

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) 14025-14026 of 2015

THE PRINCIPAL KARUNA MEDICAL COLLEGE

Appellant(s)

VERSUS

THE ADMISSION SUPERVISORY COMMITTEE AND FEE
REGULATORY COMMITTEE FOR PROFESSIONAL COLLEGES
OF KERALA & ANR. ETC.

Respondent(s)

WITH

CIVIL APPEAL No.14039/2015

O R D E R

On 10.03.2014, the Admission Supervisory Committee for Professional Colleges informed the Registrar, Kerala University of Health Sciences that all self-financing Professional Colleges of Medical/Dental/Nursing as well as para-medical streams have to submit their lists for scrutiny and approval by the Admission Supervisory Committee prior to the submission of the list to the Kerala University of Health Sciences. The University was requested not to register any list submitted by the self-financing Professional colleges without the prior scrutiny and approval of the Admission Supervisory Committee. On 02.07.2014, the Admission Supervisory Committee informed Kerala University of Health Sciences that Karuna Medical

College was not granted approval for admission of students for the Academic year 2013-2014. Challenging the aforementioned proceedings dated 10.03.2014 and 02.07.2014, writ petitions were filed in the High Court of Kerala. Thereafter, Karuna Medical College was directed to produce all the documents pertaining to admission to first year MBBS courses for the Academic year 2013-2014 before the Admission Supervisory Committee and Fee Regulatory Committee for Professional colleges in Kerala. The said letter was also assailed by Karuna Medical College by filing Writ Petition No.1436 of 2015. By an order dated 08.07.2014, the High Court of Kerala stayed the proceedings dated 10.03.2014 and 02.07.2014 subject to the condition that the writ petitioner shall furnish all the details regarding admissions made for the academic year 2013-2014 within a period of one week from the date of the order. The above writ petitions along with others were heard by the High Court Kerala and disposed of by a judgment dated 10.04.2015. The main contention of the writ petitioner relates to the scope and ambit of the powers of the Committee under Sections 4(6) and 4(7) of the Kerala Professional Colleges or Institutions (Prohibition Of Capitation Fee, Regulation Of Admission, Fixation Of Non-Exploitative Fee And Other Measures To Ensure Equity And Excellence in Professional Education) Act (herein after referred to as 'The Act').

It was argued by the writ petitioners that the Committee has no jurisdiction to initiate proceedings suo

motu and the powers of the Committee relating to admission process can be exercised only on a complaint.

Interpreting Sections 4(6) and 4(7) of the Act, the High Court was of the opinion that the legislature deliberately chose not to curtail or restrict the powers of the Committee. Supervision and guidance are powers that are conferred on the Committee and they include suo moto jurisdiction of the Committee. The other points that were canvassed on behalf of the writ petitioners relate to the power of the Committee in exercising jurisdiction after the expiry of the last date for admissions and the lack of quorum before initiation of any proceedings. Both the said points were also decided against the writ petitioners by the High Court.

By an order dated 05.05.2015, this Court stayed the operation of the judgment of the High Court. Mr. Maninder Singh, learned senior counsel appearing for Karuna Medical College, submitted that the power conferred on the Committee under Section 4(6) of the Act, though being supervisory, cannot be read in a manner that prior approval has to be sought from the Committee before admissions are made by the self-financing colleges. He referred to the Regulations of the MCI and the scheme for admission to medical colleges to buttress his submission that the Committee cannot be conferred such a power.

Mr. Jaideep Gupta, learned senior counsel took us through the impugned judgment of the High Court and argued

that supervisory power that is conferred on the Committee is very wide in its amplitude and the Committee should have the jurisdiction to supervise the entire process of selection including insisting on prior approval before admissions are made by the private colleges. He submitted that the scope of Sections 4(6) and 4(7) of the Act have been correctly appreciated by the High Court.

After hearing the learned senior counsel and examining the judgment of the High Court, we are of the considered view that the judgment of the High Court does not warrant any interference. We are in agreement with the findings recorded by the High Court on the powers conferred on the Committee including the power of suo motu action that can be taken by the Committee in respect of admissions made by the self-financing colleges.

