

ITEM NO.57+60+64

COURT NO.2

SECTION PIL(W)

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

Writ Petition (Civil) No.244/2017

EDUCATION PROMOTION SOCIETY OF INDIA AND ORS

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS

Respondent(s)

(With appln. (s) for ad-interim ex-parte stay and office report)

WITH W.P. (C) No.238/2017

(With appln.(s) for bringing on record the additional facts and stay and office report)

W.P. (C) No.258/2017

(With appln.(s) for ex-parte stay and office report)

Date : 04/05/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s)    Mr. Gopal Sankaranarayanan, Adv.  
                               Mr. Balaji Srinivasan, AOR  
                               Ms. Vaishnavi Subrahmanyam, Adv.  
                               Mr. Zeeshan Divan, Adv.  
                               Ms. Pratiksha Mishra, Adv.  
                               Mr. Abhishek Bharti, Adv.  
                               Mr. Prashanth Murthy SG, Adv.

WP(C) 238/17            Dr. A.M. Singhvi, Sr. Adv.  
                               Mr. Amit Anand Tiwari, AOR  
                               Ms. Vishakha, Adv.  
                               Mr. Karthik Raja Sekhar, Adv.

WP(C) 258/17            Mr. V. Giri, Sr. Adv.  
                               Mr. Ramesh Babu M.R., AOR

For Respondent(s)    Mr. Vikas Singh, Sr. Adv.  
                               Mr. Gaurav Sharma, AOR  
                               Ms. Amandeep Kaur, Adv.  
                               Mr. Prateek Bhatia, Adv.

Mr. Dhawal Mohan, Adv.  
Ms. Vara Gaur, Adv.  
Ms. Deepeika Kalia, Adv.

Mr. Ajit Kumar Sinha, Sr. Adv.  
Mr. Vibhu Shanker Mishra, Adv.  
Ms. Vimla Sinha, Adv.  
Ms. Samta P. Mishra, Adv.  
Mr. G.S. Makker, Adv.

Mr. M. Yogesh Kanna, AOR  
Ms. Nithya, Adv.  
Mrs. Maha Lakshmi, Adv.  
Mr. Partha Sarathi, Adv.

Mr. Ravindra Agarwal, AOR

WP(C) 238/17      Mr. S.R. Singh, Sr. Adv.  
                         Mr. A.K. Prasad, Adv.  
                         Mr. Abhishth Kumar, AOR

WP(C) 238/17      Ms. Kiran Bhardwaj, Adv.  
                         Mr. Tushar Bakshi, Adv.  
                         Mr. Mukesh Kumar Maroria, AOR

WP(C) 258/17      Mr. B. Balaji, AOR

WP(C) 258/17      Mr. Jaideep Gupta, Sr. Adv.  
                         Mr. G. Prakash, Adv.  
                         Mr. Jishnu M.L., Adv.  
                         Mrs. Priyanka Prakash, Adv.  
                         Mrs. Beena Prakash, Adv.  
                         Mr. Manu Srinath, Adv.

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

Heard learned counsel for the parties.

In the course of hearing, after due deliberation, certain suggestions have been given by the Medical Council of India for admission to the post graduate courses in deemed Universities.

Having heard learned counsel for the parties, it is directed as follows:-

(i) Common counseling for admission to post graduate medicine courses in deemed universities shall be conducted by the State Government or the authority designated by the State Government.

(ii) In cases where the deemed university has accepted applications from the candidates, the same shall be forwarded to the State Government or authority designated by the State Government. The State Government or the authority designated by the State Government shall include the names of the candidates who had applied to the deemed universities and prepare a common list of students in order of merit. However, the application of those students who have already taken admission in any post graduate medicine course in any medical college shall not be considered by the State Government.

(iii) During the common counseling conducted by State Government the representatives of the deemed universities, including representatives of those deemed universities who are also minority institutions, should be a part of the admission/counseling committee, as the case may be.

(iv) The students who secure admission in post graduate medicine courses, at the time of common counseling itself, should be made to deposit with the admission/counseling committee, the demand draft towards the tuition fees payable to the concerned deemed university. The admission/counseling committee shall forthwith forward the demand draft to the respective deemed universities.

(v) In institutions run by minorities, the seats reserved for minorities, if any, will be filled up by minority students in order of merit, as a result of

which, rights of minority institutions are fully protected. In the event of any seat in a minority institution is not filled up by a minority student, then the said seat shall be filled up by the General category student in order of merit.

(vi) Any deemed university, which has got the applications, as indicated earlier, can send them to the Common Counseling Committee of the respective States. That apart, the deemed universities are entitled to receive applications till 8<sup>th</sup> May, 2017, and send them by e-mail to the aforesaid authorities latest by 7 p.m. on that day.

The counseling, as we have been apprised, shall commence from 11<sup>th</sup> May, 2017. Needless to say, the counseling process shall be based on All India merit list. The aforesaid directions are given keeping in view that the petitioners are deemed universities. The present arrangement is made for academic session 2017-2018. Needless to say, the arrangement is meant for the post graduate courses and it is without prejudice to the contentions raised by the petitioners.

The pleadings shall be completed on or before 31<sup>st</sup> August, 2017.

Let the matters be listed on 20<sup>th</sup> September, 2017.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master