

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 816-819 OF 2021
[@ SPECIAL LEAVE PETITION (C) NO. 2933-2936 OF 2021]

SANKHE CHARUL RAJESH

Appellant (s)

VERSUS

KARNATAKA PROFESSIONAL COLLEGES
FOUNDATION & ORS.

Respondent(s)

ORDER

Leave granted.

These appeals arise out of a Judgment dated 28.08.2020 and a Review dismissal of 20.11.2020. Notice was directed to be issued to the respondents vide order dated 12.02.2021. Though, service is complete on all the respondents, nobody has chosen to appear.

The appellant applied for M.S. (Gynaecology) Course and was ranked 87868 in the State merit list. Vide our order dated 30.07.2020, NEET counselling was extended till 31.08.2020. Three rounds of counselling was done. After which, a letter dated 14.08.2020 was issued by the Directorate of Medical Education, Govt. of Karnataka to the Karnataka Examinations Authority stating as follows :-

“The State PG NEET 2020 has successfully

completed a total of 3 rounds (1st and 2nd round and Mop up round counselling). Ordinarily 2 rounds of online counselling followed by offline mop round was being followed until last year. The process of deposition of original documents was done to deter students from holding a seat in the State in case they have got an allotment either in All India or other State counselling.

Due to the extraordinary situation of the current pandemic of COVID 19 which has gripped the nation and the world the process for physical appearance and deposition of original document was not done.

Further in view of large number of seats unreported after the online Mop-up round of counselling we had requested Government of India to extend the last date of admission for post graduate for conduct of another round of offline mop-up round of counselling.

The Hon'ble Supreme Court of India vide order dated 30.07.2020 in M.A.No. 1282 of 2020 in Writ Petition No. 76/2015 under the extraordinary circumstances of COVID 19 pandemic has extended the last date of admission from 31.07.2020 to 31.08.2020.

The Government of India in its letter dated 13.08.2020 has permitted the State Government to fill up the seats. Accordingly, the government has directed KEA to conduct an extended round of counselling due to the extraordinary circumstances of COVID 19."

Pursuant to this letter, one more round of counselling was held, as a result of which the appellant was admitted to BGS Global Institute of Medical Sciences, Bengaluru on

18.08.2020.

However, a challenge was made to the aforesaid 4th round dated 14.08.2020 in three writ petitions before the High Court and by the impugned Judgment dated 28.08.2020, the High Court, on the sole ground that our order dated 30.07.2020 interdicted any further rounds, held that the letter dated 14.08.2020 was invalid. As a result, stray vacancies that were on the list, which were from rounds 1 to 3, were then given admission and the appellant's admission was cancelled. A review filed by the appellant met with the same result on 20.11.2020.

Sh. Siddharth Bhatnagar, learned senior counsel appearing on behalf of the appellant, after stating the facts before us, has also pointed out that the persons who have now been appointed as per the stray vacancies include a large number of persons who were ranked below the appellant. This being the case, without disturbing any of the admissions made as per the list for stray vacancies, and considering that the appellant alone has appealed against the impugned order, we direct the respondents to admit the appellant into BGS Global Institute of Medical Sciences, Bengaluru with immediate effect.

The appeals are allowed to the above extent.

.....J.
[ROHINTON FALI NARIMAN]

.....J.
[B. R. GAVAI]

New Delhi;
March 05, 2021.

ITEM NO.27 Court 3 (Video Conferencing)

SECTION IV-A

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 (C) No(s). 2933-2936/2021

(Arising out of impugned final judgment and order dated 20-11-2020 in RP No. 253/2020 28-08-2020 in WP No. 9234/2020 28-08-2020 in WP No. 9239/2020 28-08-2020 in WP No. 9335/2020 passed by the High Court Of Karnataka At Bengaluru)

SANKHE CHARUL RAJESH

Petitioner(s)

VERSUS

KARNATAKA PROFESSIONAL COLLEGES FOUNDATION & ORS. Respondent(s)

(IA No. 13952/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 05-03-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
 HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Siddharth Bhatnagar, Sr. Adv.
 Mr. Gaurav Nair, Adv.
 Ms. Pranati Bhatnagar, Adv.
 Mr. Saurabh Chaudhary, Adv.
 Ms. Anne Mathew, AOR

For Respondent(s)

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

Leave granted.

The appeals are allowed to the extent indicated in the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
 COURT MASTER

(NISHA TRIPATHI)
 BRANCH OFFICER

(Signed order is placed on the file)