

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL/APPELLATE JURISDICTION

WRIT PETITION (CIVIL) NO. 469 OF 2014

HIND CHARITABLE TRUST SHEKHAR HOSPITAL
PVT. LTD.

PETITIONER(s)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(s)

WITH

W.P.(C) No. 700/2014
W.P.(C) No. 705/2014
W.P.(C) No. 706/2014
W.P.(C) No. 707/2014
SLP(C) No. 21765/2014
SLP(C) No. 22755/2014
SLP(C) No. 22756/2014
SLP(C) No. 22757/2014
SLP(C) No. 22758-22759/2014
SLP(C) No. 22974/2014
W.P.(C) No. 784/2014
SLP(C) No. 23512/2014
SLP(C) No. 23777/2014
W.P.(C) No. 757/2014
W.P.(C) No. 799/2014
SLP(C) No. 22785/2014
SLP(C) No. 23476/2014
SLP(C) No. 23547/2014
SLP(C) No. 24150-24151/2014
SLP(C) No. 24154/2014
T.P.(C) No. 1217/2014
SLP(C) No. 24665/2014
SLP(C) No. 24913/2014
W.P.(C) No. 819/2014
SLP(C) No. 24686/2014
SLP(C) No. 25763/2014

O R D E R

Heard the learned senior counsel appearing for both
the sides.

Looking at the peculiar facts and circumstances of
the case and, especially, when several seats for medical
admission are likely to remain vacant for the academic

year 2014-15, we are of the view that these matters require urgent consideration and we are giving these interim directions under the provisions of Article 142 of the Constitution of India.

There is one more reason for passing this interim order. We are conscious of the fact that number of physicians in our country is much less than what is required and because of non-renewal of recognition of several medical colleges, our citizens would be deprived of a good number of physicians and therefore, we are constrained to pass this order, whereby at least there would be some increase in the number of physicians after five years. We are running against time because the last date for giving admissions to MBBS Course for the academic year 2014-15 is 30th September, 2014.

We also desire to reconsider the directions given by this Court in the judgment of Priya Gupta v. State of Chhattisgarh [(2012) 7 SCC 433], but at this juncture, as we do not have sufficient time to decide all these petitions finally, we are passing this interim order and the matter with regard to reconsideration of the aforestated judgment would be considered while finally disposing of this group of petitions.

It has been submitted on behalf of the learned senior counsel appearing for all the petitioners/respondents, who are managing medical colleges, that the

defects which had been recorded at the time of the last inspection by the representatives of the Medical Council of India have been duly rectified and at present, the defects pointed out in the reports do not exist. The said fact can be ascertained only by having a fresh Compliance Verification/Inspection. However, the stand taken by the Central Government and the Medical Council of India is to the effect that no such inspection can be undertaken in the present academic session because of paucity of time and it would violate the time schedule laid down by this Court in the case of Priya Gupta (supra).

The learned senior counsel appearing for the Medical Council of India has also submitted that the petitioners do not have any legal right for getting renewal of the recognition, especially in view of the fact that the Verification/Inspection Reports are not available for the period in question. The learned senior counsel has relied upon some of the Judgments to substantiate his case and according to him, it would not be just and proper to permit the said medical colleges to take fresh batch of students.

Looking at the peculiar facts of the case and the circumstances stated hereinabove, we direct the petitioners to file undertakings by President/Chairman and Secretary of the petitioners' institutions running

medical colleges within 10 days from today, to the effect that there is no defect in the medical colleges run by them and they would also state that their deposit with the MCI, which is around Rs.10 crores, be forfeited by way of penalty if the statement made in the undertaking is found to be incorrect at the time of the next inspection. A draft undertaking has been given to this Court. A copy of the undertaking, which might be filed by the institutions, shall be served upon the office of the Medical Council of India as well as to the Ministry of Health and Family Welfare, Govt. of India, New Delhi.

We also record the fact that in the recent past, the Medical Council of India has renewed recognition of Government Medical Colleges on the basis of undertakings and therefore, we see no reason not to permit the private colleges to admit students on the basis of undertakings given by their office bearer as a special case.

Notwithstanding any direction given in the case of Priya Gupta (supra), if undertakings as stated hereinabove are filed by the institutions managing medical colleges for the academic year 2014-15, admissions shall be given to the students from the merit list prepared by the States and they shall be charged fees prescribed by the Government Medical Colleges of

their respective States. The State Authorities, i.e., the Directorate of Medical Education & Research, of the respective States shall send students, in order of their merit, to the medical colleges run by the petitioners, which are situated within their States, within one week from the date of receipt of a copy of this order and the said students shall be admitted to the MBBS Course in accordance with the rules and regulations of the MCI and also regulations dated 16.04.2010 framed by the Medical Council of India, provided undertakings as mentioned above are filed on behalf of the concerned institutions.

It is also clarified that there would be no further counselling in respect of the students who are to be given admission, even if it might result into some heart burning among other students, but in the peculiar facts of the case, we give this direction.

