

ITEM NO.46

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.810/2017

SRI AUROBINDO INSTITUTE OF MEDICAL SCIENCES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 18-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Ravindra Shrivastava, Sr. Adv.  
Mr. Yugandhara Pawar Jha, AOR  
Ms. Garima Tiwari, Adv.  
Ms. Ruchi Sahay, Adv.  
Mr. Piyush Bhardawaj, Adv.

For Respondent(s) Mr. Maninder Singh, ASG  
Ms. Vimla Sinha, Adv.  
Ms. Niranjana Singh, Adv.  
Mr. Vijay Prakash, Adv.  
Mr. G.S. Makkar, Adv.  
Mr. Vijay Prakash, Adv.  
  
Mr. Vikas Singh, Sr. Adv.  
Mr. Gaurav Sharma, Adv.  
Mr. Dhawal Mohan, Adv.  
Mr. Prateek Bhatia, Adv.

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

Heard Mr. Ravindra Shrivastava, learned senior counsel for the petitioner and Mr. Maninder Singh, learned Additional Solicitor General appearing for the Union of India

and Mr. Vikas Singh, learned senior counsel for the respondent.

Having heard the learned counsel for the parties, it is directed that the application of the petitioners for enhancement of seats for the academic year 2017-2018 shall be considered for the academic year 2018-2019. The Bank Guarantee submitted by the petitioner shall not be encashed by the Medical Council of India. The petitioner shall keep the Bank Guarantee alive. If it has been encashed in the meantime, the amount shall be refunded to the petitioner-institution, who shall file a fresh Bank Guarantee with the Medical Council of India within two weeks from the date of receipt of the amount. The students who have already been admitted in the institution for the academic year 2016-2017 shall be permitted to complete their course.

The Medical Council of India shall carry out the inspection within three months and if it notices any deficiency, it shall bring it to the notice of the petitioner-institution and grant it sometime to rectify the same. After the recommendation is sent by Medical Council of India, the Central Government shall take a decision after taking assistance of the Oversight Committee constituted by the order dated 18<sup>th</sup> July, 2017 passed by the Constitution Bench in Amma Chandravati Educational and Charitable Trust and Others vs. Union of India and Another in W.P.(C) No.408 of 2017. Needless to say the petitioner institution shall be afforded adequate opportunity of hearing so that it can put forth its case before any adverse decision is taken. Needless to emphasise, the orders passed by the Central government shall be a reasoned one as decided by this Court in IQ City Foundation and Another vs. Union of India and Others (2017) 8 SCALE 369.

With the aforesaid direction, the writ petition stands disposed of. There shall be no order as to costs.

(Chetan Kumar)  
Court Master

(Shakti Parkash Sharma)  
Assistant Registrar