

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

INTERLOCUTORY APPLICATION NO.2

(For directions)

IN

TRANSFER CASE (C) NO(S).7 OF 2013

ASSOCIATION OF MANagements OF UNAIDED
PVT. MEDICAL & DENTAL COLLEGE & ANR. ... PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

&

INTERLOCUTORY APPLICATION NO.3

(For directions)

IN

TRANSFER CASE (C) NO(S).58 OF 2013

P.A. INAMDAR & ORS. ... PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

&

INTERLOCUTORY APPLICATION NOS.4-6

(For directions)

IN

TRANSFER CASE (C) NO(S).132-134 OF 2012

KARNATAKA PVT. MEDICAL DENTAL COLLEGE
& ANR. ... PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

&

INTERLOCUTORY APPLICATION NO.10

(For impladment)

IN

TRANSFER CASE (C) NO(S).98 OF 2012

CHRISTIAN MEDICAL COLLEGE VELLORE & ORS. ... PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

&

INTERLOCUTORY APPLICATION NO.2
(For stay)
IN
TRANSFER CASE (C) NO(S).99 OF 2012

CHRISTIAN MEDICAL COLLEGE VELLORE ASSO. ... PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

&
WRIT PETITION (C) NO.275 OF 2016

SWAMI RAMA HIMALAYAN UNIVERSITY ... PETITIONER(S)

VERSUS

UNION OF INDIA & ANR. ... RESPONDENT(S)

&
INTERLOCUTORY APPLICATION NO.1
(For stay)
IN
TRANSFER CASE (C) NO(S).11 OF 2013

DATTA MEGHE INSTITUTE OF MEDICAL
SCIENCES & ORS. ... PETITIONER(S)

VERSUS

THE UNION OF INDIA & ORS. ... RESPONDENT(S)

&
INTERLOCUTORY APPLICATION NOS.2 TO 30
(For impleadment, modification of Court's order
intervention and directions)
IN
WRIT PETITION (C) NO.261 OF 2016

SANKALP CHARITABLE TRUST & ANR.PETITIONER(S)

Vs.

UNION OF INDIA & ORS.RESPONDENT(S)

&
WRIT PETITION (C) NO.292 OF 2016

KOMAL TAPASVI THROUGH HER GUARDIAN & ORS. ... PETITIONER(S)

VERSUS

MEDICAL COUNCIL OF INDIA & ANR. ... RESPONDENT(S)

&

WRIT PETITION (C) NO.293 OF 2016

MIHIR ABHIJIT PATHAK & ORS. THROUGH
HIS GUARDIAN ... PETITIONER(S)

VERSUS

MEDICAL COUNCIL OF INDIA & ANR. ... RESPONDENT(S)

O R D E R

These applications have been filed by the private medical colleges and also by some of the States seeking modification of order dated 28th April, 2016 in W.P. (C)No.261 of 2016.

The Medical Council of India (MCI) and the Dental Council of India (DCI) issued notifications dated 21st December, 2010, amending the existing statutory regulations to provide for a single National Eligibility-cum-Entrance Test (NEET) for admission to the MBBS/BDS course.

The said notifications were struck down in Christian Medical College, Vellore Vs. Union of India, 2014 (2) SCC 305.

The said judgment stands recalled vide order dated 11th April, 2016 in Review Petition (C) Nos.2159-2268 of 2013.

On 28th April, 2016, in W.P. (C)No.261/2016 a statement

was made by the learned counsel for MCI, CBSE and Union of India that for the academic year 2016-17, NEET would be held.

We have heard the learned counsel for the parties.

In recent Constitution Bench judgment dated 2nd May, 2016, in Modern Dental College & Ors. Vs. State of M.P. & Ors. in Civil Appeal No.4060 of 2009 etc., the stand of the private medical colleges (including minorities) that conducting of entrance test by the State violated right of autonomy of the said colleges, has been rejected. The State law providing for conducting of entrance test was upheld, rejecting the contention that the State had no legislative competence on the subject. At the same time, it was held that the admission involved two aspects. First, the adoption of setting up of minimum standards of education and coordination of such standards which aspect was covered exclusively by Entry 66 of List I. The second aspect is with regard to implementation of the said standards which was covered by Entry 25 of List III. On the said aspect, the State could also legislate. The two entries overlap to some extent and to that extent Entry 66 of List I prevailed over the subject covered by Entry 25.

Prima facie, we do not find any infirmity in the NEET regulation on the ground that it affects the rights of the States or the private institutions. Special provisions for reservation of any category are not subject matter of the NEET nor rights of minority are in any manner affected by

NEET. NEET only provides for conducting entrance test for eligibility for admission to the MBBS/BDS course.

We thus, do not find any merit in the applications seeking modification of order dated 28th April, 2016.

Only other contention relates to perceived hardship to the students who have either applied for NEET-I but could not appear or who appeared but could not prepare fully thinking that the preparation was to be only for 15% All India seats and there will be further opportunity to appear in other examinations. To allay any such apprehension, we direct that all such eligible candidates who could not appear in NEET-I and those who had appeared but have apprehension that they had not prepared well, be permitted to appear in NEET-II, subject to seeking an option from the said candidates to give up their candidature for NEET-I. It would be open to the respondents to reschedule the date of holding NEET-II, if necessary. To this extent the earlier orders stand modified.

