

HIND CHARITABLE TRUST SHEKHAR HOSPITAL PVT. LTD. A
LTD.

v.

UNION OF INDIA & ORS.

(I.A. Nos. 4 and 5)

h

(Writ Petition (Civil) No. 469 of 2014)

SEPTEMBER 25, 2014

[ANIL R. DAVE, VIKRAMAJIT SEN AND

UDAY UMESH LALIT, JJ.]

Education/Educational Institutions :

Medical admissions – Interim directions dated 18.9.2014 by Supreme Court regarding medical colleges facing non-removal of recognition – Clarifications – Held: Order 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 – Such institutions where renewal/inspection with respect to increase in capacity were conducted in the current academic year are also entitled to the benefit under the order date 18.9.2014 – The order shall also apply to all similarly situated institutions irrespective of the fact whether any petitions were or are pending in Supreme Court or in any of the High Courts or even if they had not approached any court at all – 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 – There shall not be any management quota list to be sent to private colleges or institutions taking benefit under order dated 18.9.2014 – The management quota shall also be filled

A *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.*

CIVIL ORIGINAL JURISDICTION: I.A. Nos. 4 & 5 in Writ Petition (Civil) No. 469 of 2014.

B Under Article 32 of the Constitution of India.

WITH

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

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

I.A. No. 2 in SLP (C) No. 22755 and 22756 of 2014

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

I.A. No 2 in SLP (C) No. 23777 and 25763 of 2014

D I.A. No..... in SLP (C) No. 23476 of 2014

SLP (C) No. 24154 and 23561 of 2014

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

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

W.P.(C) No. 836 and 523 of 2014

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

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

I.A. No. 3 in W.P.(C) No. 757 of 2014

G Ms. Pinky Anand, ASG, S. Udaya Kumar Sagar, R.P. Bhat, V. Giril, Basava Prabhu S. Patil, Krishnamoorthy Ramamoorthy, Koka Raghava Rao, A. Sharan, Nidhesh Gupta, Kapil Sibal, K.V. Vishvanathan, Vikas Singh, P.S. Patwalia, Harin P. Rawal, Guru Krishna Kumar, P. Vishwanatha Shetty, Sr. Advs., Irshad Ahmed, AAG, Bina Madhavan, Ms. Praseena Elizabeth Joseph, Ms. Akanksha Mehra, Ravindra Keshavarao (For M/s Lawyer's Knit & Co.), D.K. Chidananda, Rakesh K.

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Sharma, M. Gireesh Kumar, Ankur S. Kulkarni, Sriram P., Vijay A
Kumar, K.L. Sastry, Amit Kumar Srivastava, Hireesh Kumar,
Amit Kumar, Ramesh Alanki, Ms. Rekha Bakshi, Ankit
Rajgarhia, A.K. Kaul, Naresh Sharma, K.P. Gautam, K.K.
Sharma, Avijit Mani Tripathi, Atul Kumar, R.D. Upadhyay,
Giridhar G. Upadhyay, Awadesh Kumar Singh, Ms. Asha B
Upadhyay, Sanjay Bhatt, Rudra Prasad, Dushyant Kumar,
Rabin Majumder, Ashish Kumar, Ravinder Kumar Katna,
Neeraj Shekhar, Prasanth P., Amit Jaiswal, Neeraj Shekhar,
Ashutosh Thakur, Rana Prashant, Gaurav Sharma, Prateek
Bhatia, Amandeep Kaur, Archit Upadhyay, R. K. Rathore, Ms. C
Rekha Pandey, R. S. Nagar, Ms. Sunita Sharma, M. Khairati,
D. S. Mahra, Raghavendra S. Srivastav, Amit Pal, Rahat
Bansal, Abhisht Kumar, Sumer Singh, Som Raj Chaudhary,
Aditya Singla, Ms. Supriya Juneja, Ms. Priya Puri, Sharan
Thakur, Tara, Vijay Kumar Paradesi, Ramesh Babu M. R., D
Kunal Verma, Sudhanshu S. Chaudhari, Advs. for the
appearing parties.

The following Order of the Court was passed:

ORDER

After hearing the learned counsel for the parties we deem E
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 : - F

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
forth renewal/inspection. In our view such institutions where G
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.

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A 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
B medical colleges till the students so admitted pass out from the private medical colleges or institutions.

C 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.

D 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.

E 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
F 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.

G 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

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stated above, regardless of their status or claim as Minority A
Institutions or Deemed Universities.

W.P. (C) 836/2014

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

The Writ Petition is, accordingly, dismissed as withdrawn.

Rajendra Prasad

IAs disposed.