

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MA NO.1692/2019
IN
CIVIL APPEAL NO.9048/2012

PARSHAVANATH CHARITABLE TRUST

Petitioner(s)

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

Respondent(s)

WITH

MA NO.1711/2019 IN CIVIL APPEAL NO.9048/2012

MA NO.1714/2019 IN CIVIL APPEAL NO.1756/2019

MA NO.1756/2019 IN CIVIL APPEAL NO.1756/2019

MA NO.1757/2019 IN CIVIL APPEAL NO.1756/2019

O R D E R

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

On 26.08.2019 following order was passed in connection with
aforesaid applications Nos MA No.1714 & 1711 of 2019:

"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 the matter on 28.08.2019."

Dr. Manish Singhvi, Sr. Advocate who appeared on behalf of State of Rajasthan fairly accepted that the schedule for allotment/counselling as published on 08.08.2019 was not in strict conformity with the guidelines issued by this Court in Parshavanath Charitable Trust & Others v. All India Council for Technical Education & Others, (2013) 3 SCC 385.

In the circumstances, we grant extension upto and inclusive of 31.08.2019 within which the counselling and allocation of seats shall be completed by the office of the Chairman, Pharmacy Counselling Board 2019, SMS Medical College, Jaipur, Rajasthan in case of admissions to the courses in Pharmacy and by the Principal Secretary, Department of Technical Education,

Government of Rajasthan, Jaipur, Rajasthan in respect of courses in Engineering. The entire process shall be completed by 30.08.2019 leaving a day for the students to take admission i.e. on the last date i.e. 31.08.2019. In no case, the process shall overstep the deadline dated 31.08.2019.

With the aforesaid observations, M.A. Nos.1714 and 1711 of 2019 stand disposed of.

M.A. No.1757/2019 in C.A. No.9048/2012

This application has been moved on behalf of Dr. APJ Abdul Kalam Technical University, Uttar Pradesh seeking extension of the cut off date for admission of students in Technical Institutions affiliated to Dr. APJ Abdul Kalam Technical University, Uttar Pradesh.

The documents annexed to the application show that the process of counselling began after registration was done between 26.06.2019 to 02.07.2019 whereafter various stages were undertaken. As a part of the process, the allocation of seats was done on or around 26.07.2019 and the students were to pay their fees by 27.07.2019. According to the schedule, the spot round of counselling was to begin after vacancy situation was notified on 31.07.2019. The students were to register for spot counselling on 01.08.2019 and by 14.08.2019 second round of spot counselling was to be completed.

The tabular chart set out in para 22 of the application shows that out of 1,54,430 seats available for various courses, about 20595 seats were allocated during the process of

counselling while 682 seats could be filled up after two rounds of spot counselling, leaving huge number of seats completely unfilled. The tabular chart further shows that about 62502 candidates have done "pre-registration".

We have been given to understand that while the process of spot counselling was going on, simultaneously the students were extended the facility of "pre-registration". The idea was that the candidates can put in their claim in case any seats are left unfilled in any of the institutions. As the facts indicate, only 682 seats could be filled up during spot counselling from and out of body of about 62502 candidates who had pre-registered themselves. Since the clarity as to vacant seats could finally emerge after completion of the rounds of spot counselling, a day's time thereafter to seek admission against any unfilled seats in any of the institutions, would be highly inadequate.

In the circumstances, we extend the deadline as set out in *Parshavanath Charitable Trust & Others v. All India Council for Technical Education & Others*, reported in (2013) 3 SCC 385, in the peculiar circumstances of the present case. It is therefore directed:

(a) In relation to 62502 candidates who had pre-registered themselves with Dr. APJ Abdul Kalam Technical University, Uttar Pradesh, the deadline stands extended to 31.08.2019.

(b) Any of those students who had pre-registered, shall be entitled to seek admission against any unfilled seats in any of the technical institutions affiliated to said Dr. APJ Abdul Kalam Technical University, Uttar Pradesh, provided such

students otherwise satisfy all the essential and mandatory requirements.

(c) The process of admission can go on till midnight of 31.08.2019 but it shall in no circumstances overstep the deadline.

