

ITEM NO.48

COURT NO.4

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 10212/2019

(Arising out of impugned final judgment and order dated 19-03-2019 in WPC No. 41590/2018 passed by the High Court Of Kerala At Ernakulam)

THE ADMISSION AND FEE REGULATORY COMMITTEE

Petitioner(s)

VERSUS

AARON ABRAHAM PHILIP & ORS.

Respondent(s)

WITH

SLP(C) No. 8408-8411/2020 (XI-A)

SLP(C) No. 9659/2020 (XI-A)

(IA No. 76172/2021 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 10673/2020 (XI-A)

(IA No. 94791/2020 - CONDONATION OF DELAY IN FILING THE SPARE COPIES)

SLP(C) No. 10789/2020 (XI-A)

(IA No. 149440/2023 - INTERLOCUTARY APPLICATION)

SLP(C) No. 12847/2020 (XI-A)

(IA No. 45116/2021 - APPLICATION FOR PERMISSION, IA No. 110436/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 110437/2020 - EXEMPTION FROM FILING O.T., IA No. 68318/2021 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 20266/2022 (XI-A)

(IA No. 158540/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 03-11-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s)

Mr. Raghenth Basant, Adv.
 Ms. Rashmi Nandakumar, AOR
 Ms. Kaushitaki Sharma, Adv.
 Ms. Prerna Acharya, Adv.

Mr. Naresh Kumar, AOR

Mr. Lakshmeesh S. Kamath, AOR
Ms. Samriti Ahuja, Adv.

Mr. Abhay Pratap Singh, AOR

Mr. V. K. Biju, AOR
Mrs. Ria Sachthey, Adv.
Mr. Chetanya Singh, Adv.
Dr. Ranjeet Bharti, Adv.
Ms. Shalaka Srivastava, Adv.
Mr. Shaji George, Adv.

Mr. Raghenth Basant, Adv.
Mr. Navneet R., Adv.
Ms. Kaushitaki Sharma, Adv.
Ms. Perna Acharya, Adv.
Ms. Liz Mathew, AOR

Mr. Jaideep Gupta, Adv.
Mr. C. K. Sasi, AOR
Ms. Meena K Poullose, Adv.

For Respondent(s)

Mr. G. Prakash, AOR

Mr. Raghenth Basant, Adv.
Ms. Kaushitaki Sharma, Adv.
Ms. Perna Acharya, Adv.
Mr. Arjun Singh Bhati, AOR
Mr. Gurdeep Singh, Adv.

Mr. Jayanth Muth Raj, Sr. Adv.
Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Abraham Mathew, Adv.

Mr. Venkita Subramoniam T.R, AOR
Mr. Likhi Chand Bonsle, Adv.
Mr. Rahat Bansal, Adv.

Mr. Arvind Gupta, AOR

UPON hearing the counsel the Court made the following

O R D E R

I.A. No. 220228 of 2023 in SLP(C) Nos. 8408-8411 of 2020

1. The applicants have prayed for issuance of the following documents:-

1. Compulsory Rotatory Residential Internship Certificate;
2. Mark Sheets of MBBS 2nd Year Exam and 3rd Year Exam (Part 1 and Part 2); and
3. Transfer Certificate.

2. They have also prayed for returning the original SSLC Certificate (Class 10) and Class 12 Certificate that was deposited by the applicants at the time of admission.

3. It is the submission of the applicants that though an interim order was passed directing the respondent-Government Medical college, Kanpur (In short "college") not to take any coercive steps, the aforesaid documents are not being released.

4. We have heard Mr. Raghenth Basant, Mr. Lakshmeesh S. Kamath and Mr. V.K. Biju, learned counsel appearing for the applicant(s)/petitioner(s) and Mr. Jayant Muth Raj, learned senior counsel appearing for the respondent-college.

5. Mr. Jayant Muth Raj, learned senior counsel appearing for the respondent-college vehemently opposes the application. He submits that many of the students have taken admission in NRI and management quota and as such, they ought to pay the fees as were prescribed in the prospectus. He further submits that

if the documents are released, it will be difficult for the College to recover the fees from the students.

6. We clarify that we are proposing to pass the order only in so far as the students who have not been admitted from NRI or Management quota are concerned.

7. In so far as the apprehension regarding the college not being in a position to recover the amount is concerned, we can take care of the same by passing appropriate directions.

8. The applications of the various students, who were not admitted either from NRI quota or Management quota are allowed.

9. The college is directed to return the following documents:

(i) Compulsory Rotatory Residential Internship Certificate;

(ii) Mark Sheets of MBBS 2nd Year Exam and 3rd Year Exam
(Part 1 and Part 2);

(iii) Transfer Certificate; and

(iv) The Original SSLC Certificate.

10. However, the same shall be subject to certain conditions, if the applicant(s) file an undertaking before this Court, a copy of which will be endorsed to the respondent-college.

11. In the event, they do not succeed in the petition(s), they will refund the fees within the period prescribed by this

Court. In the undertaking, they shall state that in the event they fail to deposit the amount as directed by this Court, their degrees will be liable to be confiscated.

SLP(C) No(s). 10212/2019

1. The issue is about the locus of the present petitioner. The petitioner is an adjudicatory body entrusted with a function of determining the fees of Government Medical college.

2. As such, we are not inclined to entertain the present petition at the behest of the present petitioner. The special leave petition is dismissed accordingly.

3. Pending application(s), if any, stand disposed of.

SLP(C) No. 8408-8411/2020, 9659/2020, 10673/2020, 10789/2020, 12847/2020, SLP(C) No. 20266/2022

List these matters in the fourth week of January, 2024.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)