

ITEM NO.41

COURT NO.8

SECTION IX

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). 1525/2023

(Arising out of impugned final judgment and order dated 12-12-2022 in WP No. 2223/2022 passed by the High Court Of Judicature At Bombay)

JUMRANI GAUTAM ANIL KUMAR & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 11898/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 59779/2023 - EXEMPTION FROM FILING O.T., IA No. 20591/2023 - EXEMPTION FROM FILING O.T., IA No. 11899/2023 - EXEMPTION FROM FILING O.T., IA No. 67803/2023 - EXEMPTION FROM FILING O.T., IA No. 67802/2023 - INTERVENTION APPLICATION, IA No. 20612/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 12161/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES & IA No. 11902/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 1579/2023 (IX)
 (FOR ADMISSION and I.R. and IA No.12800/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.12806/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 1656/2023 (IX)
 (FOR ADMISSION and I.R. and IA No.13716/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.13718/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 3034/2023 (IX)
 (FOR ADMISSION and I.R. and IA No.12377/2023-CONDONATION OF DELAY IN FILING and IA No.12380/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.12383/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 1854/2023 (IX)
 (FOR ADMISSION and I.R. and IA No.16182/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.16183/2023-EXEMPTION FROM FILING O.T. and IA No.16186/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 16-05-2023 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SUDHANSHU DHULIA**

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.(NP)
Mr. Satyajit A Desai, Adv.
Mr. Virendra P Patil, Adv.
Mr. Suryjeet Chauvan, Adv.
Mr. Abhinav K. Mutyalwar, Adv.
Mr. Gajanan N Tirthkar, Adv.
Mr. Vijay Raj Singh Chouhan, Adv.
Ms. Anagha S. Desai, AOR

Mr. Sandeep Sudhakar Deshmukh, AOR
Mr. Nishant Sharma, Adv.

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Ruchi Kohli, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. Annirudh Sharma Ii, Adv.
Ms. Shivika Mehra, Adv.
Dr. Arun Kumar Yadav, Adv.

Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Ms. Shreya Saxena, Adv.
Ms. Yamini Singh, Adv.
Mr. Sourav Singh, Adv.

Mr. Avi Tandon, Adv.
Ms. Meghna Tandon, Adv.
Mr. Ami Tandon, Adv.
Ms. Vanshika Gupta, Adv.
Mr. Anish Agarwal, AOR
Mr. Mohit Prasad, Adv.
Mr. Srinivas Vishven, Adv.

Mr. Gaurav Agrawal, AOR

Mr. Siddharth Gautam, Adv.
Mr. Shashwat Goel, AOR

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

Heard learned Additional Solicitor General and learned counsel appearing for the petitioners and the respondents. The petitioners have been admitted for pursuing Homeopathy course in various colleges in the State of Maharashtra. But in the NEET examinations, they had obtained lesser marks than that stipulated. The argument on behalf of the petitioners is that for the years 2018, 2019, 2021 and 2022, the minimum percentile requirement had been relaxed by the respondent no.1/Union of India but only for the year 2020(2019-2020) no such relaxation has been granted by them.

These disputes are actually for the Expert Committee to resolve and the Court has a little role to play. We do not find that the High Court has committed any error in holding that the petitioners are ineligible for that year. But Ms.Aishwarya Bhati, learned Additional Solicitor General, appearing on behalf of the respondent no.1, in response to our query, submits that the Expert Committee can look into the matter for this particular year as well. We, accordingly, leave it to the respondent no.1 to take a final decision and in the event like other years, the percentile requirement of 2020(2019-2020) is also relaxed, then the petitioners shall be entitled to continue with the course provided the marks obtained by them come within the percentile range fixed by the respondent no.1 and they otherwise fulfill the eligibility criteria.

For this purpose, the petitioners and the respective colleges are granted liberty to make substantive representations before the

appropriate authority of the Union of India and if such representations are made within two weeks from today, then decision on the same shall be taken expeditiously.

The present petitions stand disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR