

Madhya Pradesh High Court

Vikas Pal vs Secretary Union Of India on 23 September, 2010

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W.P.10934 of 2010

Vikas Pal & Raghav Gupta

U.O.I. & ors.

23.9.2010

Shri Pranay Gupta, Counsel for the petitioners.
Shri Mohan Sausarkar, Counsel for respondent No.1.

Smt. Indira Nair, learned Senior Advocate with Shri R. Pohankar, Counsel for the respondents No. 2.

Shri P.K. Kaurav, learned Dy. A.G. for the Respondents No.3.

Shri Amalpushp Shrotri, Counsel for respondent No.4. This petition is directed by two students who sought following reliefs :-

1. Declare that in terms of provisions of 10-A(5) of the Act,1956 by necessary implication permission of annual renewal to the respondent Institution is deemed to have been granted and permission is deemed to have been continued for the academic session 2009-10.
2. Be quashed order dt. 22.7.2010 Annexure P-1 and direct the respondent University for permitting the petitioners for appearing in the first professional examination scheduled to be conducted by the respondent University from 12.8.2010 and declare the result.
3. Be quashed order passed by the respondent union Govt. dt. 20.11.2009 and 23th March,2010 Annexure P-2 and
- 3.
4. Pass such further or other order or orders as this hon. Court may deem fit and appropriate in the facts and circumstances of the case.

Learned counsel for the respondents submitted that in view of the order passed by the Apex Court in S.L.P. No. Civil No.123199/10 dated 19.8.2010, nothing survives in this petition, the controversy has been decided in W.P.9438/09 as per the order passed by the Apex Court.

So far as the petitioners are concerned, their admission has been saved by the Apex Court by the aforesaid order. For

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23.9.2010 ready reference order dated 19.8.2010 of the Apex Court is referred, which reads as under :-

Permission to file SLP is granted in SLP(C)Nos.....CC 12369/2010 & 12370/2010.

Mr. Amarendra Sharan, learned
senior counsel appearing on behalf of the Board of
Governors, Medical Council of India, submits

that though the students' initial admission is irregular and illegal but in deference to the Court's intervention, they have decided to permit 150 students to appear in the examinations which are scheduled to commence from 23rd August, 2010. Mr. Sharan further submits that in lieu of permitting these 150 students, the Petitioner Institution would be required to surrender 150 seats from the Management quota in the next five academic years.

Mr. K.K. Venugopal, learned
senior counsel appearing on behalf of the

Institution submits that 63 seats from the management quota have already been taken by the respondents. He further submits that the admissions of 150 students were neither illegal nor irregular.

At this juncture, we are not adjudicating on the rival contentions of the parties because the main writ petition is still pending in the High Court. We direct the Medical Council of India to file a proper affidavit before the High Court of M.P. at Jabalpur, within three weeks from today with an advance copy thereof to the other side, who would be at liberty to file rejoinder thereto, if any, within two weeks thereafter. This controversy would also be decided along with the writ petition. In the facts and circumstances of this case, we request the High Court to dispose of the main writ petition as expeditiously as possible, in any event, within two months from the date of communication of this order. The High Court would be entitled to decide the writ petition without being influenced by any observation made in this order. These special leave petitions are accordingly disposed of.

As the interest of the petitioners who are the students of respondent College namely People's College of Medical Sciences

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23.9.2010 & Research Center, Bhopal have been taken care of by the Apex Court, nothing services in this petition. It is accordingly disposed of because of the order passed by the Apex Court on 19.8.2010.

C.C.as per rules.

(Krishn Kumar Lahoti)
JUDGE

vj

(Smt. Vimla Jain)
JUDGE