darpan K.M., Adv.

Mr. Mukul Gupta, Sr. Adv.
Mr. Rudreshwar Singh, Adv.
Mr. Rakesh Gosain, Adv.
Mr. Kaushik Poddar, Adv.
Mr. Gopal Jha, Adv.

Mr. S. Chandra Shekhar, Adv.

Mr. K.K. Venugopal, Sr. Adv.
Mr. T. Meikandan, Adv.
Mr. Kumar Dushyant Singh, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

Mr. Jayanth Muth Raj, Adv.
Ms. Malavika, Adv.
Mr. Sureshan P., Adv.

Mr. L.N. Rao, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agarwal, Adv.
Mr. E.C. Agrawala, Adv.
Mr. Lakshmeesh K. Kamath, Adv.

Mr. Abhijat P. Medh, Adv.
Mr. Ranjan Kumar, Adv.

...7/-

- 7 -

Mr. K. Parasaran, Sr. Adv.
Mr. Satish Parasaran, Adv.
Mr. Muthiah Kannan, Adv.
Mr. V. Balachandran, Adv.

Mr. P. George Giri, Adv.

Mr. R. Venkataramani, Sr. Adv.
Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.
Mr. Aljo K. Joseph, Adv.
Ms. Supriya Garg, Adv.
Ms. Neelam Singh, Adv.
Mr. Shodhan Babu, Adv.

Mr. Harish N. Salve, Sr. Adv.
Mr. V. Giri, Sr. Adv.
Ms. Sangita Chauhan, Adv.
Mr. Sanjay Misra, Adv.
Mr. Rakesh K. Sharma, Adv.

Mr. Harish N. Salve, Sr. Adv.
Mr. P.H. Parekh, Sr. Adv.
Mr. E.R. Kumar, Adv.
Mr. Sameer Parekh, Adv.
for M/s. Parekh & Co., Advs.

For Respondent(s) Mr. Y. Raja Gopala Rao,Adv.

Mr. Nidhesh Gupta,Sr.Adv.
Mr. Amit Kumar,Adv.
Ms. Rekha Bakshi,Adsv.
Mr. Avijit Mani Tripathi,Adv.
Mr. Ankit Rajgarhia,Adv.
Mr. Ravinder Kumar,Adv.

Mr. Tara Chandra Sharma,Adv.
Ms. Neelam Sharma,Adv.
Mr. Rajeev Sharma,Adv.
Mr. Dinesh Kumar Aggarwal,adv.
Mr. Sukh Deo Singh,Adv.

Mr. Rudreshwar Singh,Adv.
Mr. Rakesh Gosain,Adv.
Mr. Gopal Jha,Adv.
Mr. Kaushik Poddar,Adv.

...8/-

- 8 -

Mr. K.K. Mani,Adv.
Mr. A.S. Rao,Adv.
Mr. Ashutosh Kaushik,Adv.

Mr. Siddharth Luthra,ASG.
Ms. Rahsmi Malhotra,Adv.
Mr. Ritin Rai,Adv.
Ms. Supriya Juneja,Adv.
Mr. Arjun Deewan,Adv.
Ms. Sushma Suri,Adv.

For AIIMS:

Mr. Mukul Gupta,Sr.Adv.
Ms. Suruchii Aggarwal,Adv.
Mr. Rishab Kaushik,Adv.
Mr. Rahul Tomar,Adv.

Mr. Pradip K. Ghosh,Sr.Adv.
Mr. Jaideep Gupta,Sr.Adv.
Mr. Rauf Rahim,Adv.
Ms. Devyani,Adv.
Mr. Yadunandan Bansal,Adv.

Mr. Amitesh Kumar,Adv.
Mr. Ravi Kant,Adv.
Mr. Chandra Shekhar Singh,Adv.
Mr. Gopal Singh,Adv.

Ms. Pratibha M. Singh,Adv.
Ms. Surbhu Mehta,Adv.
Mr. Gaurav Sharma,Adv.

Mr. Sanjay R. Hegde,Adv.
Mr. S. Nitin,Adv.
Mr. Anil Kumar Mishra-I,Adv.

Mr. P.P. Rao,Sr.Adv.
Mr. R. Venkataramani,Sr.Adv.
Mr. G.N. Reddy,Adv.
Mr. M. Rambabu,Adv.
Mr. S. Nagarajan,Adv.

Mr. V. Prabhakar,Adv.
Mr. R. Chandrachud,Adv.
Ms. Jyoti Prashar,Adv.

Mr. Girish Ananthamurthy, Adv.
Ms. Vaijanthi Girish, Adv.

...9/-

- 9 -

Mr. Abdhesh Chaudhary, Adv.
Mr. Amit Jaiswal, Adv.
Mr. Rajiv Ranjan Dwivedi, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Jesal, Adv.
Ms. Nandani Gupta, Adv.

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

Place these matters on 15th January, 2013.

In the meantime, the Medical Council of India, the Dental Council of India, as well as the States and Universities and other Institutions, will be entitled to conduct their respective examinations for the M.B.B.S, B.D.S. and Post-Graduate courses, but shall not declare the results of the same, until further orders of this Court.

Learned counsel for the respective parties are all directed to make available their written submissions by 7th January, 2013.

Let copies of this Order be made available to the advocates on-record for the respective parties for communication to the concerned Authorities.

Wide publicity may also be given to this Order by the States, Union of India, Medical Council of India and the Dental Council of India so that the students, who are intending to sit for the entrance examination, may have knowledge of the same.