We may also add here that to ensure total credibility of the examination to be held by the CBSE, the Oversight Committee appointed by this Court *vide* the aforesaid judgment dated 2nd May, 2016 shall also oversee the NEET-II examination to be conducted by the CBSE.

In view of the above, it is also clarified that only NEET would enable students to get admission to MBBS or BDS studies.

In view of the above order, all the applications and writ petitions seeking modification of order passed on 11th April, 2016, stand disposed of.

W.P.(C)261/2016 :

In view of the above order, W.P.(C)No.261/2016 also does not survive and that is also disposed of.

.....J.
[ANIL R. DAVE]

.....J.
[SHIVA KIRTI SINGH]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
9th May, 2016.

REVISED

ITEM NO.301-307

COURT NO.2

SECTION XVIA, X, PIL (W)

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

Item No.301 :

I.A.No.2 in Transfer Case (C) No(s).7/2013

ASSOCIATION OF MANagements OF UNAIDED PRIVATE
MEDICAL & DENTAL COLLEGE & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.
(For directions)

Respondent(s)

Item No.302 :

I.A.No.3 in TC(C)No.58/2013 - (For directions)

Item No.303 :

I.A.Nos.4-6 in TC(C)Nos.132-134/2012 - (For directions)

Item No.304 :

I.A.No.10 in TC(C)No.98/2012 - (For impleadment as party
respondent and office report)

WITH I.A.No.2 in TC(C)No.99/2012
WP(C)No.275/2016-(With office report)

Item No.305 :

I.A.No.1 in TC(C)No.11/2013

Item No.306 :

I.A.2 to 30 in WP(C)No.261/2016-(For impleadment, modification
of Court's order, intervention and directions and office report)

Item No.307 :

WP(C)No.292/2016
And WP(C)No.293/2016 - (With office report)

I.A.No.1/2016 in T.C.Nos.115-116/2012,
I.A.No.1/2016 in T.C.No.8/2013
I.A.No.1/2016 in T.C.Nos.4&5/2013
I.A.No.1/2016 in T.C.No.131/2012
I.A.No.1/2016 in T.C.No.59/2013
I.A.No.2/2016 in T.C.No.123-124/2012
I.A.No.2/2016 in T.C.Nos.117-118/2012
I.A.No.2/2016 in T.C.Nos.1&3/2013

I.A.No...../2016 in T.C.Nos.37&38/2013
I.A.No.1/2016 in W.P.(C)No.294/2016
I.A.No.1/2016 in W.P.(C)No.297/2016
I.A.No.1/2016 in W.P.(C)No.298/2016
I.A.Nos.31 to55 /2016 in W.P.(C)No.261/2016

Date : 09/05/2016 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

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Mr. Rakesh K. Sharma, Adv.
Ms. Shubharangini Iyengar, Adv.
Ms. Sangita Chauhan, Adv.

Mr. Arun Bharadwaj, Adv.
Mr. Jai Wadhwa, Adv.
Mr. Ronak Karan Gupta, Adv.
Mr. Sriram, Adv.
Mr. Vishwapal Singh, Adv.

Mr. Srilok Nath Rath, Adv.
Mr. Kulbir Singh Malik, Adv.
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Ms. Rekha Giri, Adv.
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Mr. Charudatta Mahindrakar, Adv.

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Mr. Rauf Rahim,Adv.

Mr. Rajiv Kr. Jha,Adv.

Mr. P. Das,Adv.

Mr. Amit Kumar,Adv.

Mr. Rekha Bakshi,Adv.

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Mr. Shaurya Sahay,Adv.

Mr. Manish,Adv.

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Ms. Mithu Jain,Adv.

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Mr. O.P. Shukla,Adv.

Mr. Abdhesh Chaudhary,Adv.

Mr. Alok Shukla,Adv.

Mr. Ajay Choudhary,Adv.

Mr. Amit Sharma,Adv.

Mr. Amit Anand Tiwari,Adv.

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Mr. N.K. Mishra,Adv.

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Mr. R.K.S. Yadav,Adv.

Mr. Chimony Khaladkar,Adv.

Mr. Amol Chitale,Adv.

Ms. Pragya Baghel,Adv.

Mr. G.S. Mani,Adv.

Mr. A. Arockiaraj,Adv.

Mr. R. Sathish,Adv.

Mr. D.N. Ray,Adv.

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Ms. Sumita Ray,Adv.

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Mr. Parijat Sinha,Adv.

Mr. Joydeep Mazumdar,Adv.

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Mr. Ravindra K. Adsure,Adv.

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Ms. Sushma Suri,Adv.
Ms. Pragati Neekhara,Adv.
Mr. R. Chandrachud,Adv.
Ms. Vaijyanthi Girish,Adv.
Ms. Astha Tyagi,Adv.
M/s. Lawyer's Knit & Co.,Advs.
Mr. Nirnimesh Dubey,Adv.
Mr. N.R. Katneshwarkar,Adv.
Mr. Prashant Bhushan,Adv.
Mr. Sudhanshu S. Choudhari,Adv.
Mr. Vikash Singh,Adv.
Mr. Ram Kishor Singh Yadav,Adv.

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

Taken on board.

