REVISED*
OUT TODAY

ITEM NO.58 COURT NO.8 SECTION IX

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

MA No.1709/2019 in MA No.1157/2019 in CA No.9048/2012

PARSHAVANATH CHARITABLE TRUST Petitioner

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION Respondent

WITH
MA No.1710/2019 in C.A. No. 9048/2012 (IX)
(FOR ADMISSION; and, IA No.123790/2019 – FOR INTERVENTION/ IMPLEADMENT)

MA No.1711/2019 in C.A. No.9048/2012 (IX)
(FOR ADMISSION; and, IA No.124551/2019 – FOR EXTENSION OF TIME)

MA No.1714/2019 in C.A. No.9048/2012 (IX)
(FOR ADMISSION and IA No.125132/2019 – FOR EXTENSION OF TIME)

MA No.1713/2019 in C.A. No. 9048/2012 (IX)
(FOR ADMISSION; and, IA No.125594/2019 – FOR INTERVENTION/ IMPLEADMENT)

MA No.1718/2019 in C.A. No.9048/2012 (IX)
(FOR ADMISSION; and, IA No.125608/2019 – FOR EXTENSION OF TIME)

MA No.1716/2019 in C.A. No.9048/2012 (IX)
(FOR ADMISSION; and, IA No.125852/2019 – FOR EXTENSION OF TIME)

MA No.1715/2019 in C.A. No. 9048/2012 (IX)
(FOR ADMISSION; IA No.126393/2019 – FOR EXTENSION OF TIME; and, IA No.126389/2019 – FOR PERMISSION TO IMPLEAD AS APPELLANTS)

MA No.1717/2019 in C.A. No. 9048/2012 (IX)

Date : 26-08-2019 These petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

Signature Not Verified
Digitally signed by MUKESH KUMAR
Date: 2019.08.27 11:12:17 IST
Reason:

Counsel for the Parties:

Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. Bijender Chahar, Sr. Adv.
Mr. Tarjit Singh, Adv.
Ms. Beena, Adv.
Mr. Satish Kumar, AOR

Mr. Navin Prakash, AOR

Mr. Anil Soni, Adv.
Mr. Harish Pandey, AOR

UPON hearing the counsel the Court made the following

O R D E R

MA No.1709/2019 in MA No.1157/2019 in CA No.9048/2012

These applications preferred on behalf of the State Common Entrance Test Cell, Maharashtra State, seek extension of time, as laid down by this Court in its judgment delivered in *Parshavanath Charitable Trust & Others v. All India Council for Technical Education & Others,* reported in (2013) 3 SCC 385, to complete the admission process for admission to Undergraduate Technical Professional Courses

Mr. Navin Prakash, learned counsel appearing in support of the applications submitted that the State Common Entrance Test Cell was required to fill up 1,35,266 seats leading to Graduate Courses in Engineering and by 30.07.2018 which was the date for third counselling, the CET Cell could recommend 72171 seats, from and out of which 59751 admissions were effected.

It is also submitted that in the third round of counselling, the number of fresh candidates whose names were recommended for the first time were to the tune of 6742. Even out of this lot, about 3476 candidates could not take admissions.

Learned counsel submitted that because of the flood situation in some of the districts in Maharashtra, the difficulty was faced by the entire student community and many of them stood deprived of exercising their choices and options.

In his submission, the situation pertaining to courses leading to D. Pharmacy/B. Pharmacy is more or less identical. Out of 20863 seats available with the Common Entrance Cell, by third counselling 19579 seats were recommended. Out of these seats, the fresh candidates who were recommended for the first time were 5548 but about 3676 candidates could not report and take admissions in the respective colleges.

Learned counsel also pointed out that the result in respect of supplementary examination held for 10+2 level was declared on 23.08.2019 and those who had successfully completed said examination may also be allowed to take part in the admission process. He relied upon the order dated 14.08.2018 passed by this Court in M.A. No.2172 of 2018 in Civil Appeal No.9048 of 2012 where the express prayer in respect of earlier academic session was allowed with following observations:

> **"In the facts and circumstances of the case, we consider it appropriate to extend the time as requested for by the State of Maharashtra. The State Common Entrance Test (CET) Cell, Maharashtra, is directed to complete the admission for BE/B.Tech., B. Pharmacy/Pharmacy D., B. Architecture, B. Hotel Management and Catering Technology, before 31.08.2018."**

Having considered the matter and the submissions, in view of the peculiar facts and circumstances obtaining in the State, we allow the prayer made in the application and extend the time till 31.08.2019. We also permit the State to allow the candidates who have cleared 10+2 level examination in the Supplementary Examination to take part in the selection process.

The notice to that effect shall be published and uploaded on the official website today itself.

The process shall be completed within next three days and mop-up round, if any, be conducted within two days thereafter but in no case the deadline of 31.08.2019 shall be overstepped or breached.

