

ITEM NO.64+59

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(s) (Civil) No(s). 267/2017

DAR-US-SLAM EDUCATIONAL TRUST AND ORS

Petitioner(s)

VERSUS

MEDICAL COUNCIL OF INDIA AND ORS

Respondent(s)

(with appln. (s) for ex-parte stay and office report)

WITH

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

(With appln.(s) for ex-parte stay and office report)

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

(With appln.(s) for ex-parte stay and office report)

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

(With appln.(s) for ex-parte stay and office report)

S.L.P. (C) No. 31037-31038/2017

(With appln.(s) for exemption from filing O.T. and Stay/Direction and Interim relief and office report)

S.L.P. (C) No. 31427/2017

(With appln.(s) for exemption from filing C/C of the impugned judgment and exemption from filing O.T. and Interim relief and office report)

S.L.P. (C) No. 30336/2017

(With Interim relief and office report)

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

(With appln.(s) for ex-parte stay and office report)

W.P. (C) No.345/2017

(With appln.(s) for directions and ex-parte stay and permission to file synopsis and list of dates and office report)

Date : 09/05/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Dr. Rajeev Dhawan, Sr. Adv.  
Mr. Romy Chacko, Adv.  
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Mr. Varun Mudgal, Adv.  
Mr. S.c. Jaidwal, Adv.  
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Mr. Yogesh Raavi, Adv.  
Mr. Vijay Kumar, Adv.

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 Mr. Ramesh babu M.R., AOR  
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For Respondent(s) Mr. S. Udaya Kumar Sagar, AOR  
 Mr. Mrityunjai Singh, Adv.

Mr. Vikas Singh, Sr. Adv.  
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 Ms. Amandeep Kaur, Adv.  
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 Ms. Vara Gaur, Adv.  
 Mr. Dhawal Mohan, Adv.  
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Mr. ANS Nadkarni, ASG  
 Mr. A.K. Panda, Sr. Adv.  
 Ms. Swarupama Chaturvedi, Adv.  
 Mr. Vipin Kumar, Adv.  
 Mr. G.S. Makker, Adv.

Mr. D.N. Dubey, Adv.  
 Ms. Asha G. nair, Adv.

Mr. Jaideep Gupta, Sr. Adv.  
 Mr. G. Prakash, Adv.  
 Mr. Jishnu M.L., Adv.  
 Ms. Priyanka Prakash, Adv.  
 Ms. Beena Prakash, Adv.  
 Mr. Manu Srinath, Adv.

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

WP (C) Nos.267, 292, 270, 227and 258 of 2017 and SLP (C)  
 Nos.31037-31038, 31427 and 30336 of 2016

Issue notice.

As the respondents have been represented by the respective counsel, no further notice need be issued.

Having heard learned counsel for the parties, as an interim measure, the following directions are issued :

1. Common Counselling for admission to All India Quota seats in Government Medical Colleges shall be conducted by the DGHS.

The counselling conducted by DGHS will also include Deemed Universities as they have an All India character. The Deemed Universities mentioned above shall also include Deemed Universities run by religious and linguistic minorities.

2. Common Counselling for State Quota seats in Government as well as Private Medical Colleges including colleges/institutions run by religious and linguistic minorities affiliated to State Universities shall be conducted by the State Government or the authority designated by the State Government. The notification issued by the State Government intimating the students about the Common Counselling must specify that at the time of counselling the students belonging to minority community will be required to furnish the necessary proof regarding their minority status and submit in writing about their willingness to take admission in the concerned minority college/institution.
3. As per the judgment of this Hon'ble Court in the case of Ashish Ranjan vs. Union of India & Ors. [(2016) 11 SCC 225], there shall be only two rounds of common counselling each conducted by the DGHS/State Government or authority designated by the State Government for All India Quota (including Deemed University) and State Quota seats respectively.
4. After the second round of counselling for All India Quota seats, the students who take admission in All India Quota seats should not be allowed/permitted to vacate the seats. This would ensure that very few seats are reverted to the State Quota and also All India Quota seats are filled by students from the all India merit list only. The students who take admission and secure admission in Deemed Universities pursuant to the second round of counselling conducted by the DGHS shall not be eligible to participate in any other counselling.
5. The notification to be issued by the DGHS and the State

Government notifying Common Counselling should also provide the fee structure of Deemed Universities and Private Medical Colleges. The DGHS/ State Government should also obtain the consent of the students regarding their willingness to pay the fees provided in the notification and take admission in the Deemed Universities and Private Medical Colleges.

6. The students who secure admission in MBBS course pursuant to the Common Counselling conducted by the State Government, at the time of common counselling itself, should be made to deposit with the admission/counselling committee the Demand Draft towards the fees payable to the institution College/ University. The admission/counselling committee shall forthwith forward the Demand Draft to the respective Institution/Colleges/University. The necessity for including the above-mentioned requirement has arisen as it has been time and again noticed that when students report to the college after the counselling they are refused admission by the colleges on some pretext or the other and it is shown by the college as if the student never reported to the college for admission. If the Demand Draft is deposited by the admission/counselling committee then there would be no scope for colleges to refuse admission to any student.
7. In order to ascertain the number of seats that still remain vacant after the counselling the State Government or the authority designated by the State Government shall conduct manual counselling for allotment of students. After the completion counseling, the State Government shall determine the number of seats that are still vacant and thereafter shall forward a list of students in order of merit, equaling to ten times the number of vacant seats to the medical college so that in case of any stray vacancy arising in any college the said seat may be filled up from the said list.
8. In the applications submitted by the students belonging to the

minority community they should confirm their minority status as well as the fact that they fulfill other conditions which may be prescribed by the minority institutions. Accordingly, the DGHS as well as the State Government shall prepare a separate list of minority students seeking admissions in the respective minority institutions in order of merit. The competent authorities of the College present during counselling shall check/verify the minority status of the candidate. This arrangement is only meant for the State Quota.

9. During the common counselling conducted by the State Government, the representatives of the medical colleges particularly representative of minority institutions should be a part of the admission/counselling committee as the case may be.
10. Common counselling conducted by the DGHS/State Government will not in any manner affect the rights of minority institutions to admit students of their respective minority community. The minority quota seats, if any, in institutions run by minorities will be filled up by minority students only. Therefore, the rights of minority institutions are fully protected.

Needless to say this arrangement will not apply to the States of Andhra Pradesh, Telangana and Jammun & Kashmir. As far as the other States are concerned, needless to say, this arrangement shall apply to all the colleges unless this Court has passed any different or separate order.

Let the matter be listed on 13.9.2017.

WP (C) No. 345 of 2017

Let the matter be listed on 13.9.2017.

The directions issued in Writ Petition (Civil) NO. 267 of 2017

shall apply on all fours to this case.

Needless to say, all the contentions are kept open.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master