

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
IA 29/2013 in WRIT PETITION (CIVIL) NO(s). 306 OF 2004

MRIDUL DHAR (MINOR) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions)

Date: 04/07/2013 This IA was called on for mentioning today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE S.A. BOBDE

For the parties:

Mr. Amit Kumar, Adv.

Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sharma, Adv.  
Mr. Prashant Kumar, Adv.

Applicant in person

Mr. Sidharth Luthra, ASG  
Mr. Amit Kumar, Adv.  
Mr. A. Singhla, Adv.  
Ms. Meenakshi Grover, Adv.  
Ms. Sushma Suri, Adv.

Mr. D.S. Mahra, Adv.

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Mr. Rajesh Srivastava, Adv.

Mr. P.V. Yogeswaran, Adv.

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Mr. K.R. Sasiprabhu, Adv.

Mr. Gopal Singh, Adv.

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Mr. Vishwajit Singh, Adv.

Mr. Ashok Kumar Singh, Adv.

Mr. Ugra Shankar Prasad, Adv.

Mr. Abhishth Kumar, Adv.

Ms. Rachana Srivastava, Adv.

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Mr. E.M.S. Anam, Adv.

Mr. R. Sathish, Adv.

Mr. Ranjan Mukherjee, Adv.

Ms. Vibha Datta Makhija, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

Mr. Pradeep Misra, Adv.

Mr. P.V. Yogeswaran, Adv.

Ms. Pratibha Jain, Adv.

Mr. T.V. George, Adv.

Mr. Ashok Mathur, Adv.

Mr. T. Harish Kumar, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. Gopal Prasad, Adv.

Mr. Dharam Bir Raj Vohra, Adv.

Mr. Irshad Ahmad, Adv.

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

Heard Mr. Sidharth Luthra, learned senior counsel for the Union of India, Mr. Amit Kumar, learned counsel appearing for MCI and Mr. Tara Chand Sharma, learned counsel appearing for CBSE.

I.A. No. 29 is allowed in terms of prayer(a).

(DEEPAK MANSUKHANI)  
Court Master

(M.S. NEGI)  
Court Master

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. <sup>29</sup> OF 2013

IN

WRIT PETITION (CIVIL) NO. 306 OF 2004

IN THE MATTER OF:

Mridul Dhar (Minor) and another

...Petitioner

Versus

Union of India and others

...Respondents

AND IN THE MATTER OF:

Medical Council of India

Through its Secretary

Pocket - 14, Sector - 8

Dwarka

New Delhi - 110 077

...Applicant

WITH

I.A. NO. OF 2013

AN APPLICATION FOR DIRECTION

PAPER BOOK

(For index kindly see inside)

ADVOCATE FOR THE APPLICANT

AMIT KUMAR

*Peer 37-13  
Recd. com  
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IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
I.A. NO.        OF 2013  
IN  
WRIT PETITION (CIVIL) NO. 306 OF 2004

IN THE MATTER OF:

Mridul Dhar

...Petitioner

VERSUS

Union of India and others

...Respondents

AND IN THE MATTER OF

Medical Council of India  
Through its Secretary  
Pocket-14, Sector 8,  
Dwarka,  
New Delhi-110 077

...Applicants

APPLICATION FOR DIRECTION

TO

HON'BLE THE CHIEF JUSTICE OF INDIA AND  
HIS COMPANION JUDGES OF THE SUPREME  
COURT OF INDIA

THE HUMBLE APPLICATION ON BEHALF  
OF APPLICANT/RESPONDENT – MEDICAL  
COUNCIL OF INDIA

MOST RESPECTFULLY SHOWETH:

1. That the instant application is being filed by the Medical Council of India seeking modification of time Schedule for admission to M.B.B.S. course for academic year 2013-14.
2. That this Hon'ble Court vide its judgment dated 12.01.2005, laid down the time schedule, which is to be followed by the State Colleges, Institution and Private Colleges for admission in the Medical and Dental Courses. A copy of the judgment and order dated 12.01.2005 passed by this Hon'ble Court in the case of Mridul Dhar & Anr. Vs. Union of

Education, 1997 enacted with prior approval of Central Govt. by Medical Council of India under Section 33 of Indian Medical Council of India lays down the time schedule for holding counseling and admission to MBBS Course for All India quota, State Quota and private institutions. Regulation 7 (6) of Graduate Medical Education Regulation, 1997 provides that all authorities shall organize admission process in such a way that the classes commence from 1<sup>st</sup> August of each academic year. It has further been stipulated in the said regulation that the admission is to be completed by 30<sup>th</sup> September of each academic year. A copy of the Gazette notification dated 1<sup>st</sup> March, 2004 inserting the said clause and time schedule in Regulation of Graduate Medical Education, 1997 is annexed herewith and marked as ANNEXURE-A/2 (PAGE NO.31 TO 33).

