

(2016) 01 SC CK 0028

In the Supreme Court Of India

Case No : I.A. No. 7 and 8 in Writ Petition (Civil) No. 76 of 2015 with Writ
Petition Nos. 314 and 328 of 2015

Ashish Ranjan & Ors.

APPELLANT

Vs

Union of India & Ors.

RESPONDENT

Date of Decision : 18-01-2016

Acts Referred:

Citation : (2016) 4 JT 127 : (2016) 4 Scale 370 : (2016) 11 SCC 225

Hon'ble Judges : Dipak Misra;N.V. Ramana, JJ.

Bench : Division Bench

Advocate : Prashant R. Dahat, Puneet Yadav, Akarsh Kamra, Venkateswara Rao Anumolu, AOR, Prashant R. Dahat, Parthiban M.P, Akarsh Kamra, Puneet yadav, Advocates and T.R.B. Sivakumar, AOR, for the Appellant; Anip Sachthey, AOR AP, Mr. Guntur Prabhakar, AOR, Ms. Prerna Singh, Gujarat Ms. Hemantika Wahi, AOR, Ms. Vinakshi Kadan, West Bengal Mr. Soumitra G. Chaudhuri, Mr. Parijat Sinha, Chandigarh Mr. Sangram S. Saron, Mr. Shree Pal Singh, AOR, Mr. M.T. George, AOR, Mrs. Kirti Renu Mishra, AOR Ms. Pinky Anand, Mr. S.S. Rawat, Mr. Ajay Sharma, Ms. Rekha Pandey, Mr. R.S. Nagar, Mr. D.S. Mahra, Ms. Sunita Sharma, AOR, Mr. S. Udaya Kumar Sagar, AOR, Mr. Krishna Kumar Singh, Mr. V.N. Raghupathy, AOR Assam, Ms. Apeksha Sharan, For M/s Corporate Law Group, AOR, Mr. Rajesh Srivastava, AOR, Chhattisgarh Mr. C.D. Singh, Mr. A.P. Mayee, AOR, Mr. Udit Arora, Mr. A. Selvin Raja, U.P. Mr. Irshad Ahmad, AAG Mr. Som Raj Choudhary, Mr. Abhish Kumar, AOR, Mr. Manu Yadav, Odisha Mr. Pawan Upadhyay, Mr. Sarvjit Pratap Singh, Ms. Sharmila Upadhyay, AOR, Mr. Vikas Mehta, AOR, Ms. Nidhi Gupta, Dr. Monika Gusain, AOR Mr. R.K. Gupta, Mr. M.K. Singh, Mr. B.P. Gupta, Mr. A.K. Singh, Mr. Shekhar Kumar, AOR, H.P. Mr. Suryanarayana Singh, Sr. AAG, Ms. Pragati Neekhara, AOR, Mr. Sudarshan Rajan, AOR, Ms. Shriya Chauhan, Mr. Rajeev Khurana, Mr. S.S. Shamshery, AAG, Mr. Amit Sharma, Mr. Yishu Prayash, Ms. S. Spandana Reddy, Mr. Milind Kumar, Ms. Ruchi Kohli, Jharkhand Mr. Ajit Kumar Sinha, Sr. Mr. Tapesk Kumar Singh, AOR, Mr. Mohd. Waquas, Mr. Aditya N. Das, Mr. Shashank Singh, Goa Mr. Siddharth Bhatnagar, Mr. Sidharth Mohan, Ms. Garima Tiwari, Mr. Nirnimesh Dube, AOR, Maharashtra Mr. Sachin Patil, Mr. Nishant Katneshwarkar, Mr. B. Balaji, AOR, Mr. Sudhanshu, MCI Mr. Gaurav Sharma, AOR, Mr. Prateek Bhatia, Mr. Dhawal M, Mr. Mukul Gupta, Sr. Mr. Kaushik Poddar, AOR, Mr. Rakesh Gosain, Ms. Suvarna Kashyap, Mr. Tushar Gupta, Mr. Rudreshwar Singh, Mr. Gopal Singh, AOR, Ms. Vimla Singh, Mr. S.N. Bhat, AOR, Ms. Vijayanthi Girish, Punjab Mr. Kuldeep Singh, Mr. M.S. Bakshi, Ms. Kirti Kumar, Mr. S. Udaya Kumar Sagar, Ms. Bina Madhavan,

and Swati Vellodi, Advocates, for the Respondent

Final Decision : Disposed Of

Judgement

1. Applications for impleadment are allowed.

2. Heard learned counsel for the petitioner, Mrs. Pinky Anand, learned additional solicitor general for the Union of India and Mr. Gaurav Sharma for the Medical Council of India.

