

[2022] 6 S.C.R. 817

MAHA P. & ORS.

A

v.

THE STATE OF KERALA & ORS.

Miscellaneous Application No. 1242 of 2022

B

In

(Civil Appeal No. 3654 of 2022)

JULY 22, 2022

**[DR. DHANANJAYA Y CHANDRACHUD AND
A S BOPANNA, JJ.]**

C

Education/Educational Institutions: Medical admission — NEET-UG — Matter pertaining to transferring of the seats reserved for the NRI quota in private medical colleges in the State of Kerala to the unreserved category — Order by this Court to the effect that the Government had issued orders permitting NRI candidates to cure defects in attestation by 31st March 2022 — Instant application for modification by the State of Kerala stating that there was no extension of the date for curing defects in attestation until 31st March 2022 and the last date was, in fact, 02nd March 2022 — Held: Issue as to whether there was any extension of time beyond 02nd March 2022 not a matter for determination in the proceedings before this Court — Thus, the issue may be decided in appropriate proceedings on its own merits.

D

E

CIVIL APPELLATE JURISDICTION: Miscellaneous Application No. 1242 of 2022 in Civil Appeal No. 3654 of 2022.

F

From the Judgment and Order dated 08.04.2022 of the High Court of Kerala at Ernakulam in W.A. No. 485 of 2022.

Haris Beeran, Mushtaq Salim, Usman Ghani Khan, Azhar Assees, Radha Shyam Jena, Advs. for the Appellants.

G

Nishe Rajen Shonker, Ms. Anu K. Joy, Alim Anvar, Sayid Marzook Bafaki, Advs. for the Respondents.

H

A The following Order of the Court was passed:

O R D E R

1. In paragraph 2 of the judgment of this Court dated 18 May 2022, it has been recorded that the Government had issued orders permitting NRI candidates to cure defects in attestation by 31 March 2022. This statement appears to be consistent with the facts set out in para 10 of the judgment of the Single Judge dated 4 April 2022.
2. The State of Kerala has moved the application for modification stating that, as a matter of fact, there was no extension of the date for curing defects in attestation until 31 March 2022 and the last date was, in fact, 2 March 2022. Mr Nishi Rajen Shonker, learned counsel states that the above sentence in the judgment of this court has given rise to another proceeding in the High Court.
3. The issue as to whether there was any extension of time beyond 2 March 2022 was not a matter for determination in the proceedings before this Court. The issue may, therefore, be decided in appropriate proceedings on its own merits on the basis of the record.
4. The Miscellaneous Application is accordingly disposed of with the above clarification.

Nidhi Jain

Miscellaneous Application disposed of.