4. That it is submitted that Medical Council of India amended both Graduate Medical Education Regulation, 1997 and Postgraduate Medical Education Regulation, 2000 whereby it introduced the provision of Single Eligibility cum entrance Test named as National Eligibility-Cum-Entrance Test (for short NEET) for admission to MBBS and Postgraduate medical courses from academic year 2013-14. Copies of Gazette Notification amending Graduate Medical Education



Regulation, 1997 dated 21.12.2010 and 15.2.2012 are annexed herewith and marked as **ANNEXURE-A/3 Colly (PAGE NO. 34 TO 41 )**.

5. That it is submitted that the constitutional validity of NEET Regulations came to be challenged in writ petitions all over India. This Hon'ble Court was pleased to transfer all such cases before this Hon'ble Court.
6. That it is submitted that this Hon'ble Court by way of interim order dated 13.12.2013 in T.C. (C) No. 101 of 2012 and connected matters permitted Medical Council of India, Dental Council of India as well as States and Universities and other institutions to conduct their respective examination for admission to MBBS, BDS and Postgraduate Medical Courses and this Hon'ble Court further directed Medical Council of India, Dental Council of India, States, Universities and other institutions not to declare result of the said examinations until further order. A copy of the order of this Hon'ble Court dated 13.12.2013 passed in T.C. (C) No. 101 of 2012 and connected matters is annexed herewith and marked as **ANNEXURE-A/4 (PAGE NO. 42 TO 53 )**.
7. That it is submitted that judgment in batch cases connected with T.C. (C) No. 98 of 2012 was reserved on 30<sup>th</sup> April, 2013.
8. That it is further submitted that on 13<sup>th</sup> May, 2013 this Hon'ble Court modified its earlier order dated 13<sup>th</sup> December, 2012 and allowed the publication of result of the

connected cases is annexed herewith and marked as

**ANNEXURE-A/5 (PAGE NO. 54 TO 76 )**.

9. That it is submitted that CBSE conducted NEET examination for admission to MBBS courses and pursuant to the order of this Hon'ble Court, result of the same was declared.
10. That it is submitted that on account of introduction common entrance test for admission to MBBS course, online counseling, delay in completion of admission process in postgraduate medical courses, introduction of third round of counseling and pendency of cases before this Hon'ble Court challenging the validity of the Regulation, admission to MBBS Course is not likely to be completed as per the time schedule stipulated in judgment of this Hon'ble Court and in the Regulation and therefore, the same requires modification. It is stipulated both in the judgment and Regulation that classes of MBBS course in each academic course shall commence from 1<sup>st</sup> of August. However, in view of the above factors, classes in MBBS course can commence from 12<sup>th</sup> of August, 2013.
11. That it is submitted that the Central Government having regard to the above factors has, vide its letter dated 24<sup>th</sup> June, 2013 to the Medical Council of India, proposed to

modify the time schedule for conducting counseling for admission to MBBS Course for All India and State quota. It is relevant to mention here that as per Regulation of Medical Council of India, the counseling period for admission to MBBS Course in private institutions is identical to the counseling schedule for admission to the medical colleges of State Government. A copy of the letter of Government of India dated 24.6.2013 to the Medical Council of India suggesting modified time schedule is enclosed herewith and marked as **ANNEXURE-A/6 (PAGE NO. 77 TO 78 )**.