All the applications and writ petitions seeking modification of order passed on 11th April, 2016, and WP(C)No.261/2016 stand disposed of in terms of signed reportable order.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

(Signed Reportable order is placed on the file)

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We may also add here that to ensure total credibility of the examination to be held by the CBSE, the Oversight Committee appointed by this Court *vide* the aforesaid judgment dated 2nd May, 2016 shall also oversee the NEET-II examination to be conducted by the CBSE.

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W.P.(C)261/2016 :

In view of the above order, W.P.(C)No.261/2016 also does not survive and that is also disposed of.

.....J.
[ANIL R. DAVE]

.....J.
[SHIVA KIRTI SINGH]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
9th May, 2016.

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

Item No.301 :

I.A.No.2 in Transfer Case (C) No(s).7/2013

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Date : 09/05/2016 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

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Ms. Rekha Pandey,Adv.
Mr. R.K. Rathore,Adv.
Mr. M.P. Gupta,Adv.
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Ms. Binu Tamta,Adv.
Mr. S.S. Rawat,Adv.
Mr. R.R. Rajesh,Adv.
Mr. Prabal Bagchi,Adv.
Mr. Akash Jindal,Adv.
Mr. Rishabh Jain,Adv.
For Mr. D.S. Mahra,Adv.

Mr. Tushar Mehta,ASG
Ms. H. Wahi,Adv.

MCI

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Mr. Gaurav Sharma,Adv.
Ms. Amandeep Kaur,Adv.
Mr. Prateek Bhatia,Adv.
Mr. Dhawal Mohan,Adv.
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Mr. V. Balaji,Adv.
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Mr. Atul Sharma,Adv.

Mr. C. Kannan, Adv.
Ms. Sripradha Krishnan, Adv.

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Mr. V. Giri, Sr. Adv.
Mr. S. Prasad, Sr. Adv.
Mr. B. Balaji, Adv.

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Mr. G. Pramod Kumar, Adv.
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Mr. K.K. Venugopal, Sr. Adv.
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Mr. E.R. Kumar, Adv.
Mr. Krishna Srinivasan, Adv.
Ms. Geethi A., Adv.
Mr. Abhinay, Adv.
Ms. S. Lakshmi Iyer, Adv.
For M/s. Parekh & Co., Adv.

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Shashank Manish, Adv.
Mr. Himanshu Satija, Adv.
Mr. E.C. Agrawala, Adv.
Mr. Prateek Chadha, Adv.
Mr. Ankur Kashyap, Adv.
Mr. Raghav Chadha, Adv.
Mr. Zulnoor Ali Ahmad, Adv.

Mr. Basava Prabhu Patil, Sr. Adv.
Mr. G. Prabhakar, Adv.
Ms. Prerna Singh, Adv.

Mr. V. Giri, Sr. Adv.
Ms. Liz Mathew, Adv.

Mr. Jayant Bhushan, Sr. Adv.
Ms. Krishna Sarma, Adv.
Mr. Avijit roy, Adv.
Mr. Navnit Kumar, Adv.
Ms. Deepika, Adv.
For M/s. Corporate Law Group, Adv.

Dr. Rajeev Dhawan, Sr. Adv.
Mr. Naveen R. Nath, Adv.

Dr. Rajeev Dhawan, Sr. Adv.
Mr. Ranjit B Raut, Adv.
Ms. Bina Gupta, Adv.

Mr. H.P. Raval, Sr Adv.
Mr. J. Ramachandra Rao, AAG
Mr. P.V. Reddy, Adv.
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For M/s. Venkat Palwai Law Ass., Adv.

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Mr. Venkitasubramoniam T.R., Adv.
Ms. Sripradha Krishnan, Adv.

Mr. Ravindra Srivastava, Sr. Adv.
Mr. V. Balaji, Adv.
Mr. Prasanth P., Adv.
Ms. Sripradha Krishnan, Adv.
Mr. C. Kannan, Adv.

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Yunus Malik, Adv.
Mr. Ekansh Agarwal, Adv.
Ms. Rajeeta Raj, Adv.
Mr. Sanjeev Agarwal, Adv.

Mr. S. Ganesh, Sr. Adv.
Mr. V.G. Pragasam, Adv.
Mr. S.P. Ramasubramanian, Adv.
Mr. Seshachari, Adv.

Dr. K.P. Kylasanatha Pillay, Sr. Adv.
Mr. T.V. Lakshmanan, Adv.
Mr. V.S. Lakshmi, Adv.
Mr. A. Venayagam Balan, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Amol Chitale, Adv.
Mr. G.B. Sathe, Adv.

Mr. J.C. Gupta, Sr. Adv.
Mr. K.P. Narayanan, Adv.
Mr. K. Mayil Samy, Adv.
Mr. Ananda Selvam, Adv.
For Mr. P. Somasundaram, Adv.

Mr. A. Mariarputham, AG (State of Sikkim)
Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Ms. Anuradha Arputham, Adv.

For M/s. Arputham Aruna & Co., Advs.

Mr. Mukul Talwar, Sr. Adv.
Ms. Anita Sahani, Adv.
Mr. Purnima Bhat, Adv.

Mr. Madhusudan Naik, AG (State of Kar.)
Ms. Anitha Shenoy, Adv.
Ms. Nishruti Vijay, Adv.

