

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.1414 OF 2012

MEDICAL COUNCIL OF INDIA

Petitioner(s)

VERSUS

DEVARAJ URS ACADEMY OF HIGHER  
EDUCATION AND RESEARCH AND OTHERS

Respondent(s)

O R D E R

Transfer petition No.1414 OF 2012, filed by the Medical Council of India, is taken up today for consideration.

Having heard learned counsel for the parties, we allow the same. Let Writ Petition No.28446 of 2012, titled Devaraj Urs Academy of Higher Education and Research and Another vs. Union of India and Others, pending before the High Court of Karnataka, stand transferred to this Court.

The High Court of Karnataka is requested to transfer the records of the said writ petition to this Court, as expeditiously as possible, but not later than one week from date, since we intend to hear the matter on 22nd November, 2012.

The pendency of the matter shall not prevent the respondent-Institution from receiving applications for the entrance examination for the year 2013-2014, as per their schedule, but that will not entitle the respondent-Institution to claim any equity on the basis thereof.

.....CJI.  
(ALTAMAS KABIR)

.....J.  
(SURINDER SINGH NIJJAR)

.....J.  
(J. CHELAMESWAR)

New Delhi,  
November 05, 2012.  
ITEM NO.32+33+10+46                      COURT NO.1                      SECTION XVIA

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

TRANSFER CASE (CIVIL) NO.98 OF 2012

CHRISTIAN MEDICAL COLLEGE VELLORE & ORS                      Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.                      Respondent(s)

(With appln(s) for impleadment)

WITH T.C.(C) NO.99/2012 @ T.P.(C) NO.368/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.302/2012  
T.C.(C) NO.101 of 2012 @ T.P.(C) NO.366/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.354/2012  
(With office report)  
T.C.(C) NO.100 of 2012 @ T.P.(C) NO.355/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NOS.356-357/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.360/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NOS.358-359/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.361-362/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.363/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.364/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.367/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NOS.369-370/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.371-372/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.374/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.373/2012  
(With office report)  
T.C.(C) NO.102 of 2012 @ T.P.(C) NO.375/2012  
(With office report)  
T.C.(C) NO.103 of 2012 @ T.P.(C) NO.376/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.377/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NOS.844-846/2012

(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NOS.1295-1297/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NO.1300/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NOS.1301-1303/2012  
(With office report)  
T.C.(C) NO..../2012 @ T.P.(C) NOS.795-797/2012  
(With office report)  
W.P.(C) NO.464/2012  
(With appln.(s) for stay and office report)  
T.P.(C) NO.1414/2012  
(With appln.(s) for ex-parte stay and office report)  
W.P(C) NO.468 of 2012  
(With appln.(s) for directions and office report)  
W.P(C) NO.467 of 2012  
(With appln.(s) for stay and office report)  
W.P(C) NO.480 of 2012  
(With appln.(s) for ex-parte stay and office report)  
W.P(C) NO.481 of 2012  
(With appln.(s) for ex-parte stay and office report)  
T.C.(C) NO.104 of 2012  
(With office report)  
T.C.(C) NO.105 of 2012  
(With appln.(s) for impleadment and office report)  
T.C.(C) NO.107 of 2012 @ T.P.(C) NO.377/2012  
(With office report)  
T.C.(C) NO.108 of 2012 @ T.P.(C) NO.1300/2012  
(With office report)

Date: 05/11/2012 These Petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. P.H. Parekh, Sr. Adv.  
M/s. Parekh & Co.

TC 107 & 108/12 Mr. Nidesh Gupta, Sr. Adv.  
(MCI) Mr. Amit Kumar, AOR  
Mr. Rituraj Kumar, Adv.  
Ms. Rekha Bakshi, Adv.

TP 1414/12 Mr. Amit Kumar, AOR  
Mr. Avijit Mani Tripathy, Adv.  
Mr. Rituraj Kumar, Adv.