12. That it is submitted that the modification of time schedule is necessitated on account of aforesaid circumstances and modification of time schedule would not cause prejudice to students but it would be in the interest of students as it would ensure that the seats in Medical College do not remain unfilled. Moreover, last date of admission to MBBS Course in Medical Colleges which is 30<sup>th</sup> September of each academic year has not been changed and therefore, there would not be any mid-session admission or academic schedule is going to be affected at all except minor delay of 12 days in commencement of classes for academic year 2013-13.
13. That it is submitted that this Hon'ble Court in the case of Priya Gupta Versus State of Chhattisgarh reported in 2012(7) SCC 433 has provided for initiation of contempt in case of violation of the time schedule. The relevant

paragraphs of the said judgment are quoted hereinunder for ready reference:

"**37.** What is of greater significance is that this Court has not so far considered or stated as a principle, what consequences should follow where the Central Government, or the State Government or the Medical Council of India or the college itself, with impunity, violate the time schedule, regulations and order of merit to give admission to students in an arbitrary and nepotistic manner. Also, we must consider what preventive steps can be taken to avoid such repetitive and intentional defaults, as well as undue exploitation of the class of students. Admissions based on favouritism necessarily breach the rule of merit on the one hand, while on the other, they create frustration in the minds of the students who have attained higher rank in the competitive entrance examinations, but have not been admitted. We propose to specifically address this concern in this judgment.

**47.1** Everybody, officers or authority who disobeys or avoids or fails to strictly comply with these directions stricto sensu shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out contempt proceedings before the High Court having jurisdiction over such institution/state, etc."

Therefore, permission of this Hon'ble Court is required for modifying the time schedule.

14. That it is submitted that the Medical Council of India has filed I.A. No. 27-28 in Writ Petition No. 306 of 2004 seeking permission to modify the time schedule for admission to postgraduate medical courses for academic year 2013-14.

The prayer in the said application was confined to modification of time schedule for admission to postgraduate medical courses only. A copy of the application along with letter of Medical Council of India dated 22.5.2013 to the Central Govt. are annexed herewith and marked as **ANNEXURE-A/7 (PAGE NO. 79 TO 86 )**.

15. That it is submitted that this Hon'ble Court was pleased to modify the time schedule for admissions to postgraduate medical courses vide order dated May 28<sup>th</sup>, 2013 permitting completion to admission process by 31<sup>st</sup> July, 2013. However, inadvertently, it came to be recorded in the order of this Hon'ble Court dated 28.5.2013 in I.A. No. 27-28 of 2013 that the modified time schedule will apply to MBBS also i.e. admission in MBBS is also required to be completed by 31<sup>st</sup> July, 2013. A copy of the order of this Hon'ble Court dated 28.5.2013 in I.A. No. 27-28 of 2013 is annexed herewith and marked as **ANNEXURE-A/8 (PAGE NO. 87 TO 89 )**.

16. That it is submitted that this Hon'ble Court in the case of Mridul Dhar (Supra) has mentioned that the last date of admission in MBBS course is 30<sup>th</sup> September of each academic year. Besides, Regulation of MCI also provides for different time schedule for admission to MBBS course i.e. 30<sup>th</sup> September of each academic year is last date for admission to MBBS course. Therefore, the order of this Hon'ble Court dated 28.5.2013 in I.A. No. 27-28 of 2013

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requires clarification to the extent that order of this Hon'ble Court dated 28.5.2013 in I.A. No. 27-28 is relating to admission to postgraduate medical courses only.

**PRAYER**

In view of facts stated above this Hon'ble Court may graciously be pleased to:

- (a) permit the applicant to modify the schedule for process of admission to MBBS course in All India quota and State quota/institution for academic year 2013-14 as per letter of Government of India dated 24.6.2013; *Page 78*
- (b) Pass such further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE RESPONDENT AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY

(AMIT KUMAR)  
ADVOCATE FOR THE APPLICANT

PLACE: NEW DELHI

DATED: 27<sup>th</sup> June, 2013

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
I.A. NO. OF 2013  
IN  
WRIT PETITION (CIVIL) NO. 306 OF 2004

IN THE MATTER OF:

Mridul Dhar .....Petitioner  
VERSUS  
Union of India and others ...Respondents

AND IN THE MATTER OF

Medical Council of India  
Through its Secretary  
Pocket-14, Sector 8,  
Dwarka, New Delhi-110 077 ...Applicant

AFFIDAVIT

I, Shikhar Ranjan, Law Officer, Medical Council of India, Pocket-14, Sector-8, Dwarka, New Delhi-110077, do hereby solemnly affirm and state as under:

1. That at present, I am working as Law Officer in the office of Medical Council of India and as such in my official capacity I am acquainted with the facts and circumstances of the present case and competent to swear this affidavit.
2. That I have read and understood the contents of accompanying application for direction and I state that the contents thereof are true and correct to the best of my knowledge.
3. That the annexures are true copies of their respective originals.
4. That no part of this affidavit is false and nothing material has been concealed there from.

