

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. 16282 OF 2017

ASSOCIATION OF PRIVATE MEDICAL AND DENTAL
COLLEGES OF CHHATTISGARH ... PETITIONER

VERSUS

STATE OF CHHATTISGARH AND ORS. ... RESPONDENTS

J U D G M E N T

DEEPAK GUPTA, J.

This petition is directed against the judgment and order passed by the High Court of Chhattisgarh whereby the petition filed by the petitioner for extending time for carrying out admissions to post graduate and superspeciality courses in Medical and Dental Colleges in the State of Chhattisgarh was dismissed.

The main contention raised on behalf of the petitioner is that the State did not conduct the counselling within time; the State did not give proper publicity to the reduction of the cut-off marks for admission to Post Graduate Courses; the State did not send the list of eligible candidates as per the judgment in *Dar-us-Slam Educational Trust and Ors. v. MCI and Ors.* [WP (C) No. 267/2017]. Lastly, it is contended that a large number of seats are lying vacant which will result in wastage of seats.

In *Ashish Ranjan & Ors. v. Union of India & Ors.* [WP (C) No. 76/2015], this Court laid down a schedule to be followed for admission to medical colleges. This schedule, as approved by this Court, must be followed to ensure that medical education standards are not lowered as per the schedule laid down in *Ashish Ranjan* case (supra). The 1st round of counselling was to be completed from 9th to 10th May 2017. The 2nd round of

counselling was to be completed from 11th to 20th May, 2017 and last date for admission is 31st May, 2017. All the States have followed the system of mop-up counselling which had to be done before 31st May, 2017. As far as the State of Chhattisgarh is concerned, the 1st round of counselling was conducted during the period 16th to 22nd May, 2017; the second round of counseling was conducted from 24th to 27th May, 2017 and the mop-up counselling on 30th May, 2017. Therefore, two rounds of counselling and one mop-up counselling were done. True, it may be that the schedule was not strictly adhered to but as far as the 2nd round of counselling was concerned that was completed by 27th May, 2017 and mop-up counselling was completed by 30th May, 2017 i.e. before 31st May, 2017. Therefore, there is no ground why the extension should be granted.

As far as lowering of the standards and cut-off marks are concerned, notification in this regard

was issued by the Medical Council of India on 24th May, 2017 well before the last date i.e. 31st May, 2017. All the candidates and colleges should have been made aware about the lowering of the cut off marks.

As far as the third contention is concerned, this Court in I.A. Nos. 45538, 45540 and 45542 of 2017 with I.A. Nos. 45855, 45856 and 45859 of 2017 in Writ Petition (Civil) No. 76 of 2016, Ashish Ranjan and Ors. v. Union of India and Ors. has dealt with this issue and come to the conclusion that the order in Dar-us-Slam case (supra) is not applicable to post graduate courses and is applicable only to under graduate courses. This Court rejected the contention that the order in Dar-ul-Slam (supra) or the letter of the Union of India dated 26.05.2017 are applicable to post-graduate courses. This Court held as follows:

"22.We are, thus, of the considered view that order dated 09.05.2017 does not

relate to admission into Post-graduate courses and is confined to admission in Under-graduate courses as noted above.

23. Coming to circular issued by the Government of India, Ministry of Health and Family Welfare dated 26th May, 2017, the said circular has been issued on the strength of the order of this Court dated 09.05.2017 in Writ Petition (C) No. 267 of 2017. It appears that the said circular has been issued by the Government of India, Ministry of Health and Family Welfare in misconception that order dated 09.05.2017 is applicable to the admission to the Post-graduate courses. When the order dated 09.05.2017 is itself not applicable to Post-graduate courses, circular dated 26.05.2017 is not effective."

Seats remain vacant in Medical Colleges for various reasons. Doctors are not willing to take admission in non-clinical courses especially in private colleges where fees are very high. In our view, the schedule must be strictly followed and we find no reason to extend the time.

The special leave petition is accordingly
dismissed.

.....J
PRAFULLA C. PANT

.....J
(DEEPAK GUPTA)

NEW DELHI
JUNE 13, 2017

ITEM NO.1B
For Judgment

COURT NO.4

SECTION IVA

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). 16282 of 2017

(Arising out of impugned final judgment and order dated 31.05.2017
in W.P. No. 1563/2017 passed by the High Court of Chhatisgarh,
Bilaspur)

Association Of Private Medical And Dental
Colleges Of Chhattisgarh

Petitioner(s)

VERSUS

The State Of Chhattisgarh And Ors.

Respondent(s)

Date : 13/06/2017 The Petition was called on for judgment today.

For the Petitioner: Mr. Yatindra Singh, Sr. Adv.
Mr. Kaustubh Anshuraj, Adv.

For the Respondent:

Hon'ble Mr. Justice Deepak Gupta pronounced the
judgment of the Vacation Bench comprising Hon'ble Mr.
Justice Prafulla C. Pant and His Lordship

The special leave petition is dismissed in terms of
the judgment.

(NEELAM GULATI)
COURT MASTER

(SHARDA KAPOOR)
ASSISTANT REGISTRAR

(Signed Non Reportable judgment is placed on the file)