

ITEM NO.10

COURT NO.2

SECTION X

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.261/2017

CHRISTIAN MEDICAL COLLEGE VELLORE ASSOCIATION

Petitioner(s)

VERSUS

MEDICAL COUNCIL OF INDIA AND ORS

Respondent(s)

(With appln. (s) for ex-parte stay, permission to file lengthy list of dates, permission to file additional documents and office report)

WITH W.P.(C) No.171/2017

(With directions and intervention and permission to file lengthy list of dates and stay and Office Report)

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

(With ex-Parte stay and office report)

W.P.(C) No.227/2017

(With stay and office report)

S.L.P.(C) Nos.31037-31038/2016

(With exemption from filing O.T. and stay/direction and interim relief and office report)

S.L.P.(C) No.31427/2016

(With exemption from filing c/c of the impugned Judgment and exemption from filing O.T. and interim relief and office report)

W.P.(C) No.270/2017

(With ex-Parte stay and office report)

W.P.(C) No.102/2017

(With ex-Parte stay and permission to file additional documents and permission to file lengthy list of dates and office report)

W.P.(C) No.292/2017

(With ex-Parte stay and office report)

S.L.P.(C) No.30336/2016

(With interim relief and office report)

W.P.(C) No.267/2017

(With ex-Parte stay and office report)

Date : 03/05/2017 This petition was 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) M/s. Parekh & Co.
Mr. Kapil Sibbal, Sr. Adv.
Mr. E.R. Kumar, Adv.
Ms. Sonal Gupta, Adv.
Ms. Tanya Chaudhry, Adv.

Mr. Rakesh K. Sharma, AOR

Mr. V. Giri, Sr. Adv.
Mr. Ramesh Babu M. R., AOR

Mr. Sunil Gupta, Sr. Adv.
Mr. Romy Chacko, AOR
Mr. Subham Singh, Adv.
Mr. Varun Mudgal, Adv.
Mr. Sakti Chand Jaidwal, Adv.

Mr. Salman Khurshid, Sr. Adv.
Mr. S.G. Hasnain, Sr. Adv.
Mr. S.P. Singh, Sr. Adv.
Ms. Preetika Dwivedi, AOR
Ms. Radhika Dwivedi, Adv.
Mr. P.V. Singh, Adv.
Mr. Mohd. Zahid Hussain, Adv.
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Mr. D.N. Dubey, Adv.
Ms. Asha Gopalan Nair, AOR
Ms. Nivedita Nari, Adv.
Mr. Pitamber Dutt Nautiyal, Adv.

Mr. V. Giri, Sr. Adv.
Mr. Yogesh Raavi, Adv.
Mr. Vijay Kumar, AOR

For Respondent(s) Mr. Subramonium Prasad, Sr. Adv.
Mr. M. Yogesh Kanna, AOR
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Mrs. Maha Lakshmi, Adv.
Mr. Pratap Sarathi, Adv.

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Ms. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.
Ms. Vara Gaur, Adv.

Mr. R. Balasubramanian, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Sunil Fernandes, AOR
Ms. Astha Sharma, Adv.
Mr. Mithu Jain, Adv.
Mr. Arnav Vidyarthi, Adv.
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Mr. S.R. Singh, Sr. Adv.
Mr. A.K. Prasad, Adv.
Mr. Abhishth Kumar, AOR

Mr. Jagjit Singh Chhabra, AOR

Mr. Sanchar Anand, AAG
Mr. Apoorv Singhal, Adv.
Mr. Anant K. Vatsya, Adv.
Mr. Devendra Singh, AOR

Mr. Govind Goel, Adv.
Mr. Ankit Goel, Adv.
Mr. Shrey Dambhare, Adv.
Mr. Alok Kumar Dwivedi, Adv.
Lex Apex

Mr. S. Udaya Kumar Sagar, AOR
Mr. Mrityunjai Singh, Adv.

Mr. Gaurav Dhingra, AOR

Mr. C.K. Sasi, Adv.

Mr. Pankaj Pandey, Adv.

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

W.P.(C) Nos.267 & 292 of 2017

Issue notice.

As the respondents are represented before us, no further notice need be issued.

Heard Mr. V. Giri, learned senior counsel along with Mr. K. Parameswar, learned counsel for the petitioner in W.P. (C) No.292 of 2017 and Mr. Yogesh Raavi, learned counsel in W.P.(C) No.267 of 2017, Mr. Ajit Kumar Sinha, learned senior counsel for the Union of India and Mr. Gaurav Sharma, learned counsel for the Medical Council of India on the prayer for interim relief.

Having heard learned counsel for the parties and keeping in view our earlier order passed in W.P.(C) No.270 of 2017 on 27th March, 2017, it is directed as under:-

(a) The concerned States which have been arrayed as respondents herein, shall carry out the counseling and the authorized representatives of the colleges who are the petitioners herein, shall remain present at the time of counseling.

(b) When the counseling commences, the authorized representatives who have been directed to remain personally present, may assist the counseling authorities for allocation of students to their colleges from amongst the minorities on the basis of their merits.

(c) The decision taken in the counseling committee shall be implemented by the colleges so that harmony is maintained.

(d) The representatives of the colleges shall identify the status of minority, but what will ultimately prevail is that the candidate belonging to minority candidate must fit into the compartment of merits. To clarify, if a student is meritorious and belongs to the minority community, he shall have priority in admission.

(e) The 70% of the seats shall be filled up from amongst the minority students and balance shall be filled up by the general category. In case, there are inadequate students meeting the criteria, that is, minority status and merit, then the same shall be filled up on consent from other categories.

The aforesaid order covers filling up of posts in the post graduate courses. As there is dual prayer in these writ petitions, which also relate to under graduate courses, let the writ petitions be listed on 4th May, 2017, only for the said relief.

W.P. (C) Nos.227/2017 & 270/2017

Let a copy of the petitions be served on Mr. C.K. Sasi, learned Standing Counsel for the State of Kerala.

List the matter on 4th May, 2017.

The Registry is directed to reflect the name of Mr. C.K. Sasi in the Cause List on the next date of hearing.

W.P. (C) Nos.258/2017, S.L.P. (C) Nos.31037-31038/2016, 31427/2016 & 30336/2016

Let these matters be listed on 4th May, 2017.

W.P. (C) Nos.261/2017, 171/2017 & 102/2017

Let these matters be listed on 13th September, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master