DEPONENT

VERIFICATION:

I, the deponent above named do hereby verify that contents of the above affidavit are true to the best of my knowledge and based on the record, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 23<sup>rd</sup> day of May, 2013

DEPONENT



No. V.11017/1/2009-MEPI

भारत सरकार

स्वास्थ्य एवं परिवार कल्याण मं  
निर्माण भवन, नई दिल्ली - 11

Government of India

Ministry of Health & Family We  
Nirman Bhavan, New Delhi - 11TODAY

To

Ds UG

New Delhi, Dated the 24<sup>th</sup> June, 2013

The Secretary  
Medical Council of India  
Pocket-14, Sector-8, Dwarka  
New Delhi - 110 077

Sub: Amendment in Schedule for All India NEET-UG  
Counseling 2013 - Regarding.

Sir,

I am directed to refer to the above mentioned subject and to forward herewith a copy of Schedule for conducting the Counseling for the all India NEET-UG seats for the academic year 2013, duly approved by the Competent Authority for immediate appropriate action at your end.

2. It is further desired that wide publicity may also be given to the revised counseling schedule through print/electronic media and other possible means for general information.

Yours, faithfully,

(Dhruv Ghakravarty)

Under Secretary to the Government of India  
Tele: 011-2306 1120

Encl: As above

SECRETARY OFFICE

Diary No.....1134.....

Date.....25/6/13

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(Annexure to Letter No. V.11017/1/2009-MEP-I dated 24<sup>th</sup> June, 2013)**FINAL SCHEDULE FOR ALL INDIA QUOTA (NEET) UG COUNSELING 2013**

All India Quota (Online Counseling)				State Quota Counseling
S.No.	Event	Duration	Days	
1	Main Counseling Registration, Choice Filling & Indicative Seat	10 <sup>th</sup> to 15 <sup>th</sup> July 2013	6 days	1 <sup>st</sup> Round of Counseling to be over by 2 <sup>nd</sup> August 2013
2	Exercising of Choices and Locking	16 <sup>th</sup> and 17 <sup>th</sup> July 2013	2 days	
3	Process of Seat Allotment - Round 1	18 <sup>th</sup> and 19 <sup>th</sup> July 2013	2 days	
4	Round 1 Result Publish	20 <sup>th</sup> July 2013	-	
5	Reporting at the Allotted Medical /Dental College against 1 <sup>st</sup> Round	20 <sup>th</sup> to 29 <sup>th</sup> July 2013	10 days	Reporting at allotted Medical College - by 10 <sup>th</sup> August 2013
6	Process of Seat Allotment - Round 2	30 <sup>th</sup> and 31 <sup>st</sup> July 2013	2 days	2 <sup>nd</sup> Round of Counseling to be over by 12 <sup>th</sup> September 2013
7	Round 2 Result Publish	1 <sup>st</sup> August 2013	-	
8	Reporting at the Allotted Medical /Dental College against Round 2	1 <sup>st</sup> to 10 <sup>th</sup> August 2013	10 days	Reporting at allotted College by 20 <sup>th</sup> September 2013
9	Compilation and publication of net vacant seats	11 <sup>th</sup> to 12 August 2013	2 days	
10	Fresh Choice submission and locking for 3 <sup>rd</sup> round, by already registered candidates of the following categories: (a) Who were allotted seat in earlier round, joined and gave willingness to participate in third round (b) Who registered for counseling and not allotted any seat during 1 <sup>st</sup> and 2 <sup>nd</sup> round of counseling	13 <sup>th</sup> to 16 <sup>th</sup> August 2013	4 days	
11	Process of Seat Allotment - Round 3	17 <sup>th</sup> and 18 <sup>th</sup> August 2013	2 days	
12	Round 3 Result Publication	19 <sup>th</sup> August 2013	-	
13	Reporting at the Allotted Medical/ Dental College/ Institutions against Round 3	19 <sup>th</sup> to 29 <sup>th</sup> August 2013	11 days	
14	Transfer of vacant seats to State Quota	30 <sup>th</sup> August 2013		

Note.-

(i) Last date up to which students can be admitted against vacancies arising due to any reason is 30<sup>th</sup> September 2013(ii) Commencement of MBBS first year session - from 12<sup>th</sup> August 2013.