WP 478/12 Mr. Harish N. Salve, Sr. Adv.  
Mr. V. Giri, Sr. Adv.  
Mr. Sanjay Misra, Adv.  
Ms. Sangita Chauhan, Adv.  
Mr. Rakesh K. Sharma, AOR

TC 104 & 105/12 Mr. K.K. Mani, AOR  
Mr. Abhishek Krishna, Adv.  
WP 467/12 Mr. G. Umopathy, Adv.  
Mr. Satish Parasaran, Adv.  
Ms. Mekhsia, Adv.  
Mr. Rakesh K. Sharma, AOR

WP 464/12, TC 100 & 101/12 Mr. L. Nageshwar Rao, Sr. Adv.  
Mr. K.V. Vishwanathan, Sr. Adv.  
Mr. A. Ramesh, Adv.  
Ms. G. Madhavi, Adv.  
Mr. Y. Rajesh Kumar, Adv.  
Mr. C.S.N. Mohan Rao, AOR

WP 480/12 Mr. K. Parasaran, Sr. Adv.  
Mr. Satish Parasaran, Adv.  
Mr. Senthil Jagadeesan, AOR  
Mr. Krishna Dev, Adv.  
Ms. Sony Bhatt, Adv.

WP 468/12 Mr. Altaf Ahmed, Sr. Adv.  
Mr. Neeraj Shekhar, AOR  
Mr. Ashutosh Thakur, Adv.

WP 481/12 Ms. Meenakshi Arora, AOR

TC 98/12 Mr. Tara Chandra Sharma, AOR  
(For CBSE) Ms. Neelam Sharma, Adv.  
Mr. Rajeev Sharma, Adv.

TC 98/12 Mr. Mukul Gupta, Sr. Adv.  
(For impleadment) Mr. Rudreshwar Singh, Adv.  
Mr. Rakesh Gosain, Adv.  
Mr. Kaushik Poddar, Adv.  
Mr. Gopal Jha, Adv.

For Respondent(s) Mr. Nidesh Gupta, Sr. Adv.  
Mr. Amit Kumar, AOR

TC 98/12 Mr. Mukul Rohatgi, Sr. Adv.  
(State of T.N.) Mr. Subramonium Prasad, AAG, T.N.  
Mr. B. Balaji, AOR  
Mr. R. Rakesh Sharma, Adv.  
Mr. P. Krishnamoorthy, Adv.

TP 793-795/12 Mr. F.S. Nariman, Sr. Adv.  
Mr. Naveen R. Nath, AOR  
Ms. Lalit Mohini Bhat, Adv.  
Ms. Hetu Arora, Adv.  
Mr. Darpan K.M., Adv.

TP 369-370/12 Dr. Rajeev Dhawan, Sr. Adv.  
Ms. Hetu Arora, Adv.  
Ms. Lalit Mohini Bhyat, Adv.  
Ms. Amrita Sharma, Adv.  
Mr. Naveen R. Nath, AOR

TC 98/12 Mr. Sidharth Luthra, ASG  
(U.O.I.) Ms. Rashmi Malhtora, Adv.  
Mr. Ritin Rai, Adv.  
Mr. R. Malhotra, Adv.  
Ms. Sushma Suri, Adv.  
Ms. Supriya Juneja, Adv.  
Mr. Gurmohan Singh, Adv.

TP 365/12 & Mr. V. Prabhakar, Adv.  
368/12 Mr. R. Chandrachud, AOR  
Ms. Jyoti Prashar, Adv.

TP 355 & 356/12 Mr. Y. Raja Gopala Rao, AOR  
Ms. Y. Vismai Rao, Adv.  
Mr. Hitendra Nath Rath, Adv.

TC 98/12, 104/12, Mr. R. Venkataramani, Sr. Adv.  
105/12 & WP 464/12 Mr. G.N. Reddy, AOR  
Mr. M. Rambabu, Adv.  
Mr. S. Nagarajan, Adv.