(d) All the institutions shall by 3.00 p.m. on 01.09.2019 intimate to Dr. APJ Abdul Kalam Technical University the names and details of all the candidates who had taken admissions upto 31.08.2019. Any name intimated thereafter shall be taken to be a breach of the present condition and such candidates will not be permitted to join the course.

(e) Soon after the compilation of the data, an affidavit shall be filed by the competent person from the University giving details as to how many students were admitted upto 31.08.2019 from and out of the body of those who had pre-registered.

MA. No.1756/2019 in C.A. No.9048 of 2012

The application moved by, Mr. Jamshed P. Cama, Sr. Adv. Appearing on behalf of the Association of Institutes of Technical Education affiliated to the University is also disposed of in aforesaid terms.

..... J
(UDAY UMESH LALIT)

..... J
(VINEET SARAN)

NEW DELHI;
AUGUST 28, 2019

ITEM NO.22

COURT NO.7

SECTION IX

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

Civil Appeal No.9048/2012

(Arising out of impugned final judgment and order dated 17-04-2014 in C.A. No. No. 9048/2012 passed by the Supreme Court of India)

PARSHAVANATH CHARITABLE TRUST

Petitioner(s)

VERSUS

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION

Respondent(s)

IA No. 124572/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 124567/2019 - INTERVENTION APPLICATION)

WITH

MA 1710/2019 in C.A. No. 9048/2012 (IX)
(FOR impleading party ON IA 123790/2019

IA No. 123790/2019 - INTERVENTION/IMPLEADMENT)

MA 1711/2019 in C.A. No. 9048/2012 (IX)
(FOR EXTENSION OF TIME ON IA 124551/2019

IA No. 124551/2019 - EXTENSION OF TIME)

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

IA No. 125132/2019 - EXTENSION OF TIME)

MA 1756/2019 in C.A. No. 9048/2012 (IX)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 127474/2019

FOR EXEMPTION FROM FILING O.T. ON IA 127477/2019

IA No. 127474/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 127477/2019 - EXEMPTION FROM FILING O.T.)

MA 1757/2019 in C.A. No. 9048/2012 (IX)

(FOR CLARIFICATION/DIRECTION ON IA 127999/2019

FOR EXEMPTION FROM FILING O.T. ON IA 128002/2019

IA No. 127999/2019 - CLARIFICATION/DIRECTION

IA No. 128002/2019 - EXEMPTION FROM FILING O.T.)

Date : 28-08-2019 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN**

For Petitioner(s)

**Mr. J.P. Cama, Adv.
Mr. Rituraj Biswas, AOR
Mr. Mayan Prasad, Adv.
Ms. Sujaya Bardhan, Adv.
Mr. Amitesh Kumar, Adv.
Mr. Binisu Mohanty, Adv.
Mr. Priti Kumari, Adv.**

**Mr. Satish Kumar, AOR
Mr. Mritunjay Kumar Sinha, AOR**

**Mr. Divyank Rana, Adv.
Mr. Sanjay Sharawat, AOR**

For Respondent(s)

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

**Mr. Praveen Kumar, Adv.
Mr. Umang Shankar, Adv.**

**Mr. N.K. Chauhan, Adv.
Mr. Abhik Kumar, Adv.
Mr. Praveen Swarup, Adv.**

**Dr. Manish Singhvi, Adv.
Mr. Naveen Kr. Chauhan, Adv.**

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

**Mr. Zoheb Hossain, AOR
Mr. Piyush Goyal, Adv.**

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

MA No.1692/2019 in C.A. No.9048/2012

List on 29.08.2019 at 2.00 p.m.

MA No.1714/2019, MA No.1711/2019 in C.A. No.9048/2012, M.A. No.1756/2019 in C.A. No.9048/2012 and MA No.1757/2019 in C.A. No.9048 of 2012

All the above-mentioned Miscellaneous Applications are disposed of in terms of the signed order.

(KAVITA PAHUJA)
COURT MASTER (SH)

(SUMAN JAIN)
BRANCH OFFICER

[Signed order is placed on the file)