

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

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 306 OF 2004

MRIDUL DHAR (MINOR) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for impleadment as party respondent and directions and intervention and directions and clarification of Court's order and intervention and impleading party and extension of time and office report)

WITH W.P(C) NO. 308 of 2004

(With appln(s) for directions and impleading party)

Date: 12/07/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s) Mr. Prashant Kumar, Adv.

Ms. Pooja Dhar, Adv.

Mr. S.W.A. Qadri, Adv.

Mr. Lakshmi Raman Singh, Adv.

for M.C.I.:

Mr. Maninder Singh, Adv.

Mrs. Pratibha M. singh, Adv.

Mr. Gaurav Sharma, Adv.
Mr. Rahul Ajatshatru, Adv.

For Respondent(s)

-UOI: Mr. Gopal Subramaniam, A.S.G.
Mr. T. Srinivasa Murthy, Adv.
Mrs. Sushma Suri, Adv.

-Nagaland: Mr. U. Hazarika, Adv.
Ms. Sumita Hazarika, Adv.

-Jharkhand: Ms. Pinky Anand, Adv.
Mr. Gopal Prasad, Adv.

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-Mizoram: Mr. K.N. Madhusoodhanan, Adv.
Mr. R. Sathish, Adv.

-Haryana: Mr. Ajay Siwach, AAG.
Mr. Pardeep Dahiya, Adv.
Mr. Sandeep Sharma, Adv.
Mr. T.V. George, Adv.
Mr. Manjit Singh, AAG.
Mr. Harikesh Singh, Adv.

-Uttaranchal: Ms. Rachana Srivastava, AAG

-U.P.: Mr. Pradeep Misra, Adv.

-Manipur: Mr. KH. Nobin Singh, Adv.

-Sikkim: Mr. A. Mariarputham, Adv.
Mrs. Aruna Mathur, Adv.
Ms. Mini N. Nair, Adv.

-A.P.: Mr. Manoj Saxena, Adv.
Mr. Rajnish Kr. Singh, Adv.
Ms. Sameena Ahmed, Adv.

Mr. Rahul Shukla, Adv.

Mr. T.V. George, Adv.

-Pondicherry &

Tamil Nadu:

Mr. V.G. Pragasam, Adv.

Mr. S. Vallinayagam, Adv.

-Bihar & Tripura:

Mr. Gopal Singh, Adv.

Mr. Rituraj Biswas, Adv.

-CBSE:

Mr. Tara Chandra Sharma, Adv.

-West Bengal:

Mr. Tara Chandra Sharma, Adv.

Ms. Neelam Sharma, Adv.

-H.P.:

Mr. J.S. Attri, AAG.

Ms. Shivani Thakur, Adv.

-Assam:

Mr. S. Vig, Adv.

Mr. Riku Sarma, Adv.

for M/s. Corporate Law Group, Adv.

Ms. Pragati Neekhara Singh, Adv.

Mr. Suryanarayana Singh, Adv.

Mr. D.K. Sinha, Adv.

-Chhattisgarh:

Ms. Suparna Srivastava, Adv.

Ms. Pooja Matlani, Adv.

Mr. Rajesh Srivastava, Adv.

-Maharashtra:

Mr. Ravindra K. Adsure, Adv.

-St.of Goa (R-7): Mr. Bhavanishankar V. Gadnis, Adv.

Mrs. B. Sunia Rao, Adv.

-Dean, Goa Dental

College (R-9)

Mr. Bhavanishankar V. Gadnis, Adv.

Mrs. Asha Gopal Nair, Adv.

Mr. Aruneshwar Gupta ,Adv

Mr. Arun K. Sinha ,Adv

Mr. B.B. Singh ,Adv (NP)

Mr. E.M.S. Anam ,Adv

Ms. Kamini Jaiswal ,Adv

Mr. R. Sathish ,Adv

Mr. K.R. Sasiprabhu ,Adv

Mr. D.S. Mahra ,Adv

Mr. Ranjan Mukherjee ,Adv

Mr. Radha Shyam Jena ,Adv

Mr. Sanjay R. Hegde ,Adv

Mr. Subramonium Prasad ,Adv

Ms. Kavita Wadia ,Adv (NP)

Ms. Vibha Datta Makhija ,Adv

Mr. Ravi Prakash Mehrotra ,Adv (NP)

Mr. Anuvrat Sharma ,Adv

UPON hearing counsel the Court made the following

O R D E R

In the judgment dated 12th January 2005, reported in 2005 (2) SCC 65 -

Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. - various directions were

issued. Direction No.7 contained in para 35 required the DGHS to file a report in

regard to feasibility of conducting counselling through the process of video-

conferencing. Mr. Gopal Subramaniam, learned Additional Solicitor General,

states that it was attempted last year at two places, namely, Jaipur and Delhi, but

unfortunately it was not a success and, therefore, it was not attempted this year.

Learned counsel rightly submits that again the Government will look into the

matter and file a report for experimenting it in the counselling for the next

Academic Year 2007-2008. The Government may be well advised to conduct

counselling by video conference as a pilot project in the places distantly placed like any State in South or North-East and not in nearby places like Jaipur.

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Direction No.8 relates to the DGHS filing a report on the aspect of Section

10-A seats being subjected to 15 per cent all-India quota and about the increase of

the quota from 15 per cent to 20 per cent. The stand of the Government is on

increase of quota from 15 per cent to 20 per cent, views of the State Governments

were obtained and most of the States are opposed to it. It is stated, in this view, it

is not feasible to increase the all-India quota at this stage. We accept this stand of the Government.

Regarding 10-A seats being subjected to working out of 15 per cent all-

India quota, now it is stated by learned Additional Solicitor General that in

principle the Government will have no objection. Let the Government work it out

and implement it with effect from the next Academic Year 2007-2008.

Referring to para 34 of the judgment which relates to direction No.9

regarding the constitution of a High-Powered Committee/ombudsman, it is

contended that various meetings have been held between Government officers and

the officers of the Medical Council of India in regard to the time schedule and

various outstanding issues to solve the problem of delay in inspections and taking decision, granting recognition to the colleges or of increase of intake. It is stated that most of the issues have been resolved and the remaining are likely to be sorted out by the end of August, 2006. In this view, we direct the matter to be listed in the month of September, 2006, in the first week whereof an affidavit of DGHS shall be filed placing on record the upto-date position.

When certain doubts were expressed, learned Additional Solicitor General submitted that the Government is committed to ensure that in all the existing government colleges or in the colleges to be set up, high standards of international level are observed.

(N. Annapurna)
Court Master

(V.P. Tyagi)
Asstt.Registrar