

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

Petitions for Special Leave to Appeal (C) Nos. 3505-3506/2020

(Arising out of impugned final judgment and order dated 16-07-2019 in WPA No. 234/2019 04-11-2019 in WPA No. 234/2019 passed by the High Court of Calcutta Circuit Bench at Jalpaiguri)

BOARD OF GOVERNORS IN SUPERSESSION OF
MEDICAL COUNCIL OF INDIA

Petitioner(s)

VERSUS

DR.REETIKA KAPOOR & ORS.

Respondent(s)

(IA No. 85179/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 17164/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES)

WITH

SLP(C) No. 3507-3508/2020 (XVI)

(IA No. 136852/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES and IA No. 16720/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES)

Date : 21-04-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MS. JUSTICE BELA M. TRIVEDIFor Petitioner(s) Mr. Gaurav Sharma, AOR
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.For Respondent(s) Mr. Rohit Dutta, Adv.
Mr. Prabhat Kumar Srivastawa, Adv.
Ms. Priyata Chakraborty, Adv.
Ms. Shalini Kaul, AORMr. Subhasish Bhowmick, AOR
Ms. Manisha Pandey, Adv.
Mr. John Thomas A., Adv.
Mr. Harsh Gupta, Adv.
Mr. Susheel Upadhaya, Adv.UPON hearing the counsel the Court made the following
O R D E RSLP (C) Nos. 3505-3506 of 2020It is informed to this Court that after passing of the order by this Court dated 3rd February, 2020, the respondent Dr. Reetika

Kapoor, has chosen not to continue and avail the benefit of seeking admission in post-graduate medical course in terms of the order impugned dated 16th July, 2019 followed with 4th November, 2019.

The Statement of respondent no. 1 - Dr. Reetika Kapoor, is supported by her affidavit is taken on record and in terms thereof the present special leave petition has become infructuous and are accordingly dismissed.

SLP(C) No. 3507-3508/2020

The writ petition was filed by Dr. Priyambada Sharma (respondent no.1) before the High Court of Calcutta with a prayer that after holding final round of counselling on 31st May, 2019, she was unable to get admission being lower in order of merit in the NEET examination, but still one seat of MS Gynecology in North Bengal Medical College under the West Bengal University of Health Sciences at Kolkata is lying vacant, her candidature may be considered against the vacancy of MS Gynecology and the learned Single Judge (Ravi Krishan Kapur, J.) overlooking the judgments of this Court in *Mridul Dhar (Minor) and another v. Union of India and others* 2005) 2 SCC 65 and *Priya Gupta v. State of Chhattisgarh and others* (2012) 7 SCC 433, wherein this Court has given a deadline that there shall be no admissions in post-graduate medical course after 31st May of the year of admission, by an ad-interim ex-parte order dated 16th July, 2019 directed the impleaded respondent's to admit Dr. Sharma provisionally in the college to be selected by the University in MD Gynecology, although her prayer was for MS Gynecology by 23rd July, 2019.

The West Bengal University of Health Sciences appears to be impatient on the very next date i.e. on 17th July, 2019 granted her provisional admission pursuant to ad-interim ex-parte order of the High Court dated 16th July, 2019 in MS Gynecology in Medical College, Kolkata and taking note of the order passed by the University of Health Sciences dated 17th July, 2019 another Single Judge of the High Court (Rajasekhar Mantha, J.) even after taking note of the objection raised by the then Medical Council of India

that no admissions in post-graduate medical courses are permissible after 31st May of the year of admission i.e. 2019, still regularized her admission, which was provisionally granted to her on 17th July, 2019 by order dated 4th November, 2019 in clear disregard to the orders of this Court. Such approach of the High Court of Calcutta is regrettable and we deprecate such practice.

Both the aforesaid orders dated 16th July, 2019 and 4th November, 2019 were assailed by the present petitioners and by order 3rd February, 2020, both the orders were stayed by this Court.

When the matter came up before this Court, learned counsel for Dr. Sharma informed that she has completed her full term of post-graduation and may appear in the final examination which is scheduled in the next month.

Before we proceed with the matter, let the University (respondent no.2 and 3) may file explanation as to what steps were taken after the order was passed by this Court on 3rd February, 2020 and under what circumstances Dr. Priyambada Sharma was allowed to continue thereafter.

Dr. Priyambada Sharma may also submit her explanation.

List the matter on 12th May, 2022.

(NEETA SAPRA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)