[T.I. Rajput]
A.R.-cum-P.S.

[Juginder Kaur]
Assistant Registrar

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFERRED CASE (C) NO.101 OF 2012

A.P. Private Medical and Dental
College Management Association

...Petitioner(s)

Versus

Dr. N.T.R. University of Health
Sciences & Anr.

...Respondent(s)

W I T H

Transferred Case (C) No.100 of 2012, Transferred Case (C) No.102 of 2012, Transferred Case (C) No.103 of 2012, Writ Petition (C) No.480 of 2012, Transferred Case (C) No.104 of 2012, Transferred Case (C) No.105 of 2012, Writ Petition (C) No.468 of 2012, Writ Petition (C) No.467 of 2012, Transferred Case (C) No.107 of 2012, Transferred Case (C) No.108 of 2012, Writ Petition (C) No.481 of 2012, Writ Petition (C) No.464 of 2012, Transferred Case (C) No...../2012 @ T.P. (C) No.1534 of 2012, Transferred Case (C) No...../2012 @ T.P. (C) No.1524 of 2012, Transferred Case (C) No...../2012 @ T.P. (C) No.1527 of 2012, Transferred Case (C) No...../2012 @ T.P. (C) No.1532 of 2012, Transferred Case (C) No...../2012 @ T.P. (C) No.1535 of 2012, Transferred Case (C) No...../2012 @ T.P. (C) No.1533 of 2012, Transferred Case (C) No.110 of 2012, Transferred Case (C) Nos.132-134 of 2012, Transferred Case (C) Nos.117-118 of 2012, Transferred Case (C) Nos.115-116 of 2012, Transferred Case (C) Nos.125-127 of 2012, Transferred Case (C) Nos.113-114 of 2012, Transferred Case (C) Nos.128-130 of 2012, Transferred Case (C) Nos.121-122 of 2012, Transferred Case (C) No.112 of 2012, Transferred Case (C) No.131 of 2012, Transferred Case (C) Nos.123-124 of 2012, Transferred Case (C) No.111 of 2012, Transferred Case (C) No.120 of 2012, Transferred Case (C) No.119 of 2012, Transferred Case (C) Nos.135-137 of 2012, Transferred Case (C) Nos.138-139 of 2012, Transfer Petition (C) No.1446 of 2012, Transfer Petition (C) No.1447 of 2012, Writ Petition (C) No.511 of 2012, Writ Petition (C) No.512 of 2012, Writ Petition (C) No.514 of 2012, Writ Petition (C) No.516 of 2012, Writ Petition (C) No.519 of 2012, Writ Petition (C) No.535 of 2012, Transfer Petition (C)

....2/-

- 2 -

No.1588 of 2012, Transferred Case (C) No.142/2012 @ T.P. (C) No.364 of 2012, Writ Petition (C) No.483 of 2012, Writ Petition (C) No.501 of 2012, Writ Petition (C) No.502 of 2012, Writ Petition (C) No.504 of 2012, Writ Petition (C) No.507 of 2012, Transferred Case (C) No...../2012 @ T.P. (C) No.1572 of 2012, Transfer Petition (C) No.1644 of 2012, Transfer Petition (C) No.1645 of 2012, Transfer Petition (C) No.1647 of 2012, Transfer Petition (C) No.1653 of 2012, Transfer Petition (C) No.1654 of 2012, Transfer Petition (C) No.1656 of 2012, Transfer Petition (C) No.1658 of 2012, Transferred Case (C) No.98 of 2012, Transferred Case (C) No.99 of 2012 and Writ Petition (C) No.478 of 2012

O R D E R

In all these matters, which are before us, the main question which has been urged is with regard to the applicability of the decision by

the Medical Council of India to conduct National Eligibility and Entrance Test for both M.B.B.S. and Post-Graduate Courses for Medicine.

In addition to the above, there is also the question of admission into B.D.S. and M.D.S. Examinations.

Having heard learned counsel representing different parties, while we are of the view that the main matters which are pending need to be heard and decided at an early stage, the time taken in hearing the matters should be utilised in allowing the students to sit for their respective examinations, which are already notified. Accordingly, let all the transferred cases, as well as the writ petitions, be listed for final hearing and disposal, irrespective of other part-heard or specially fixed matters on 15th, 16th and 17th January, 2013.

In all the matters where transfer has not yet been completed, those transfer petitions shall stand allowed and all the petitions, pending in the various courts, should be

...3/-

- 3 -

transferred to this Court by 15th January, 2013, and be treated as Transferred cases and be listed along with these Transferred cases and the writ petitions.

In the meantime, the Medical Council of India, the Dental Council of India, as well as the States and Universities and other Institutions, will be entitled to conduct their respective examinations for the M.B.B.S, B.D.S. and Post-Graduate courses, but shall not declare the results of the same, until further orders of this Court.

Learned counsel for the respective parties are all directed to make available their written submissions by 7th January, 2013.

Let copies of this Order be made available to the advocates on-record for the respective parties for communication to the concerned Authorities.

Wide publicity may also be given to this Order by the States, Union of India, Medical Council of India and the Dental Council of India so that the students, who are intending to sit for the entrance examination, may have knowledge of the same.

.....CJI.
[ALTAMAS KABIR]

.....J.
[SURINDER SINGH NIJJAR]

.....J.
[J. CHELAMESWAR]

New Delhi,
December 13, 2012.
-tir-