

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.1179/2020

SARASWATI EDUCATION SOCIETY & ORS.

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

This writ petition has been filed seeking writ of mandamus directing Respondent No.2 to consider the application of the petitioner dated 05.07.2019 for the Academic Year 2020-2021 on the basis of the Essentiality Certificate issued to the petitioner on 28.08.2020.

Ms. Bina Madhavan, learned counsel submitted that the Essentiality Certificate which was issued in favour of the petitioner in the year 2016 was only valid for a period of three years. Thereafter, as there was no response to the application filed by the petitioner for issuance of the Essentiality Certificate, a writ petition was filed in this Court which was disposed of with a direction to the authorities to issue Essentiality Certificate. Pursuant to the directions issued by this Court Essentiality Certificate was issued to the petitioner on 28.8.2020. It is submitted on behalf of the petitioner that the application of the petitioner for permission to start a Medical College should be considered after an inspection

conducted on the basis of the Essentiality Certificate dated 28.8.2020 and the petitioner should be permitted to commence the College for this year, i.e., 2020-2021.

We are informed by the learned counsel appearing for the National Medical Commission that the NEET results have been announced and the counseling started on 28.10.2020. At this stage, we cannot give any direction to the respondents to consider the application for the Academic Year 2020-2021. As the Petitioner has paid fee along with the application which was not considered due to the absence of Essentiality Certificate the National Medical Commission shall not insist on payment of fee while considering the application of the Petitioner for the next year i.e. 2021-22 in accordance with law.

The writ petition is disposed of. Pending application(s), if any, shall stand disposed of.

.....J
(L. NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

.....J.
(AJAY RASTOGI)

New Delhi,
28th October, 2020

ITEM NO.29 Court 8 (Video Conferencing) SECTION X
 S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).1179/2020

SARASWATI EDUCATION SOCIETY & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(IA No. 106948/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 103812/2020 - EXEMPTION FROM FILING O.T.)

Date : 28-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
 HON'BLE MR. JUSTICE HEMANT GUPTA
 HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Ms. Bina Madhavan, Adv.
 Ms. Sweena Nair, Adv.
 M/s. Lawyer S Knit & Co, AOR

For Respondent(s) Mr. Suryaprakash V Raju, Ld. Asg
 Mr. Gurmeet Singh Makker, Aor
 Ms. Sunita Sharma. Adv.
 Mr. Sairica Raju, Adv.
 Mr. Shovan Mishra, Adv.

Mr. Gaurav Sharma, AOR
 Mr. Prateek Bhatia, Adv.
 Mr. Dhawal Mohan, Adv
 Ms. Alankrita Sinha, Adv.

Mr. Rahul Chitnis Adv.
 Mr. Sachin Patil AOR
 Mr. Geo Joseph Adv.

Mr. Gaurav Agrawal, AOR

UPON hearing the counsel the Court made the following
 O R D E R

The writ petition is disposed of in terms of the
 Signed Order. Pending application(s), if any, shall stand
 disposed of.

(Geeta Ahuja)
 Court Master

(Anand Prakash)
 Court Master

(Signed Order is placed on the file)