

ITEM NO.3

COURT NO.4

SECTION XIV

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S) .  
16551-16552/2015

(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 26/05/2015  
IN WP NO. 30/2015 AND CMA NO. 128/2015 IN WP NO. 30/2015 PASSED BY  
THE HIGH COURT OF SIKKIM AT GANGTOK)

MEDICAL COUNCIL OF INDIA

PETITIONER(S)

VERSUS

SIKKIM MANIPAL UNIVERSITY AND ORS.

RESPONDENT(S)

[WITH APPLN.(S) FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT AND INTERIM RELIEF AND OFFICE REPORT]

Date : 10/06/2015 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.K. AGRAWAL  
HON'BLE MR. JUSTICE AMITAVA ROY  
[VACATION BENCH]

For Petitioner(s) Mr. Tushar Mehta, ASG  
Mr. Gaurav Sharma, Adv.  
Ms. Amandeep Kaur, Adv.

For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.  
Mr. Anmole Prasad, Adv.  
Mr. Aman Ahluwalia, Adv.  
Mr. TVS R Sreyas, Adv.  
Ms. Radhika Gautam, Adv.  
Mr. Dhanjay B., Adv.  
Mr. Nikhil Nayyar, Adv.

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

Heard Mr. Tushar Mehta, learned Additional Solicitor  
General appearing for the petitioner and Dr. A.M. Singhvi,  
learned Senior Counsel appearing for respondent No. 1.

By the impugned interim order dated 26<sup>th</sup> May, 2015, the High Court had permitted the respondent-College to initiate the admissions for all 100 MBBS students for the academic year 2015-2016.

Mr. Tushar Mehta, learned ASG has submitted that the recognition has been granted only for 50 MBBS students and if the respondent No.1 - University is permitted to admit 100 MBBS students that may create difficulty for the admitted students in the event the respondent No.1 herein fails in the writ petition.

Taking into consideration the facts and circumstances of the case as also the fact that the respondent No.1 herein had been admitting 100 MBBS students for the last several years, we modify the order dated 26<sup>th</sup> May, 2015 passed by the High Court of Sikkim in CM Appl. No.128 of 2015 in WP(C) NO.30 of 2015 by directing the respondent No.1 herein to provisionally admit 50 MBBS students in excess of the sanctioned limit of 50 MBBS students with a specific endorsement in the admission card that their admissions shall be subject to the result of the Writ Petition (Civil) No.30 of 2015 and further that these provisionally admitted students shall not be entitled to claim any equity.

Post the matter on 2<sup>nd</sup> July, 2015 along with Special  
Leave Petition (Civil) No.18313 of 2012 before the  
appropriate bench.

[VINOD LAKHINA]  
COURT MASTER

[TAPAN KUMAR CHAKRABORTY]  
COURT MASTER