

ITEM NO.64+81

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

MA No.1037 in WRIT PETITION (C) NO.76/2015

(Arising out of impugned final judgment and order dated 18-01-2016  
in RCS-A No. 76/2015 passed by the Delhi)

ASHISH RANJAN

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln.(s) for intervention/impleadment)

WITH MA 1038/2017 in W.P.(C) No.76/2015 (X)

(With appln.(s) for intervention / impleadment and appropriate  
orders/directions)

MA 1040/2017 in W.P.(C) No. 76/2015 (X)

Diary No(s).30088/2017 (X)

(With appln.(s) for direction)

MA 1041/2017 in W.P.(C) No.743/2017

Date : 22-09-2017 These matters were 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)

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For Respondent(s) Mr. Maninder Singh, ASG  
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Ms. Ruchi Kohli, Adv.

Mr. Ajit Kumar Sinha, Sr. Adv.  
Mr. Ashwarya Sinha, Adv.  
Ms. A.K. Thanvi, Adv.  
G. Bhalla, Adv.

Mr. Atul Shankar, Adv.  
Mr. Romy Chacko, Adv.

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

Though various interlocutory applications have been filed in various writ petitions, yet the prayer in singularity pertains to extension of time for filling up the vacant posts in super-speciality courses, post-graduate courses and MBBS courses. It is not necessary to state that what prayer is made in a particular interlocutory application. Suffice to refer to order dated 4<sup>th</sup> September, 2017 passed by this Bench in Writ Petition (C) No.743 of 2017. The relevant portion of the said order reads as follows:-

"In the course of hearing, Mr. Maninder Singh, learned Additional Solicitor General, after obtaining instructions from the DGS, submitted that a different situation has arisen as regards the counselling to be held for the super-speciality courses. He would urge that time may be extended for the vacant seats. Regard being had to the fact situation, we extend the time till 14.09.2017."

From the aforesaid order, it is abundantly clear that time was extended till 14<sup>th</sup> September, 2017.

Today, when these applications were argued by many a learned senior counsel, there was an echo of concern that seats are going vacant and, therefore, there is necessity, nay, a requisite warrant, to extend the date. If we permit ourselves to say so, the concern travelled from rational

sphere to emotional sphere. We appreciate the concern, perception and the argument advanced at the Bar. We may also note that Mr. Maninder Singh, learned Additional Solicitor General appearing for the Central Government gave his concession in no uncertain terms for extension of time on the basis of the instructions given by the Directorate General of Health Services. There was a vehement opposition by Mr. Gaurav Sharma, learned counsel appearing for the Medical Council of India. He contends that once this Court has extended the time and fixed the time limit till 14<sup>th</sup> September, 2017 and the candidates did not avail the facilities, it will be an anathema to the concept of law to grant extension at the behest of the Institutions or the students. He would urge that the maintenance of discipline is of transcendental significance in the sphere of admission to medical colleges. He would urge with all humility at his command that grant of extension of time has the potentiality to usher in state of chaos and the result may be that the students who are not eligible or have defaulted, would gain the benefit.

Having bestowed our careful and studied consideration with regard to the submissions advanced at the Bar, we are of the convinced opinion and an extension at this juncture would not be appropriate. A sense of concern is one thing, but sustenance of discipline and order is another aspect. Weighing both the concepts in a balanced manner, we unhesitatingly come to the conclusion that the prayers made in the interlocutory applications do not deserve any acceptance and, accordingly, they stand rejected.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Assistant Registrar