3. Mr. Gaurav Sharma, has filed the notifications issued by the Medical Council of India with the previous sanction of the Central Government. The said Notification reads as under :

"In exercise of the powers conferred by Section 10(A) read with Section 33 of the Indian medical Council Act, 1956 (102 of 1956), the Medical Council of India with the previous sanction of the Central Government hereby makes the following Regulations to further amend the "Establishment of Medical College Regulations, 1999" namely:-

(i) These Regulations may be called the "Establishment of Medical College Regulations, (Amendment), 2015".

(ii) They shall come into force from the date of their publication in the Official Gazette.

2. In the "Establishment of Medical College Regulations, 1999", in Schedule For Receipt Of Applications For Establishment Of New Medical Colleges And Processing Of The Applications By The Central Government And The Medical Council Of India" the following shall substituted as under:-

TIME SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES/RENEWAL OF PERMISSION AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

S. No.

Stage of processing

Last Date

1.

Receipt of applications by the Central Government

Between 15th June to 7th July (both days inclusive) of any year

2.

Forwarding application by the Central Government to Medical Council of India.

By 15th July

3.

Technical Scrutiny, assessment and Recommendations for Letter of Permission by the Medical Council of India.

By 15th December

4.

Receipt of reply/ compliance from the applicant by the Central Government and for personal hearing thereto, if any, and forwarding of compliance by the Central Government to the Medical Council of India.

Two months from receipt of recommendation from MCI but not beyond 31st January.

5.

Final recommendations for the Letter of Permission by the Medical Council of India.

By 30th April

6.

Issue of Letter of Permission by the Central Government.

By 31st May

Note 1. In case of renewal of permission, the applicants shall submit the application to the Medical Council of India by 15th July.

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In exercise of the powers conferred by Section 33 of the Indian Medical Council Act, 1956 (102) of 1956, the Medical Council of India with the previous sanction of the Central Government, hereby makes the following Regulations to further amend the "Opening of a New or Higher Course of Study or Training (including Postgraduate Course of Study or Training) and increase of Admission Capacity in any Course of Study or Training (Including a Postgraduate Course of Study or Training) Regulations 2000", namely:-

1(i) These Regulations may be called the "Opening of a New or Higher Course of Study or Training (Including Postgraduate Course of Study or Training) and increase of Admission Capacity in any Course of Study or Training (including Postgraduate Course of Study or Training (Amendment) Regulations 2015".

(ii) They shall come into force from the date of their publication in the Official Gazette.

2. In Part II - Scheme For Permission Of The Central Government To Increase

The Admission Capacity In Any Course Of Study Or Training (Including Post Graduate Course Of Study Or Training) In The Existing Medical Colleges/ institutions" of the "Opening of a New or Higher Course of Study or Training (Including Postgraduate Course of Study or Training) and increase of Admission Capacity in any Course of Study or Training (Including a Postgraduate Course of Study or Training) Regulations 2000", after point no.7 the following shall be added:-

TIME SCHEDULE FOR RECEIPT OF APPLICATIONS FOR INCREASE OF ADMISSION CAPACITY IN MBBS COURSE/RENEWAL OF PERMISSION FOR INCREASE OF SEATS AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

S. No.

Stage of processing

Last Date

1.

Receipt of applications by the Central Government

Between 15th June to 7th July (both days inclusive) of any year

2.

Forwarding application by the Central Government to Medical Council of India.

By 15th July

3.

Technical scrutiny, assessment and Recommendations of Letter of Permission by the Medical Council of India

By 15th December

4.

Receipt of reply/ compliance from the applicant by the Central Government and for personal hearing thereto, if any and forwarding of compliance by the Central Government to the Medical Council of India.

Two months from receipt of recommendation from MCI but not beyond 31st January

5.

Final recommendations for the Letter of Permission by the Medical Council of India

By 30th April

6.

Issue of Letter of Permission by the Central Government"

By 31st May

Note 1. In case of renewal of permission, the applicants shall submit the application to the Medical Council of India by 15th July.