Mr. A.N.S. Nadkarni, AG (State of Goa)
Mr. S. Bhatnagar, Adv.
Mr. Anshumani Srivastava, Adv.
Mr. S.S. Rebello, Adv.
Mr. Jai Dehadrai, Adv.
Mr. Amogh Prabhudesai, Adv.

Mr. Vikramjeet Bonerjee, AG (State of Nagaland)
Mr. Edward Belho, Adv.
Ms. K. Enatoli Sema, Adv.
Mr. K.L. Mechael, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. Elix Gangomei, Adv.

Mr. A. Ramesh, Adv.
Mr. Syed Ahmad Naqvi, Adv.
Ms. Shilpi Gupta, Adv.

Mr. Rakesh K. Sharma, Adv.
Ms. Shubharangini Iyengar, Adv.
Ms. Sangita Chauhan, Adv.

Mr. Arun Bharadwaj, Adv.
Mr. Jai Wadhwa, Adv.
Mr. Ronak Karan Gupta, Adv.
Mr. Sriram, Adv.
Mr. Vishwapal Singh, Adv.

Mr. Srilok Nath Rath, Adv.
Mr. Kulbir Singh Malik, Adv.
Mr. J.M. Wadhwa, Adv.
Dr. Sushil Balwada, Adv.

Mr. R.K. Kapoor, Adv.
Ms. Shweta Kapoor, Adv.
Ms. Kheyali Sarkar, Adv.
Ms. Rekha Giri, Adv.
Mr. Anis Ahmed Khan, Adv.

Mr. A.P. Mayee, Adv.
Mr. Charudatta Mahindrakar, Adv.
Mr. A. Selvin Raja, Adv.

Mr. Rauf Rahim,Adv.
Mr. Rajiv Kr. Jha,Adv.
Mr. P. Das,Adv.

Mr. Amit Kumar,Adv.
Mr. Rekha Bakshi,Adv.
Mr. Avijit Mani Tripathi,Adv.
Mr. Shaurya Sahay,Adv.
Mr. Manish,Adv.

Mr. Sunil Fernandes,Adv.
Ms. Astha Sharma,Adv.
Mr. Puneeth K.G.,Adv.
Ms. Mithu Jain,Adv.

Mr. K.K. Trivedi,Adv.
Mr. Rabin Majumdar,Adv.

Mr. O.P. Shukla,Adv.
Mr. Abdhesh Chaudhary,Adv.
Mr. Alok Shukla,Adv.

Mr. Ajay Choudhary,Adv.
Mr. Amit Sharma,Adv.

Mr. Amit Anand Tiwari,Adv.

Mr. Sandeep R. Limbani,Adv.
Mr. N.K. Mishra,Adv.
Dr. Ajay Kumar,Adv.
Mr. R.K.S. Yadav,Adv.

Mr. Chimony Khaladkar,Adv.
Mr. Amol Chitale,Adv.
Ms. Pragya Baghel,Adv.

Mr. G.S. Mani,Adv.
Mr. A. Arockiaraj,Adv.
Mr. R. Sathish,Adv.

Mr. D.N. Ray,Adv.
Mr. Lokesh K. Choudhary,Adv.
Ms. Sumita Ray,Adv.

Mr. Mrinal Kanti Mandal,Adv.
Mr. Parijat Sinha,Adv.
Mr. Joydeep Mazumdar,Adv.
Mr. Rohit Dutta,Adv.
Ms. Reshmi Rea Sinha,Adv.

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

Taken on board.

All the applications and writ petitions seeking modification of order passed on 11th April, 2016, and WP(C)No.261/2016 stand disposed of in terms of signed reportable order.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

(Signed Reportable order is placed on the file)

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

I.A.NOS.2 to 30 in Writ Petition (C) No(s).261/2016

SANKALP CHARITABLE TRUST AND ANR. Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. Respondent(s)
(For impleadment and modification of Court's order and
intervention and directions and clarification/modification
of Court's order and office report)

Date : 06/05/2016 These applications were called on for
hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s)/Applicant(s)

Mr. Amit Kumar,Adv.
Mr. Avijit,Adv.
Mr. Shorya,Adv.
Mr. Preethipal,Adv.
Mr. Manish,Adv.

Mr. Tushar Mehta,ASG
Ms. Hemantika Wahi,Adv.

IA's 4,5,6 & 6

Mr. D.N. Ray,Adv.
Mr. Lokesh K. Choudhary,Adv.
Ms. Sumita Ray,Adv.

IA's 9 & 10

Mr. Nishant R. Katneshwarkar,Adv.

IA's 11-12

Mr. A.N.S. Nadkarni,Adv.Gen.
Mr. D. Lawande,Adv.
Mr. Siddharth Bhatnagar,Adv.
Mr. Anshuman Srivastava,Adv.

IA's 17 & 18

Mr. D.N. Ray,Adv.
Mr. Sumita Ray,Adv.

Signature Not Verified
Digitally signed by
SARITA PUROHIT
Date: 2016.05.06
16:40:47 IST
Reason: I A 19

Mr. K.K. Trivedi,Adv.
Mr. Robin Majumder,Adv.

IAAs 20-21 Mr. Sunil Fernandes, Adv.
Ms. Astha Sharma, Adv.
Mr. Puneeth K.G., Adv.
Ms. Mithu Jain, Adv.

IA 24 Mr. Rakesh Dwivedi, Sr. Adv.
Mr. B. Adinarayana Rao, Sr. Adv.
Ms. Surashi, Adv.
Ms. Sangita Agarwal, Adv.
Mr. Rakesh K. Sharma, Adv.