TP 302/12 Mr. K.K. Venugopal, Sr. Adv.  
Mr. Madhu Naik, Sr. Adv.  
Mr. S. Udaya Kumar Sagar, ASDv.  
Ms. Bina Madhavan, Adv.  
Mr. S. Karan Shetty, Adv.

Ms. Anindita Pujara, Adv.  
for M/s. Lawyer's Knit & Co.

TP 371-72/12 & Mr. K.K. Venugopal, Sr. Adv.  
TP 361-362/12 Mr. P. Vishwanath Shetty, Sr. Adv.  
Mr. S. Karan Shetty, Adv.  
Mr. Sharan Thakur, Adv.  
Dr. Sushil Balwada, AOR

TP 356-357/12 Mr. L. Nageshwar Rao, Sr. Adv.  
Mr. R. Jagannath Gouday, Adv.  
Ms. E.R. Sumathy, AOR

TC 100 & 101/12 Mr. L. Nageshwar Rao, Sr. Adv.  
Mr. K.V. Vishwanathan, Sr. Adv.  
Mr. A. Ramesh, Adv.  
Mr. C.S.N. Mohan Rao, Adv.

TP 844-846/12 Mr. D.S. Thakur, Sr. Adv.  
Mr. S. Karan Shetty, Adv.  
Mr. Sharan Thakur, Adv.  
Dr. Sushil Balwada, AOR

TC 108/12 Mr. K.K. Trivedi, Adv.  
Mr. Priank Adhyaru, Adv.  
Mr. K.V. Sreekumar, AOR

TC 107/12 & Mr. Vibhor Gaur, Adv.  
TP 377/12 Ms. Suruchi Aggarwal, AOR

TP 356-357 Mr. Amitesh Kumar, Adv.  
Mr. Ravikant, Adv.  
Mr. Chandra Shekhar Singh, Adv.  
Mr. Gopal Singh, AOR

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

In all the matters where notice has not yet been issued, let notices issue, returnable two weeks hence.

The applications filed in all these matters by the Central Board of Secondary Education, are allowed. The application filed by the National Board of Examination in the matter relating to the Christian Medical College Vellore Association, is also allowed.

Service of notice is dispensed with in the matters in which learned Advocates have already filed their Vakalatnamas. The respondents will be entitled to file their respective counter affidavits to the petitions by 10th November, 2012.

The transfer petitions, which are pending are allowed. Let the matters be transferred to this Court for consideration along with Transfer Case No.98 of 2012 (Christian Medical College Vellore Association vs. Union of India and Others).

The respondents in the transferred matters will be entitled to file their respective counter affidavits to the writ petitions by 10th November, 2012. Rejoinder thereto, if any, may be filed by 16th November, 2012.

The respective High Courts are directed to send the

connected records to this Court well within the aforesaid period.

Let all these matters be listed for consideration on 22nd November, 2012, at the top of the list.

In Transfer Case (Civil) No.98 of 2012, leave is given to the petitioner to file additional grounds, copies whereof are to be served on the respondents by 10th November, 2012. The respondents will be entitled to respond thereto within the time specified above.

As far as W.P.(C) No.464 of 2012, is concerned, leave is granted to the petitioner to file additional grounds.

Let the list of matters, supplied by Mr. Nidesh Gupta, learned senior counsel appearing for the Medical Council of India, be treated as on day's list and let notice issue in such matters as well, returnable two weeks hence. Similar orders, which have been passed in the other matters will also apply as far as these matters are concerned.

The pendency of these matters shall not prevent the Institutions from receiving applications for the entrance examination for the year 2013-2014, as per their schedule, but that will not entitle the Institutions to claim any equity on the basis thereof.

|(Chetan Kumar)  
|Court Master

|(Indu Satija)  
|Court Master

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(Signed order is placed on the file)