In no case, the admission shall be given after 30th September, 2014. This order shall also apply to all the institutions which had filed their petitions earlier for renewal of their recognition for the academic year 2014-15, but their petitions were rejected or withdrawn for whatever reason, provided undertakings as stated hereinabove are filed by President/Chairman and the Secretary of those institutions. All those petitions shall be deemed to have been revived and this order shall be deemed to have been passed in those cases also. This

order shall only be in respect of renewal of recognition and not for creation of additional seats or for new colleges.

We also record that the Union of India has supported the petitioners in the interest of students. We also direct the Union of India to give wide publicity to this order in print as well as electronic media in the interest of the concerned students.

It is directed that the list of students getting admission in pursuance of this order shall be placed on record of this Court by 1st October, 2014 by the concerned institutions and a copy thereof shall also be sent to the MCI.

These matters shall be treated as part-heard and shall be notified for further hearing in the month of December, 2014.

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

.....J.
[VIKRAMAJIT SEN]

.....J.
[UDAY UMESH LALIT]

New Delhi;
September 18, 2014.

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL/APPELLATE JURISDICTION

I.A. Nos. 4 & 5

IN

WRIT PETITION (CIVIL) NO. 469 OF 2014

HIND CHARITABLE TRUST SHEKHAR HOSPITAL
PVT. LTD.

PETITIONER(s)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(s)

WITH

I.A. No. 3 in W.P.(C) No. 705/2014
I.A. No. 6 in SLP(C) No. 21765/2014
I.A. 2 in SLP(C) No. 22755/2014
I.A. 2 in SLP(C) No. 22756/2014
I.A. No.1-2 in SLP(C) No. 22758-22759/2014
I.A. No. 2 in SLP(C) No. 23777/2014
I.A. 2 in SLP(C) No. 25763/2014
I.A..... in SLP(C) No. 23476/2014
SLP(C) No. 24154/2014
SLP(C) No. 23561/2014
I.A. Nos. 3-4, 5-6 & 7-8 in SLP(C) No. 23528-23529/2014
I.A. Nos. 3,4,5 & 6 in W.P.(C) No. 799/2014
W.P.(C) No. 836/2014
W.P.(C) No. 523/2014
I.A. Nos. 2 & 3 in W.P.(C) No. 883/2013
I.A. No. 3 in SLP(C) No. 21517/2014
I.A. No. 3 in W.P.(C) No. 757/2014

O R D E R

After hearing the learned counsel for the parties we deem it appropriate to issue following clarifications with regard to our earlier order dated 18th September, 2014. These clarifications shall be read into the said order as if they were always part thereof : -

1. The order dated 18th September, 2014 shall also apply to cases where colleges or institutions were seeking increase in intake capacity and in the current year have been denied permission to admit students after first or second or third or fourth renewal/inspection. In our view such institutions where Renewal/Inspection with respect to increase in capacity were conducted in the present academic year are also entitled to the benefit under the order dated 18th September, 2014.

2. We also clarify that fees chargeable from the students admitted pursuant to our order dated 18th September, 2014 shall be at the same rates as applicable to the students in Government medical colleges in respective States and such fees shall be at the same levels as that of the Government medical colleges till the students so admitted pass out from the private medical colleges or institutions.

3. Our order shall also apply to all similarly situated institutions irrespective of the fact whether any petitions were or are pending in this Court or in any of the High Courts or even if they had not approached any court at all. This order shall also apply even in cases where there were orders of stay in

favour of the Medical Council of India restraining the colleges from admitting students for the current academic session.

4. The order shall not apply to colleges or institutions which have been disqualified by the Medical Council of India and/or the Central Government and have been prohibited from making any admissions for the current academic year 2014-15.

5. In cases where two separate lists are prepared and sent by the State agencies one relating to State quota and the other relating to management quota in private institutions, we clarify that for the current academic year there shall be only one list and that shall be the "State quota" alone. There shall not be any management quota list to be sent to the private colleges or institutions taking the benefit under our order dated 18th September, 2014. The Management quota shall also be filled through the State list and the fees chargeable for the management quota shall also be charged at the same levels and rates as applicable to State quota list.

6. We further clarify that private institutions taking benefit under our order dated 18th September, 2014 shall

have to take students only from the State agencies and at fees chargeable for students in Government medical colleges as stated above, regardless of their status or claim as Minority Institutions or Deemed Universities.

W.P. (C) 836/2014

Learned counsel for the petitioner seeks permission to withdraw the petition. Permission is granted to withdraw the same.

The Writ Petition is, accordingly, dismissed as withdrawn.

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

.....J.
[VIKRAMAJIT SEN]

.....J.
[UDAY UMESH LALIT]

New Delhi;
September 25, 2014.