IAAs 25 & 26 Mr. Amit Anand Tiwari, Adv.

IA 27 & 28 Mr. Madhusudan R. Nayak, Adv. Gen.
Ms. Sumana B, Adv.
Ms. Anitha Shenoy, Adv.

IAAs 29 & 30 Mr. R.K. Adsure, Adv.

IAAs 31-32 Mr. V. Giri, Sr. Adv.
Ms. Liz Mathew, Adv.
Mr. Shiv Shankar Panicker, Adv.

IA 33 Mr. P.P. Rao, Sr. Adv.
Ms. Hemantika Wahi, Adv.
Mr. G. Pramod Kumar, Adv.

IA 34 Mr. M.S. Ganesh, Sr. Adv.
Mr. G.V. Pragasam, Adv.
Mr. Prabhu Ramasubramanian, Adv.
Mr. Seshachari, Adv.

IA 37 Mr. Gopal Subramaniam, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Shashank Manish, Adv.
Mr. Himanshu Satija, Adv.
Mr. Prateek Chadha, Adv.
Mr. Raghav Chadha, Adv.
Mr. E.C. Agrawala, Adv.

IA 38-39 Mr. Chinmay Khaldadkar, Adv.
Mr. Amol Chitale, Adv.
Ms. Pragya Baghel, Adv.

IA 40 Ms. Meenakshi Arora, Sr. Adv.
Mr. Om Prakash Shukla, Adv.
Mr. Abdesch Chaudhary, Adv.
Mr. Amit Jaiswal, Adv.
Mr. Alok Shukla, Adv.

IAAs 41 & 42 Mr. Gaurav Agrawal, Adv.

IA 43 Mr. Basava Prabhu Patil, Sr. Adv.
Mr. Guntur Prabhakar, Adv.
Ms. Prerna Singh, Adv.

IAs 44 & 45 Mr. Jayant Bhushan, Sr. Adv.
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Mr. Avijit Roy, Adv.
Mr. Navnit Kumar, Adv.
Ms. Deepika Ghatowar, Adv.
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Ms. Divya, Adv.
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Mr. Darpan K.M., Adv.

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Mr. K.P. Narayanan, Adv.
Mr. K. Mayil Samy, Adv.
Mr. G. Ananda Selvam, Adv.
Mr. Ram Sankar, Adv.
For Mr. P. Somasundaram, Adv.

Mr. S.U.K. Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Praseena Elizabeth Joseph, Adv.
Ms. Akanksha Mehra, Adv.
Mr. Mrityunjai Singh, Adv.
For M/s. Lawyer's Knit & Co., Adv.

Mr. Mrinal Kanti Mandal, Adv.
Mr. Debjyoti Bhattacharya, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. Parijat Sinha, Adv.

Mr. ANS Nadkarni, Adv. Gen.
Mr. Siddharth Bhatnagar, Adv.
Mr. Dattaparasad Lawande, Adv.
Mr. Anshuman Shrivastava, Adv.

For Respondent(s)

UOI Mr. Ranjit Kumar, SG
Ms. Pinky Anand, ASG

Ms. Rekha Pandey,Adv.
Mr. R.K. Rathore,Adv.
Mr. M.P. Gupta,Adv.
Mr. R.S. Nagar,Adv.
Ms. Binu Tamta,Adv.
Mr. S.S. Rawat,Adv.
Mr. R.R. Rajesh,Adv.
Mr. Prabal Bagchi,Adv.
Mr. Akash Jindal,Adv.
For Mr. D.S. Mahra,Adv.

MCI

Mr. Vikas Singh,Sr.Adv.
Mr. Gaurav Sharma,Adv.
Mr. Prateek Bhatia,Adv.
Mr. Dhawal Mohan,Adv.
Ms. Deepeika Kalia,Adv.
Mr. Kapish Seth,Adv.
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Mr. Tara Chandra Sharma,Adv.
Mr. Ajay Sharma,Adv.
Mr. Rupesh Kumar,Adv.
Mr. Rajeev Sharma,Adv.
Mr. Rishabh Jain,Adv.
Mr. Prabal Bagchi,Adv.
Mr. Akash Jindal,Adv.
Ms. Neelam Sharma,Adv.
Mr. Karan Seth,Adv.
Ms. Pankhuri Shrivastava,Adv.
Mr. Kaanan Gupta,Adv.

Ms. Pragya Baghel,Adv.
Mr. Nirnimesh Dube,Adv.
Mr. Prashant Bhushan,Adv.
Mr. Rabin Majumder,Adv.

Mr. Sudhanshu S. Choudhari,Adv.
Mr. Vikash Singh,Adv.
Ms. Liz Mathew,Adv.
Mr. Ram Kishor Singh Yadav,Adv.

Mr. Nirnimesh Dube,Adv.
Mr. Rabin Majumder,Adv.
Mr. Prashant Bhushan,Adv.
Mr. Sudhanshu S. Choudhari,Adv.
Mr. Vikash Singh,Adv.
Mr. Ram Kishor Singh Yadav,Adv.
Mr. Prasanth P.,Adv.
Mr. Ashwarya Sinha,Adv.
Mr. Venkita Subramoniam T.R.,Adv.
Mr. Debasis Misra,Adv.