In respect of students who have been admitted in Karuna Medical College and Kannur Medical College for the Academic Year 2015-2016, we are informed by Mr.V.Giri, learned senior counsel and Mr. Siddharth Bhatnagar, learned senior counsel, that these students have completed the course as well as the Compulsory Rotatory Residential Internship. I.A. No.115963 of 2021 and I.A. No.115969 of 2021 are filed by students from Karuna Medical College and I.A. No.117216 and 117225 of 2021 are filed on behalf of the students of Kannur Medical College for a direction to the University to give the permanent TCMC Registration and the final MBBS degree certificate.

The students have prosecuted their studies on the strength of an interim order passed by this Court. They have completed their course and their CRR I as well. Subject to the verification of the completion of the course and CRR I by the students in the above IAs., the permanent TCMC Registration and final MBBS degree certificate shall be provided by the TCMC and the University, within a period of four weeks.

The Appeals and pending applications are accordingly disposed of.

The said order is passed in the peculiar facts of this case and shall not be treated as precedent.

.....J
(L. NAGESWARA RAO)

.....J
(ABHAY S. OKA)

NEW DELHI;
13th November, 2021.

ITEM NO.13 Court 5 (Video Conferencing)

SECTION XI-A

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

Civil Appeal No(s).14025-14026/2015

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THE ADMISSION SUPERVISORY COMMITTEE AND FEE
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Respondent(s)

(THROUGH PHYSICAL MODE OF HEARING ON 13.11.2021]

IA No. 115969/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 77847/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 1/2015 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 115963/2021 - INTERVENTION/IMPLEADMENT

IA No. 122440/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES, IA No. 7/2016 - PERMISSION TO FILE
 ANNEXURES IA No. 3/2015 - VACATING STAY)

WITH

C.A. No. 14031/2015 (XI-A)
 (FOR ON IA 2/2015)

C.A. No. 14039/2015 (XI-A)
 (FOR ON IA 2/2016

FOR impleading party ON IA 117216/2021

FOR INTERVENTION/IMPLEADMENT ON IA 117216/2021

FOR CLARIFICATION/DIRECTION ON IA 117225/2021

IA No. 117225/2021 - CLARIFICATION/DIRECTION

IA No. 117216/2021 - INTERVENTION/IMPLEADMENT)

Date : 13-11-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE ABHAY S. OKA

For Appellant(s)

Mr. Maninder Singh, Sr. Adv.

Mr. Haris Beeran, Adv.

Mr. Mushtaq Salim, Adv.

Mr. Usman Ghani, Adv.

Mr. Azhar Assees, Adv.

Mr. Radha Shyam Jena, AOR

Mr. Himinder Lal, AOR

For Respondent(s) Mr. Jaideep Gupta Sr Adv.
 Mr. G. Prakash, AOR
 Ms. Priyanka Prakash, Adv.
 Ms. Beena Prakash, Adv.
 Mr. Manan Sanghai, Adv.
 Mr. Anindita Mitra Adv

Mr. V. Giri, Sr. Adv.
 Mr. Siddhartha Dave, Sr. Adv.
 Mr. Siddharth Bhatnagar, Sr. Adv.
 Mr. Anand B. Menon, Adv.
 Ms. Pallavi Pratap, AOR

Mr. C. K. Sasi, AOR
 Ms. Meera K.P., Adv.

Mr. Venkita Subramoniam T.R, AOR
 Mr. P. Sreekumar, Adv.
 Mr. Rahat Bansal, Adv.
 Mr. Likhi Chand, Adv.
 Mr. Sushmit Chauhan, Adv.

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

Civil Appeal No(s).14025-14026/2015 and C.A. No. 14039/2015:

Applications for impleadment allowed.

**The Appeals and pending applications are disposed
 of in terms of the signed order.**

C.A. No.14031/2015:

List on 15.11.2021.

**(B.Parvathi)
 Court Master**

**(Anand Prakash)
 Court Master**

(Signed order is placed on the file)