***An affidavit shall be sworn by a competent official working with the State Common Entrance Test Cell on 02.09.2019 indicating the stages and steps undertaken in pursuance of this Order and setting out the number of candidates that could be recommended by the State as a result of extension granted by this order.**

Let the affidavit be filed by 05.09.2019.

List the matter for reporting compliance on 06.09.2019.

With the aforesaid observations, this Miscellaneous Application is allowed.

MA No.1716/2019 & MA No.1717/2019 in C.A. No.9048/2012

These Miscellaneous Applications have been filed on behalf of the State of Kerala seeking similar extension in the deadline from 15.08.2019 to 15.09.2019 to complete the admission process for the 1st Year Engineering and Architecture Courses and 1st Year B. Pharmacy Courses in the current Academic Session.

According to Mr. G. Prakash, learned counsel appearing for the State of Kerala, three Online Allotments were completed by the State on 17.07.2019. He invited our attention to the following Tabular Chart:-

KEAM 2019 VACANT SEATS DETAILS OF ENGINEERING/ARCHITECTURE/PHARMACY

Course	Type	No. of Colleges	No. of Seats Available for allotment by CEE	No. of Vacant Seats	Remark
Pharmacy	Govt.	5	217	66*	As on 23.08.2019
	Pvt. Self	39	1240	Nil	As on 17.07.2019 – Last Allotment
Engineering	Govt.	19	5146	413*	As on 23.08.2019
	Govt. Controlled	25	6817	2284	As on 17.07.2019 – Last Allotment
	Pvt. Self	105	19453	13657	As on 17.07.2019 – Last Allotment
Architecture	Govt.	4	178	9*	As on 23.08.2019
	Pvt. Self	29	775	1	As on 17.07.2019 – Last Allotment

*** Vacancies on 24.08.2019 at Government & Aided Colleges.**

Note: After the last allotment to the Private Self Financing and Govt. Controlled Colleges the vacant seats are filled up by the concerned colleges."

According to the Chart, considerable number of seats are still lying vacant. It is submitted that because of the recent floods in the State, the State authorities could not effectively complete the process and recommend all the seats that are available to be filled up through the Central Counselling Agency.

Considering the situation depicted in the application, we allow this application and grant to the State of Kerala similar extension, as was granted to the State of Maharashtra. Time is, therefore, extended till 31.08.2019.

The State shall issue necessary advertisements and upload the notice to all concerned on the official website today itself.

The process shall be completed within next three days and mop-up round, if any, be conducted within two days thereafter but in no case the deadline of 31.08.2019 shall be overstepped or breached.

***An affidavit shall be sworn by a competent official working with the State Common Entrance Test Cell on 02.09.2019 indicating the stages and steps undertaken in pursuance of this Order and setting out the number of candidates that could be recommended by the State as a result of extension granted by this order.**

Let the affidavit be filed by 05.09.2019.

List the matter for reporting compliance on 06.09.2019.

With the aforesaid observations, these Miscellaneous Applications are allowed.

MA No.1714/2019 & MA No.1711/2019 in C.A. No.9048/2012 (IX)

MA No.1714/2019

This Miscellaneous Application has been preferred on behalf of the Rajasthan Engineering Colleges Society seeking extension of deadline of counselling and admission for various courses (B. Tech., M. Tech., MBA, MCA, B. Arch.) up to 15.09.2019 for the current Academic Session.

It is submitted that the mandatory period of 10-days for counselling as laid down by this Court in its judgment delivered in *Parshavanath Charitable Trust & Others v. All India Council for Technical Education & Others,* reported in (2013) 3 SCC 385, was not strictly adhered to in the present matter and there were communal riots in the State, as a result of which as against more than 15000 Seats which were filled up in the last Academic Session, the concerned Colleges could fill up only 11000 seats in the present Academic Session.

In the circumstances, we issue notice.

Notice shall be served upon Principal Secretary, Department of Technical Education, Government of Rajasthan, Jaipur, Rajasthan.

Dasti service, in addition, is permitted.

Liberty is granted to serve the learned Standing Counsel for the State of Rajasthan.

List this matter on 28.08.2019.

MA No.1711/2019

Issue notice to the State of Rajasthan as well as to the Chairman, Pharmacy Counselling Board 2019, SMS Medical College, Jaipur, Rajasthan.

Dasti service, in addition, is permitted.

Liberty is granted to serve the learned Standing Counsel for the State of Rajasthan.

List this matter on 28.08.2019.

MA No.1713/2019 in C.A. No. 9048/2012; MA No.1718/2019 in C.A. No.9048/2012 (IX); and, MA No.1715/2019 in C.A. No. 9048/2012 (IX)

We do not see any reason to entertain these Miscellaneous Applications. The Miscellaneous Applications are, accordingly, dismissed.

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

(MUKESH NASA)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER

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With the aforesaid observations, this Miscellaneous Application is allowed.

<u>MA No.1716/2019 & MA No.1717/2019 in C.A. No.9048/2012</u>

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COURT MASTER	**BRANCH OFFICER**