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

In view of the request made by the learned Solicitor General, hearing is adjourned to 9th May, 2016. However, it is clarified that no examination shall be permitted to be held for admission to MBBS or BDS studies by any private college or association or any private/deemed university.

The issue with regard to those students, who had appeared or who are due to appear in examinations conducted by the States in accordance with their State laws, shall be decided after hearing the learned Solicitor General.

Those students who had appeared at NEET Phase-I shall not be permitted to appear at NEET Phase-II but the students who could not appear at NEET Phase-I may appear at NEET Phase-II.

List on 9th May, 2016, at 2.00 p.m.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

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

Writ Petition (C) No(s).261/2016

SANKALP CHARITABLE TRUST AND ANR.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

Date : 28/04/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE ADARSH KUMAR GOELFor Petitioner(s) Mr. Amit Kumar,Adv.
Mr. Avijit Mani Tripathi,Adv.
Ms. Rekha Bakshi,Adv.
Mr. shaurya Sahay,Adv.For Respondent(s) Ms. Pinky Anand,ASG
UOI Mr. Ajay Sharma,Adv.
Mr. M.P. Gupta,Adv.
Ms. Rekha Pandey,Adv.
Mr. R.S. Nagar,Adv.
Mr. R.K. Rathore,Adv.
For Mr. D.S. Mahra,Adv.CBSE Ms. Pinky Anand,ASG
Mr. Tara Chandra Sharma,Adv.
Ms. Neelam Sharma,Adv.
Mr. Rajeev Sharma,Adv.
Mr. Rupesh Kumar,Adv.
Mr. Ajay Sharma,Adv.
Mr. Prabal Bagchi,Adv.Mr. Vikas Singh,Sr.Adv.
Mr. Gaurav Sharma,Adv.
Mr. Dhawal Mohan,Adv.
Ms. Deepika Kalia,Adv.
Mr. Prateek Bhatia,Adv.
Ms. Vara Gaur,Adv.
Ms. Amandeep Kaur,Adv.
Mr. Kapeesh Seth,Adv.

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

Heard the learned counsel.

Order reserved.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.261 OF 2016

SANKALP CHARITABLE TRUST AND ANR. ... PETITIONER(S)

VS.

UNION OF INDIA AND ORS. ... RESPONDENT(S)

O R D E R

The following prayer has been made in this petition :

"a) Issue a Writ of Mandamus or any other writ, order or direction in the nature of Mandamus directing the Respondents to conduct the National Eligibility cum Entrance Test (NEET) for admission to MBBS Course throughout the country for academic session 2016-17;

(b) Issue or pass any writ, direction or order, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

When the matter was heard on 27th April, 2016, the following order was passed by this Court :

"Taken on board.

The learned counsel for the petitioner has assured this Court that he will remove the office objections by tomorrow. At his request, Respondent No.4 is deleted from the array of parties. All the three respondents are represented by their respective counsel and they have assured this Court that they are ready and willing to hold NEET examination for

admission to MBBS and BDS courses for the academic year 2016-17.

As the counsel representing CBSE would like to take necessary instructions, hearing is adjourned for tomorrow. Proposed schedule of the examination to be held, shall be submitted in the Court tomorrow.

The learned counsel shall also see that a responsible officer of the CBSE, who can take on the spot decision, remains present in the Court.

List the matter tomorrow, i.e., 28th April, 2016 at 12.00 p.m."

The matter has been thereafter heard today. It has been submitted by the learned counsel appearing for all the respondents that it is proposed to hold the examination in pursuance of Notifications dated 21st December, 2010 issued by the Medical Council of India and the Dental Council of India ('DCI' for short).

As per the said Notifications, a common entrance test, i.e., National Eligibility cum Entrance Test (NEET) shall be held.

It was further submitted, *interalia*, as follows :

"1. AIPMT 2016 to be held on 1st May, 2016 shall be phase I of NEET.

2. Phase II of NEET for the left out candidates shall be held on 24th July, 2016 by inviting applications with fee.

3. Combined result of both the Tests shall be declared on 17th August, 2016.

4. CBSE will provide All India Rank. Admitting Authorities will invite applications for Counselling and merit list shall be drawn based on All India Rank.

5. All associated with conduct of Exam including Central Govt., State Govt., institutions, Police etc. will extend all necessary support to CBSE and permit security

measures like use of electronic and communication devices Jammers etc. for timely and fair conduct of the NEET.

6. Any difficulty with regard to implementation of orders of this Court the stake holders may approach this Hon'ble Court."

The learned counsel have also given the details with regard to the time when the result would be declared and counselling would take place.

In view of the submissions made on behalf of the respondents, we record that NEET shall be held as stated by the respondents. We further clarify that notwithstanding any order passed by any Court earlier with regard to not holding NEET, this order shall operate. Therefore, no further order is required to be passed at this stage.

It may be mentioned here that some learned counsel representing those who are not parties to this petition have made submissions that in view of the judgment passed in Christian Medical College, Vellore & Ors. Vs. Union of India & Ors., reported in (2014) 2 SCC 305, it would not be proper to hold NEET and this order should not affect pending matters.

We do not agree with the first submission for the reason that the said judgment has already been recalled on 11th April, 2016 and therefore, the Notifications dated 21st December, 2010 are in operation as on today.

It may however be clarified that by this order hearing of the petitions which are pending before this Court will not be affected.

The petition be now listed in due course.

.....J.
[ANIL R. DAVE]

.....J.
[SHIVA KIRTI SINGH]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
28th April, 2016.

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

Writ Petition (C) No(s).261/2016

SANKALP CHARITABLE TRUST AND ANR.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

Date : 28/04/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE ADARSH KUMAR GOELFor Petitioner(s) Mr. Amit Kumar,Adv.
Mr. Avijit Mani Tripathi,Adv.
Ms. Rekha Bakshi,Adv.
Mr. shaurya Sahay,Adv.For Respondent(s) Ms. Pinky Anand,ASG
UOI Mr. Ajay Sharma,Adv.
Mr. M.P. Gupta,Adv.
Ms. Rekha Pandey,Adv.
Mr. R.S. Nagar,Adv.
Mr. R.K. Rathore,Adv.
For Mr. D.S. Mahra,Adv.CBSE Ms. Pinky Anand,ASG
Mr. Tara Chandra Sharma,Adv.
Ms. Neelam Sharma,Adv.
Mr. Rajeev Sharma,Adv.
Mr. Rupesh Kumar,Adv.
Mr. Ajay Sharma,Adv.
Mr. Prabal Bagchi,Adv.Mr. Vikas Singh,Sr.Adv.
Mr. Gaurav Sharma,Adv.
Mr. Dhawal Mohan,Adv.
Ms. Deepika Kalia,Adv.
Mr. Prateek Bhatia,Adv.
Ms. Vara Gaur,Adv.
Ms. Amandeep Kaur,Adv.
Mr. Kapeesh Seth,Adv.

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

Schedule given by the leaned Additional Solicitor General appearing on behalf of the CBSE is taken on record.

Certain directions have been passed in view of the reportable order and the petition be listed in due course.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

(Signed reportable order is placed on the file)

*Schedule afore-mentioned is attached with R/P.

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(s).261/2016

SANKALP CHARITABLE TRUST AND ANR.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

Date : 27/04/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE ADARSH KUMAR GOELFor Petitioner(s) Mr. Amit Kumar,Adv.
Mr. A. amesh,Adv.
Mr. Syed Ahmad Naqvi,Adv.
Ms. Shilpi Gupta,Adv.For Respondent(s) Mr. Vikas Singh,Sr.Adv.
Mr. Gaurav Sharma,Adv.
Ms. Amandeep Kaur,Adv.
Mr. Prateek Bhatia,Adv.
Mr. Dhawal,Adv.UOI Mr. R.K. Rathore,Adv.
Ms. Rekha Pandey,Adv.
Mr. M.P. Gupta,Adv.
Mr. R.S. Nagar,Adv.
Mr. R.R. Rajesh,Adv.
For Mr. D.S. Mahra,Adv.CBSE Mr. Tara Chandra Sharma,Adv.
Ms. Neelam Sharma,Adv.
Mr. Ajay Sharma,Adv.UPON hearing the counsel the Court made the following
O R D E R

Taken on board.

The learned counsel for the petitioner has assured this Court that he will remove the office objections by tomorrow. At his request, Respondent No.4 is deleted from the array of parties. All the three respondents are

represented by their respective counsel and they have assured this Court that they are ready and willing to hold NEET examination for admission to MBBS and BDS courses for the academic year 2016-17.

As the counsel representing CBSE would like to take necessary instructions, hearing is adjourned for tomorrow. Proposed schedule of the examination to be held, shall be submitted in the Court tomorrow.

The learned counsel shall also see that a responsible officer of the CBSE, who can take on the spot decision, remains present in the Court.

List the matter tomorrow, i.e., 28th April, 2016 at 12.00 p.m.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (C) NOS.2159-2268 OF 2013
AND
REVIEW PETITION (C) NOS.2048-2157 OF 2013
IN
TRANSFERRED CASE (C) NOS.98-105, 107-108,110-139,
142, 144-145 OF 2012 & 1-5, 7-25, 28-49, 53, 58-73,
75-76 & 107-108 OF 2013

MEDICAL COUNCIL OF INDIA ... PETITIONER(S)

VS.

CHRISTIAN MEDICAL COLLEGE VELLORE & ORS. ... RESPONDENT(S)

WITH

R.P. (C) NO.1956 OF 2013 IN T.C. (C) NO.101 OF 2012

O R D E R

These review petitions have been filed against the judgment of this Court dated 18th July, 2013 passed in Christian Medical College Vellore & Ors. Vs. Union of India & Ors. reported in (2014) 2 SCC 305. The review petitions were placed before a Three-Judge Bench and notices were issued on 23rd October, 2013 and thereafter, it was brought to the notice of the Bench that Civil Appeal No.4060/2009 and connected matters involving an identical issue, had been referred to a Five-Judge Bench. Accordingly, on 21st January, 2016, these review petitions were ordered to be heard by a Five-Judge Bench.

On 21st January, 2016, notice was ordered to be served through substituted service and in pursuance of the said order, necessary publication was made in two newspapers and proof thereof was filed on 15th February, 2016. Thereafter, we have heard the matters.

Civil Appeal No.4060/2009 and its connected matters have been heard and order has been reserved on 16th March, 2016.