ITEM NO.301

COURT NO.4

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

I.A. Nos. 4 & 5 in Writ Petition(s) (Civil) No(s). 469/2014

HIND CHARITABLE TRUST SHEKHAR HOSPITAL PVT. LTD. Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for impleadment and office report)

WITH

I.A. No. 3 in W.P.(C) No. 705/2014

(for directions and Office Report)

I.A. No. 6 in SLP(C) No. 21765/2014

(for clarification/modification of court's order and Office report)

I.A. 2 in SLP(C) No. 22755/2014

(for clarification and Office Report)

I.A. 2 in SLP(C) No. 22756/2014

(for clarification and Office Report)

I.A. No. 1-2 in SLP(C) No. 22758-22759/2014

(for directions and Office Report)

I.A. No. 2 in SLP(C) No. 23777/2014

(for directions and Office Report)

I.A. 2 in SLP(C) No. 25763/2014

(for modification of court's order and Office Report)

I.A..... in SLP(C) No. 23476/2014

(for clarification and Office Report)

SLP(C) No. 24154/2014

(With Interim Relief and Office Report)

SLP(C) No. 23561/2014

(With Interim Relief and Office Report)

I.A. Nos. 3-4, 5-6 & 7-8 in SLP(C) No. 23528-23529/2014

(for modification of Court's order dated 18.09.2014 and impleadment and Office Report)

I.A. Nos. 3,4,5 & 6 in W.P.(C) No. 799/2014

(for modification of court's order dated 18.09.2014 and impleadment and Office Report)

W.P.(C) No. 836/2014

(With Office Report)

W.P.(C) No. 523/2014

(for permission to place addl. documents on record and directions)

I.A. Nos. 2 & 3 in W.P.(C) No. 883/2013

(for impleadment as party respondent and directions and Office Report)

I.A. No. 3 in SLP(C) No. 21517/2014

(for vacating stay and Office Report)

I.A. No. 3 in W.P.(C) No. 757/2014
(for directions and Office Report)

Date : 25/09/2014 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. S. Udaya Kumar Sagar, Sr. Adv.
WP(C) 469, 705/2014 Ms. Bina Madhavan, Adv.
& WP(C) 799/2014 Ms. Praseena Elizabeth Joseph, Adv.
Ms. Akanksha Mehra, Adv.
Mr. Ravindra Keshavarao, Adv.
For M/s. Lawyer's Knit & Co, Advs.

Mr. R.P. Bhat, Sr. Adv.
Mr. D.K. Chidananda, Adv.
Mr. V. Giri, Sr. Adv.
Mr. Rakesh K. Sharma, Adv.

SLP(C) 21765 Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.
Mr. Sriram P., Adv.
Mr. Vijay Kumar, Adv.

WP (C) 836/2014 Mr. Krishnamoorthy Ramamoorthy, Sr. Adv.
Mr. Koka Raghava Rao, Sr. Adv.
Mr. K.L. Sastry, Adv.
Mr. Amit Kumar Srivastava, Adv.

WP (C) 883/2013 Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. Hireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.
Mr. Sriram P., Adv.

SLP(C) 22755 Mr. Amit Kumar, Adv.
Mr. Ramesh Alanki, Adv.
Ms. Rekha Bakshi, Adv.
Mr. Ankit Rajgarhia, Adv.

SLP(C) 22756 Mr. A. Sharan, Sr. Adv.
Mr. A. K. Kaul, Adv.
Mr. Amit Kumar, Adv.
Mr. Naresh Sharma, Adv.
Mr. K.P. Gautam, Adv.
Nr. K.K. Sharma, Adv.

Mr. R. S. Nagar, Adv.
Ms. Sunita Sharma, Adv.
Mr. M. Khairati, Adv.
Mr. D.S. Mahra, Adv.

SLP (C) 21517/2014 Mr. Harin P. Rawal, Sr. Adv.
Mr. Guru Krishna Kumar, Sr. Adv.
Mr. Raghavendra S. Srivastav
Mr. Amit Pai, Adv.
Mr. Rahat Bansal, Adv.
Mr. Irshad Ahmed, AAG
Mr. Abhisht Kumar, Adv.
Mr. Sumer Singh, Adv.
Mr. Som Raj Chaudhary, Adv.,

SLP (C) 21765 Mr. Nidhesh Gupta, Sr. Adv.
Mr. Aditya Singla, Adv.
Ms. Supriya Juneja, Adv.
Ms. Priya Puri, Adv.

Mr. P. Vishwanatha Shetty, Sr. Adv.
Mr. Sharan Thakur, Adv.
Mr. Tara, Adv.
Mr. Vijay Kumar Paradesi, Adv.
Mr. Ramesh Babu M.R., Adv.

Mr. Nidhesh Gupta, Sr. Adv.
Mr. Kunal Verma, Adv.

Mr. Sudhanshu S. Chaudhari, Adv.

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

Looking at the urgency of the matter, this group of petitions
may be listed on 14.10.2014 at 02.00 PM as part heard.

Signed reportable order is placed on the file.

WP (C) 836/2014

The Writ Petition is dismissed as withdrawn in terms of the
signed order.

(Sneh Bala Mehra)
Asstt. Registrar

(Anil Kumar)
AR-cum-PS

(Signed reportable order is placed on the file)