

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 (C) No.461/2022

DR. KAVIYARASAN M.P. & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.87235/2022-APPROPRIATE ORDERS/DIRECTIONS)

Date : 23-06-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE SUDHANSHU DHULIA
(VACATION BENCH)

For Petitioner(s) Mr. Anjani Kumar Mishra, AOR
Ms. Hardeep Kaur Mishra, Adv.
Mr. Praveen K. Mishra, Adv.
Mr. Shiv Ram Pandey, Adv.

For Respondent(s)

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

The petitioners in this Writ Petition seeks the following prayers:

(a) Declare 92 seats of in-service quota of State of Tamil Nadu surrendered to All India Quota of NEET (SS) surrendered to all India Quota of NEET (SS) 2020-2021 (Super Specialty) as newly added seats and were available only in accordance with All India Ranking of candidates irrespective of their earlier joining in other rounds of counselling; and

(b) direct the respondent Nos. 1 and 2 to reshuffle the candidates of NEET SS-2021 selected against 92 newly added seats in last additional round of conselling transferred to other Colleges as per their merits in Special Mop up round and award the newly added seats to candidates of super specialty cadre according to their All India Ranking; and/or

(c) cancel earlier mop-up counselling whereby 113 seats were filled and add those seats in Special Mop-up round of Counselling including 92 newly added seats surrendered by the State of Tamil Nadu (in service quota) allowing candidates of All India Quota to attend counselling for 92 newly added seats; and/or

(d) Allow the petitioners (candidates of Neuro Surgery course) to participate in additional round of counselling for 92 newly added seats of All India Quota seats; and

(e) Pass such other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

Heard the learned counsel for the petitioners.

Obviously, the main prayer of the petitioner(s) is to declare that 92 unfilled seats of in-service quota of State of Tamil Nadu surrendered to All India Quota of NEET (SS) 2020-2021 (Super Specialty) as newly added seats and were available only in accordance with All India Ranking of candidates irrespective of their earlier joining in other rounds of counselling.

We do not think we should proceed further with the contentions raised by the petitioners in support of their prayers any further in the light of the above mentioned declaration sought for, for the reason that the said main prayer could not be granted in the light of the order passed by this Court on 09.05.2022. In the contextual situation it is only apposite to quote paragraphs 2 & 3 of the said order dated 09.05.2022:

"2. Counsel appearing on behalf of State of Tamil Nadu states on instructions that the 92 unfilled seats of the in-service quota of the State shall be surrendered this year to the All India Quota (AIQ). Consequently, Ms.Aishwarya Bhati, Additional Solicitor General states that a mop up round will be held for completing the process of admission to super specialty medical courses,

occasioned by the surrender of 92 seats by the State of Tamil Nadu to the AIQ.

3. The mop up round shall be held for all the unfilled/stray/vacant super specialty seats subject to the condition that any doctor who has joined a seat in the earlier round shall not be eligible for participating in the mop up round. Since the mop round is being held, a suitable extension of time may be granted for completing the admissions."

Paragraph 2 as extracted above would reveal that this Court passed such an order pursuant to the submission made by the counsel on behalf of the State of Tamil Nadu that 92 unfilled seats of the service quota of the State could be surrendered to the All India Quota (AIQ) and taking note of the further submission made by the Additional Solicitor General that the mop up round would be held for completing the process of admission to Super Specialty Medical Colleges, occasioned by surrender of 92 seats by the State of Tamil Nadu to the AIQ. Paragraph 3 of the order dated 09.05.2022, extracted hereinbefore, would reveal that while permitting to conduct mop up round as against the surrendered 92 seats this Court specifically directed that such mop up round should be held for all the unfilled/stray/vacant super specialty seats subject to the conditions that any Doctor who has joined a seat in the earlier ground shall not be eligible for participating in the mop up round. In the light of the said position obtained from paragraph 3 of the order dated 09.05.2022, we have no hesitation to hold that the petitioners are not entitled to seek a declaration, as has been made under prayer No. (a). Prayer No. (b) is only a consequential one. When prayer No. (a) is declined, prayer No. (b) would not

survive for consideration. In the light of order dated 09.05.2022 prayer Nos. (c) and (d) are also not grantable. In short, this writ petition must fail. Consequently, the Writ Petition is dismissed.

(RAJNI MUKHI)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER