

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) No(s). 733 OF 2019

SAGAR DAMODAR SARDA & ORS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

WITH

I.A. NO.87113/2019 IN W.P.(C)NO.596 OF 2019

O R D E R

I.A. NO.87113/2019 IN W.P.(C)NO.596 OF 2019 :

(1) So far as the main prayer in the said interlocutory application to continue the E.W.S. quota for this academic year is concerned the same cannot be granted in view of the earlier order passed by this Court on 30<sup>th</sup> May, 2019 and subsequently on 31<sup>st</sup> May, 2019.

(2) Insofar as some other reliefs are concerned the same shall be dealt with while deciding the W.P.(C)No.733 of 2019.

(3) With this view of the matter, the present application (I.A.No.87113 of 2019) for impleadment is disposed of.

Writ Petition (C) No.733 of 2019 :

(1) We have heard Ms. Meenakshi Arora, learned counsel appearing for the writ petitioners. We have also heard Mr. Nishant R. Katneshwarkar, learned counsel appearing for the respondent-State; Mr. Shekhar Jagtap, learned counsel appearing for the Common Entrance Test Cell (CET Cell) and Mr. Gaurav Sharma, learned counsel appearing for the Medical Council of India.

(2) The main grievance in the present writ petition is non-compliance with the Orders passed by this Court on dated 30<sup>th</sup> May, 2019 and 31<sup>st</sup> May, 2019 in its true letter and spirit. The grievance urged by the petitioners is that though the CET Cell and the State have submitted that reshuffling of the seats by converting the E.W.S. quota to the general category has been conducted, no counselling has taken place. The petitioners submit that the 1<sup>st</sup> and 2<sup>nd</sup> round of counselling were cancelled vide Notice dated 9<sup>th</sup> May, 2019. However, thereafter there was no counseling conducted. It is mandatory under the Regulations to conduct even a mop up round of counselling. It is submitted that as a consequence, several meritorious students have got left out.

(3) The aforesaid submission is vehemently opposed by Mr. Shekhar Jagtap, learned counsel appearing for the CET Cell, and Mr. Nishant R. Katneshwarkar, learned counsel appearing for the State of Maharashtra. It was submitted that reshuffling had

been done in consonance with the Order dated 31<sup>st</sup> May, 2019. It was further submitted that the petitioners were offered admission as per the preferences indicated but did not opt to take admission. That on reshuffling, one of the petitioners has been upgraded.

(4) Having heard learned counsel appearing for the parties, and perusing the concerned material on record, including Notice No.26 dated 9<sup>th</sup> May, 2019, the undisputed position which has emerged is that after the Admissions on the basis of first two rounds of counselling were cancelled, thereafter no further counselling has in fact been conducted by the CET Cell.

(5) Mr. Gaurav Sharma, learned counsel appearing for the M.C.I., has suggested that instead of conducting on-line counselling in this case, the counselling may be done physically so that final admissions are made upon the payment of fees and deposit of certificates on the spot.

(6) In the peculiar facts of the present case, we are exercising our extraordinary jurisdiction under Article 142 of the Constitution to do substantial justice between the parties and so as to see that meritorious students may not have to suffer. We direct that a fresh advertisement be issued by CET Cell in newspapers, in the local language and in English, having wide circulation in the State of Maharashtra within two days from today. The notices be put up on the website also.

The seat matrix in the colleges must be notified. We direct that the physical counselling to be conducted within one week thereafter. A representative of the concerned colleges/institutions must remain present at the time of counselling, so that the admission process can be completed. It is further directed that where students had already paid fees earlier, the same be adjusted in the college where the admission is being given in this final round of counselling.

(7) It is made clear that no student shall be permitted to change his/her option/preference which has been given earlier at the time of making their application on 5<sup>th</sup> March, 2019. The admission of the students shall be restricted to their choice/preference given in the admission form.

(8) It goes without saying that the entire admission process/counselling shall be conducted on the basis of merit as per the revised NEET list, after the EWS quota has been scrapped. The entire aforesaid exercise of counselling shall be completed on or before 17<sup>th</sup> June, 2019. This round of counselling pertains only to the general category candidates.

