

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO.16/2012

IN

CIVIL APPEAL NO(s). 1944 OF 1993

ANAND S.BIJI
(s)

Appellant

VERSUS

STATE OF KERALA & ORS

Respondent (s)

O R D E R

This is an Interlocutory Application filed on behalf of the Director General of Health Services, Government of India, with a prayer for modification of the Order passed by this Court on 22.04.1993.

Mr. Ashok Bhan, learned Senior Counsel along with other counsel appeared on behalf of the Applicant/Respondent. Dr. Sanjay Shrivastava, Assistant Director General (Medical Education), Directorate General of Health Services, Government of India, was also present before us.

Vide the aforesaid Order, this Court had approved the modifications as suggested by Director General of Health Services, Government of India and those suggestions i.e. paras 1 to 12, are incorporated in the said order.

The Committee has now gone into details of various aspects of All India Post-Graduate Medical/Dental Entrance Examination and examinations conducted by other Institutions of medical education, with regard to method of counseling. The relevant

finding recorded in this regard by the Expert Committee is reproduced hereinbelow:

"To handle counseling of large number of MBBS/BDS/PG Seats, online counseling is necessary. Online counseling is less time consuming. Large number of candidates and their parents will not be required to travel long distances to appear in counseling by personal appearance two/three times."

This suggestion has been given on account of modern technology available now in India which will be beneficial to the candidates also.

Since the number of seats available under All India quota in both Post-Graduate and Under-Graduate Courses, has increased over the period of time, it is not possible to complete counseling by personal appearance within prescribed time limit. The object for which modifications are sought by the Director General of Health Services, Government of India, are as under :

(1) Since the number of seats available under All India Quota, in both PG and UG courses have increased over the period of time, it is not possible to complete counseling by personal appearance with in prescribed time limit.

(2) Candidates, including Physically Challenged and girls students, and their parents are required to undertake long journey number of times (upto 6-8 times) within short period of time, causing financial and physical strain to them.

(3) At present there is provision of two rounds of counseling only with participation of relatively less number of candidates (1.4 times in PG and 2 times in UG, of number of available seats). The proposed scheme of online counseling (Online allotment process) provides three rounds of counseling with participation of larger number of

candidates. This will also ensure better utilization of All India Quota PG and UG seats and minimize wastage of All India Quota Seats.

(4) The expenditure on counseling will be almost nil for the candidates and much less for Government.

(5) The online counseling process will be faceless yet fully transparent and fair.

(6) The arrangement for online counseling process will be made by the National Informatics Centre (NIC), a Government of India agency which has rich/extensive experience of conducting online counseling for AIEEE for nearly one decade.

Since the modifications were sought with regard to an Order passed by this Court on 22.04.1993, we considered the matter at length and perused the record. We also found that no notices are required to be sent to any of the parties or the State Governments as the proposed modifications in the said order are only beneficial to the candidates appearing in the said examination. These candidates would not only be saving considerable time if Online Counseling is permitted but would be able to save money as well. It would also have a greater transparency in the whole process.

Thus, we modify the order passed by this Court on 22.04.1993. Therefore, condition Nos.1 to 12, cited in the said order, stand modified as under:

(1) The All India PG Entrance Examination will be conducted on second Sunday of January. The candidates will not be required to give any choices at the time of submission of the application forms.

(2) The results will be announced by the third week of February every year.

(3) A total of five times of number of seats available for allotment or all qualified candidates, whichever is less, will be given chance to participate in online counseling (allotment process).

(4) This year, the allotment of PG seats through online counseling (allotment) process will start from 1st May, 2012. In subsequent years the date mentioned in scheme i.e. 1st March will be followed.

(5) The details of online counseling will be published on website of Ministry of Health & Family Welfare, Govt. Of India (www.mohfw.nic.in).

(6) All candidates declared eligible to take part in online counseling will be able to participate in online process through Internet from anywhere (home/college etc.).

(7) The candidates shall have the right to choose from seats available for particular category viz UR/SC/ST/OBC/PH without restriction of giving number of choices of course and college, online. This will be called choice submission and choice locking. Seats for various categories will be identified by arranging available seats on roster points. Subject to availability of seat, candidate will be allotted seat and the allotment letter will be available to candidates online (on internet).

(8) Not applicable and hence deleted.

(9) Each candidate shall be given 10 days time to join the allotted college and course from the date of allotment of seat.

(10) Based on choice submitted by the candidate online, the allotment will be made subject to availability of seat/college and this allotment will be firm and final.

(11) The candidates who do not register for online allotment process during notified dates or who do not fill up choice online, for allotment or those who do not join the allotted course/college within stipulated time shall forfeit the claim for a seat under the All India quota Scheme.

(12) A total of three rounds of online allotment process will be conducted in 60 days and after three rounds of allotment process (online counseling) the seats remaining vacant shall be deemed to have been surrendered back to the respective States.

Thus, in the light of the aforesaid, we allow this Interlocutory Application in terms of the above.

Henceforth, the aforesaid modified conditions would come into effect forthwith for the candidates appearing in All India Post-Graduate Medical/Dental Entrance Examination.

.....J
[Deepak Verma]

.....J
[K. S. Radhakrishnan)

New Delhi;
March 23, 2012.

ITEM NO.49

COURT NO.10

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
I.A. NO.16

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ANAND S.BIJI

Appellant (s)

VERSUS

STATE OF KERALA & ORS

Respondent (s)

(With directions/modification and office report)

Date: 23/03/2012 This Application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Appellant(s) Mr. G. Prakash, Adv. (Not present)

For Applicant(s) Mr. Ashok Bhan, Sr. Adv.
Mrs. Rekha Pandey, Adv.
Mr. R. S. Nagar, Adv.
Mr. Y. P. Mahajan, Adv.
For Mr. D. S. Mahra, Adv.

For Respondent (s) present) Mr. Arvind Kumar Sharma, Adv. (Not present)
Ms. Malini Poduval, Adv. (Not present)
Mr. Ramesh Babu M.R, Adv. (Not present)
Mr. Himinder Lal, Adv. (Not present)

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

The Interlocutory Application is allowed in terms of the signed order.

(Sanjay Kumar-II)
Court Master

(S.S.R. Krishna)
Court Master

[Signed Order is placed on the file]