

ITEM NO.11

COURT NO.2

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(s) (Civil) No(s). 178/2017

KPC MEDICAL COLLEGE AND HOSPITAL

Petitioner(s)

VERSUS

UNION OF INDIA AND ANR

Respondent(s)

(with office report)

WITH

W.P.(C) No. 181/2017

(WITH APPLN. (S) FOR permission to place addl. documents on record and Office Report)

W.P.(C) No. 191/2017

(WITH Office Report)

Date : 21/04/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. V. Giri, Sr. Adv.
Mr. J.s. Bhasin, Adv.
Ms. Rashmi Priya, Adv.
Mr. Nishant Shokeen, Adv.
Mr. T. Mahipal, AOR

For Respondent(s) Mr. Gaurav Sharma, AOR
Mr. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.
Ms. Vara Gaur, Adv.

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Amit Sharma, Adv.
Mr. Vibhu Shanker Mishra, Adv.

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

WP No.178 of 2017

Heard Mr. V. Giri, learned senior counsel along with Mr. J.S.

Bhasin, learned counsel for the petitioner, Mr. Ajit Kumar Sinha, learned senior counsel appearing for the Union of India and Mr. Gaurav Sharma, learned counsel appearing for the Medical Council of India.

The grievance in the present writ petition preferred under Article 32 of the Constitution is non-consideration of the application submitted by the petitioner for grant of permission in respect of the Post Graduate courses in eight subjects. It is submitted by Mr. Ajit Kumar Sinha, learned senior counsel and Mr. Gaurav Sharma, learned counsel appearing for the respondents that the application submitted by the petitioner though was received within the time frame fixed by the Central Government, it did not contain the consent of affiliation but later on the same was filed but by that time, the cut-off date was over. Be it noted, for the academic session 2017-2018, the counselling is in process and the last date of admission is 31.5.2017. In such a situation, we have no hesitation in our mind that the permission application form submitted by the petitioner cannot be considered for the academic Session 2017-2018.

In view of the aforesaid and regard being had to the special facts and circumstances of the case, we direct the respondents to consider the pending applications which were submitted on 6.4.2016 and the consent of affiliation on 19.4.2016 as an application to be considered for the academic session 2018-2019. The Medical Council of India shall proceed for considering the application in accordance with the Regulations and we are sure the Medical Council of India shall not cause any delay so that to give rise to any kind of further grievance to the petitioner. Be it clarified, when we say give rise to any kind of grievance, we are only emphasising on the part of delay not with regard to any kind of exoneration of deficiencies.

The writ petition is accordingly disposed of. There shall be

no order as to costs.

WP (C) Nos.181 and 191 of 2017

List the matters on 27.04.2017.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master