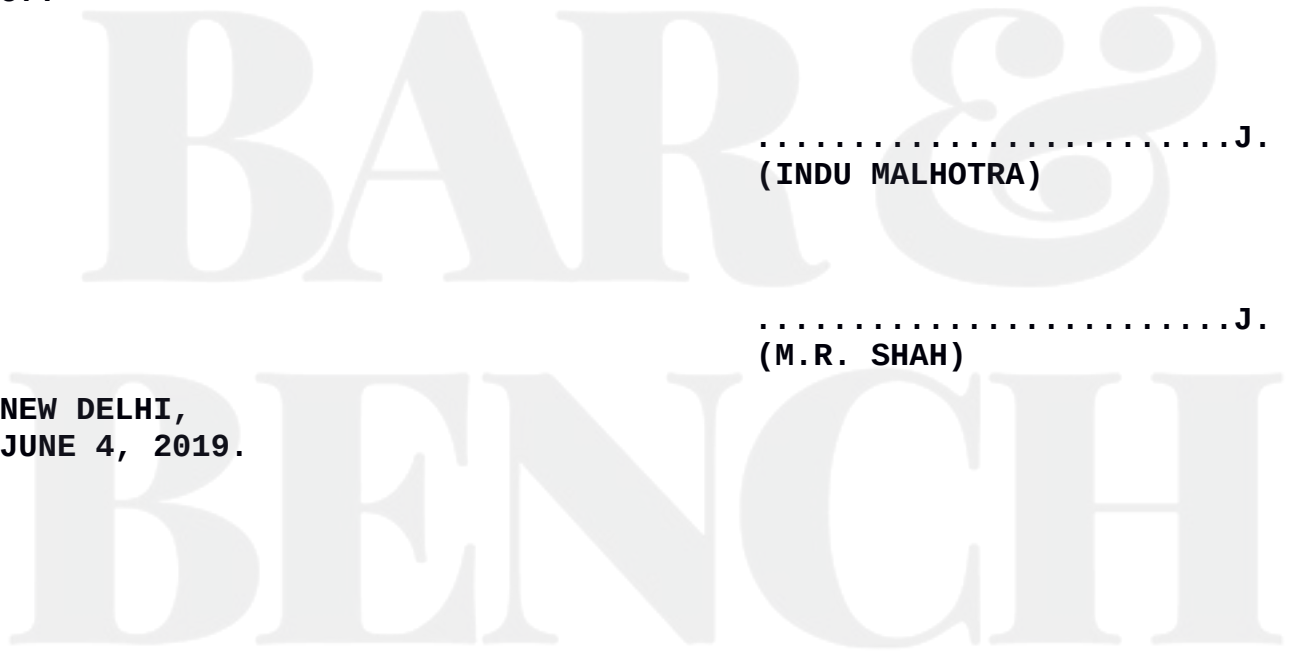
(9) It is also directed that no further petition/application in respect of the admission for the present academic year shall be entertained by any court, as there is already delay in admission of the medical students through out the State of Maharashtra.

(10) With the above directions, the writ petition is disposed of.

.....J.  
(INDU MALHOTRA)

.....J.  
(M.R. SHAH)

NEW DELHI,  
JUNE 4, 2019.



ITEM NO.8 + 1 COURT NO.4 SECTION X OUT TODAY

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

Writ Petition(s)(Civil) No(s). 733/2019

SAGAR DAMODAR SARDA & ORS. Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS. Respondent(s)

(IA No. 87060/2019 - EXEMPTION FROM FILING O.T.)

WITH

Writ Petition(s)(Civil) No(s). 55/2019

(ONLY I.A.NO.87113/2019 IN WP (C) NO. 596/2019 TO BE TAKEN UP  
ALONGWITH ITEM NO. 8 I.E. W.P.(C)NO.733/2019)

WITH W.P.(C) No. 596/2019 (X)

(IA No. 87113/2019 IN W.P.(C)NO.596 OF 2019-Application for  
intervention/impleadment)

Date : 04-06-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDU MALHOTRA  
HON'BLE MR. JUSTICE M.R. SHAH  
(VACATION BENCH)

For Petitioner(s) Ms. Minakshi Arora, Sr. Adv.  
(W.P.733/2019) Mr. Garvesh Kabra, AOR  
Mr. Anup Lohiya, Adv.  
Ms. Pooja Kabra, Adv.  
Ms. Swatilina Barik, Adv.

(IA 87113/2019) Mr. Huzefa Ahmadi, Sr. Adv.  
(Applicant) Mr. Aljo K. Joseph, AOR

(WP 55/2019) Mr. Yadav Narendra Singh, AOR.  
Mr. Ashutosh Yadav, Adv.

(WP 596/2019) Mr. Akash Kakade, Adv.  
Mr. Somnatha Padhan, AOR.  
Mr. Neelmani Pant, Adv.  
Mr. Swetab Kumar, Adv.

For Respondent(s) Mr. Nishant R. Katneshwarkar, AOR  
(State of Maharashtra) Mr. Nishant Sharma, Adv.  
Mr. Anoop Kandari, Adv.

(CET Cell) Mr. Shekhar Jagtap, Adv.

Mr. Sawant Aadesh Jayant, Adv.

(MCI)

Mr. Gaurav Sharma, Adv.

Mr. Dhawal Mohan, Adv.

Mr. Amandeep Kaur, Adv.

Ms. Madhvi Divan, ASG

Mr. R. Balasubramanian, Sr. Adv.

Mr. Ankur Talwar, Adv.

Ms. Shraddha Deshmukh, Adv.

Mr. Deepak Goel, Adv.

Ms. Shraddha Deshmukh, Adv.

Mr. Raj Bahadur Yadav, Adv.

Mrs. Anil Katiyar, Adv.

Mr. R. C. Kohli, AOR

Mr. K. V. Mohan, AOR

Intervenor-in-person

Ms. Liz Mathew, AOR

Mr. V. K. Biju, AOR

UPON hearing the counsel the Court made the following

O R D E R

In terms of the signed order, IA No. 87113/2019 in W.P.(C) No.596 of 2019 and W.P.(C)No.733 of 2019 are disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER

(Signed order is placed on the file)