We have heard the counsel on either side at great length and also considered the various judgments cited by them, which include judgments cited by the non-applicants on the scope of review in Kamlesh Verma vs. Mayawati and Others (2013) 8 SCC 320, Union of India vs. Namit Sharma (2013) 10 SCC 359 and Sheonandan Paswan vs. State of Bihar and others (1987) 1 SCC 288.

After giving our thoughtful and due consideration, we are of the view that the judgment delivered in Christian Medical College (supra) needs reconsideration. We do not propose to state reasons in detail at this stage so as to see that it may not prejudicially affect the hearing of the matters. For this purpose we have kept in mind the following observations appearing in the Constitution Bench judgment of this Court in Sheonandan Paswan (supra) as under:

".... If the Review Bench of the apex court were required to give reasons, the Review Bench would have to discuss the case fully and elaborately and expose what according to it constitutes an error in the reasoning of the Original Bench and this would inevitably result in pre-judgment of the case and prejudice its re-hearing. A reasoned order allowing a review petition and setting aside the order sought to be reviewed would, even before the re-hearing of the case, dictate the direction of the re-hearing and such direction, whether of binding or of persuasive value, would conceivably in most cases adversely affect the losing party at the re-hearing of the case. We are therefore of the view that the Review Bench in the present case could not be faulted for not giving reasons for allowing the Review Petition and directing re-hearing of the appeal. It is significant to note that all the three Judges of the Review Bench were unanimous in taking the view that "any decision of the facts and circumstances which ... constitutes errors apparent on the face of record and my reasons for the findings that these facts and circumstances constitute errors apparent on the face of record resulting in the success of the review petition, may have the possibility of prejudicing the appeal which as a result of my decision has to be re-heard...."

Suffice it is to mention that the majority view has not taken into consideration some binding precedents and more particularly, we find that there was no discussion among the members of the Bench before pronouncement of the judgment.

We, therefore, allow these review petitions and recall the judgment dated 18th July, 2013 and direct that the matters be heard afresh. The review petitions stand disposed of as allowed.

.....J.
[ANIL R. DAVE]

.....J.
[A.K. SIKRI]

.....J.
[R.K. AGRAWAL]

.....J.
[ADARSH KUMAR GOEL]

.....J.
[R.BANUMATHI]

New Delhi;
April 11, 2016.

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

R.P. (C)Nos.2159-2268 and 2048-2157 of 2013 in In T.C. (C)Nos.
98-105, 107-108, 110-139, 142, 144-145 of 2012 & 1-5, 7-25,
28-49, 53, 58-73, 75-76 & 107-108 of 2013

MEDICAL COUNCIL OF INDIA

Petitioner(s)

VERSUS

CHRISTIAN MEDICAL COLLEGE VELLORE & ORS

Respondent(s)

With R.P. (C)No.1956/2013 in T.C. (C)No.101/2012

Date : 11/04/2016 These petitions were called on for
pronouncement of orders today.

For Petitioner(s) Mr. Dhawal Mohan,Adv.
Mr. Prateek Bhatia,Adv.
Ms. Deepika Kalia,Adv.
For Mr. Gaurav Sharma,Adv.

For Respondent(s) Ms. Pinky Anand,ASG
Ms. Rekha Pandey,Adv.
Mr. Ajay Sharma,Adv.
Mr. Karan Seth,Adv.
Mr. Sanchit Kumar,Adv.
Mr. Ajay Kumar Singh,Adv.

Mr. Sharan Thakur,Adv.
Mr. Vijay Kumar Paradeshi,Adv.
For Mr. Ramesh Babu M.R.,Adv.

Mr. Sharan Thakur,Adv.
Mr. Vijay Kumar Paradeshi,Adv.
For Dr. Sushil Balwada,Adv.

Mr. C.S.N. Mohan Rao,Adv.
Mr. A. Ramesh,Adv.
Mr. Syed Ahmad Naqvi,Adv.
Mr. Lokesh Kumar Sharma,Adv.
Ms. Shilpi Gupta,Adv.

Mr. E.R. Kumar,Adv.
Mr. Abhinay,Adv.
Ms. S. Lakshmi Iyer,Adv.
For M/s. Parekh & Co.,Adv.

Mr. Ashwarya Sinha, Adv.
Ms. Bina Gupta, Adv.
Mr. Tara Chandra Sharma, Adv.
Mr. Nirnimesh Dube, Adv.
Mr. K.K. Mani, Adv.
Mr. Lakshmi Raman Singh, Adv.
Mr. P.N. Puri, Adv.
Mr. V.G. Pragasam, Adv.
Mr. Naveen R. Nath, Adv.
Mr. Ravindra Keshavrao Adsure, Adv.
Mr. Anil Kumar Mishra-I, Adv.
Mr. B. Balaji, Adv.

Hon'ble Mr. Justice Anil R. Dave pronounced the Reportable order of the Bench comprising His Lordship, Hon'ble Mr. Justice A.K. Sikri, Hon'ble Mr. Justice R.K. Agrawal, Hon'ble Mr. Justice Adarsh Kumar Goel and Hon'ble Mrs. Justice R. Banumathi.

The review petitions are disposed of as allowed in terms of signed reportable order. The judgment dated 18th July, 2013 is recalled and the matters are directed to be heard afresh.

Pending applications stand disposed of.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

(Signed reportable order is placed on the file)