

MODERN DENTAL COLLEGE & RESEARCH CENTER & ANR. A

v.

STATE OF MADHYA PRADESH AND ORS.

Interlocutory Application No. 83 of 2015

In B

(Civil Appeal No. 4060 of 2009)

MARCH 17, 2016

**[ANIL R. DAVE, A.K. SIKRI, R.K. AGRAWAL, ADARSH  
KUMAR GOEL AND R. BANUMATHI, JJ.] C**

*Education/Educational Institutions – Medical College – Admission and examination – Direction sought that the admission for academic session 2016-17, to under graduate and post graduate courses in the private colleges to be given only on the basis of the Common Entrance Test – Held: As per the provisions of the 2000 Regulations, examination for admitting students for post graduate studies should have been concluded before 15.02.2016 and the first round of counseling/admission was to be concluded between 4th to 15.04.2016 – However, no examination was conducted – Plea to extend the date of conducting the examination till 31.03.2014 cannot be accepted since it would not be possible for the applicants to hold the examination in a fair and transparent manner in such a short period and to start the first round of counselling/admission by the stipulated period – As per the interim arrangement, the All India Examination has been held, the result has been declared and the list of successful candidates is available – Applicants to select candidates, on the basis of their inter-se merit, for admission to 2016-17 batch of post-graduate course from the list of successful candidates – State to do counseling and collect the fees from the students – In view thereof IA disposed of – Post-Graduate Medical Education Regulations, 2000. D E F*

CIVIL APPELLATE JURISDICTION: I. A. No. 83 of 2015 G

IN

Civil Appeal No. 4060 of 2009.

From the Judgment and Order dated 15.05.2009 of the High Court H

A of Madhya Pradesh, Principal Seat at Jabalpur in Writ Petition No. 2732 of 2009.

K. K. Venugopal, Dr. Rajeev Dhawan, Sr. Advs. Puneet Jain, Ms. Pragati Neekhra, Ms. Pratibha Jain, Advs. for the Appellants.

B Ms. Pinky Anand, ASG, Vikas Singh, Ms. Vibha Datta Makhija, Sr. Advs., Amit Sharma, Ms. Rekha Pandey, R. K. Rathor, R. S. Nagar, S. S. Rawat, M. P. Gupta, Sanchit Kumar, Ajay Sharma, Ms. Sunita Sharma, Ajay Kr. Singh, R. R. Rajesh (For D. S. Mahra), Gaurav Sharma, Ms. Deepeika Kalia, Dhawal Mohan, Prateek Bhatia, Kapeesh Seth, Ms. Vara Gaur, Mishra Saurabh, Ankit Kr. Lal, Advs. for the Respondents.

C The following Order of the Court was delivered

### ORDER

Heard the learned counsel.

The following prayer is made in this application :

D “a) Direct that for the academic session 2016-17, the admission for all the seats in the private colleges in Under Graduate & Post Graduate Courses would be given only on the basis of the Common Entrance Test conducted by the APDMC i.e. SSET, DMAT and Pre PGDMAT.”

E 1. It would be pertinent to note that a similar prayer was made in I.A.No.74 of 2014 and the said application had been dismissed by an order dated 12th February, 2015. The said IA had been filed with respect to admission of students for the academic year 2015-16 whereas the present application is in respect of admission of students for the academic year 2016-17.

F 2. It has been brought to our notice by the learned counsel appearing for State of Madhya Pradesh that no averment has been made with regard to the earlier application, i.e., I.A.No.74/2014, which had been filed by the present applicants and was dismissed on 12th February, 2015.

G 3. There is no prayer in the present application for holding an examination for giving admission to students for the Academic Year 2016-17 in consonance with the arrangement which had been made in the interim order dated 27th May, 2009.

4. That apart, we also find that as per the provisions of Post-Graduate Medical Education Regulations, 2000, as amended from time to time, examination for admitting students for post graduate studies should have been concluded before 15th February, 2016. It is an admitted fact that no examination had been conducted by the applicants for the said purpose till date, though the last date of examination, i.e., 15th February, 2016, lapsed much earlier. Allowing the applicants to conduct the examination at this stage will disturb the entire schedule of admission stipulated in the afoesaid Regulations.

5. According to the aforesaid Regulations, the first round of counseling/admission has to be concluded between 4th to 15th April, 2016, which is the next step.

6. We may record that a fervent plea was made by the learned senior counsel for the applicants to extend the date of conducting the examination till 31st March, 2016. However, we feel that it would not be possible for the applicants to hold the examination in a fair and transparent manner in such a short period and to start the first round of counselling/admission by 4th April, 2016 and conclude the same by 15th April, 2016.

7. As per the interim arrangement made under the orders dated 27th May, 2009, the medical colleges of State of Madhya Pradesh are permitted to admit 50% of the students in pursuance to the examination conducted by the applicant association whereas 50% of the students are to be given admission as per the recommendation of the State. We are informed that for the last few years, the State of M.P. is sending the names of the candidates from the merit list prepared of those who appeared in All India Examination held for the purpose. Same procedure be adhered to for this year as well.

8. Insofar as the All India Examination is concerned, it has already been held as per the stipulated time schedule and the result of the said examination has already been declared. Thus, a list of successful candidates, who have passed the said examination is available at present.

9. In the aforesaid circumstances, we permit the applicants, to select candidates, on the basis of their inter-se merit, for admission to 2016-17 batch of post-graduate course from the aforesaid list of successful candidates.

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A            10. The counselling shall be done by the State and the fees which might be collected from the students by the State shall be paid by the State to the concerned medical college.

              11. In view of the above interim order, Interlocutory Application No.83 of 2015 stands disposed of.

B            Nidhi Jain

I. A. disposed of.