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In exercise of the powers conferred by Section 33 of the Indian Medical Council Act, 1956 (102 of 1956), the Medical Council of India with the previous sanction of the Central Government, hereby makes the following Regulations to further amend the "Regulations on Graduate Medical Education, 1997", namely:-

1.(i) These Regulations may be called the "Regulations on Graduate Medical Education, 2015.

(ii) They shall come into force from the date of their publication in the Official Gazette.

2. In the "Regulations on Graduate Medical Education, 1997", Appendix E shall be replaced as under:-

TIME SCHEDULE FOR COMPLETION OF THE ADMISSION PROCESSFOR FIRST MBBS COURSE

Sr. No.

Schedule for Admission

Seats to be filled up by the Central Government through the All India Entrance Examination

Seats to be filled up by the State Govt./Institution.

1.

Conduct of Entrance Examination

Between 1st to 7th May

Between 10th to 17th May

2.

Declaration of the Result of the Qualifying Exam/Entrance Exam.

By 1st June

By 1st June

3.

1st round of counselling/admission

To be over by 25th June

Between 6th July to 15th July

4.

Last date for joining the allotted college and the course

By 5th July

By 22nd July

5.

2nd round of counselling/ admission for vacancies

Between 23rd July to 30th July

Between 10th to 22nd August

6.

Last date of joining for the 2nd round of counselling/ admission

By 9th August

By 28th August

7.

Commencement of academic session/ term

1st of August

1st of August

8.

Last date up to which students can be admitted/ joined against vacancies arising due to any reason.

By 31st August

Note:

1. All India Quota Seats remaining vacant after last date for joining, i.e. 9th August will be deemed to be converted into state quota.

2. Institute/college/courses permitted after 31st May will not be considered for admission/allotment of seats for current academic year.

3. In any circumstances, last date for admission/joining will not be extended after 31st August.

xxx xxx xxx

In exercise of the powers conferred by Section 33 of the Indian Medical Council

Act, 1956 (102 of 1956), the Medical Council of India with the previous sanction of the Central Government hereby makes the following Regulations to further amend "The Opening of a New or Higher Course of Study or Training (including Post Graduate Course of Study or Training) and increase of Admission Capacity in any Course of Study or Training (including a Post Graduate Course of Study Or Training), Regulations 2000" namely:-

1(i) These regulations may be called "The Opening of a New or Higher Course of Study or Training (including Post Graduate Course of Study or Training) and increase of Admission Capacity in any Course of Study or Training (including a Post Graduate Course of Study Or Training (Amendment) Regulations 2015".

(ii) They shall come into force from the date of their publication in the Official Gazette.

2. In "The Opening of a New or Higher Course of Study or Training (including Postgraduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Post Graduate Course of Study Or Training), Regulations, 2000", the following additions/modifications deletions/ substitutions shall be indicated therein:-

3. In the Schedule and Note in "The Opening of a New or Higher Course of Study or Training (including Post Graduate Course of Study or Training) and increase of Admission Capacity in any course of Study or Training (including a Post Graduate Course of Study or Training), Regulations, 2000", after Appendix-II, the schedule included vide notification dated 11th January, 2010, be substituted by the following schedule:-

TIME SCHEDULE FOR RECEIPT OF THE APPLICATIONS OF POST GRADUATE (BROAD SPECIALITY) COURSES/INCREASE OF ADMISSION CAPACITY AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND MEDICAL COUNCIL OF INDIA.

S.No.

Stage of processing

Last Date

1.

Receipt of applications by the Central Government

Between 15th March to 7th April (both days inclusive of any year)

2.

Forwarding application by the Central Government to Medical Council of India

By 15th April

3.

Technical scrutiny, assessment and Recommendations of Letter of Permission by the Medical Council of India

By 30th September

4.

Receipt of reply/ compliance from the applicant by the Central Government and for personal hearing thereto, if any and forwarding of compliance by the Central Government to the Medical Council of India.

Two months from receipt of recommendation from MCI but not beyond 15th November

5.

Final recommendations for the Letter of Permission by the Medical Council of India

By 31st January

6.

Issue of Letter of Permission by the Central Government

By 28th February

TIME SCHEDULE FOR RECEIPT OF APPLICATIONS FOR OPENING OF POSTGRADUATE (SUPER SPECIALITY) COURSES/INCREASE OF ADMISSION CAPACITY AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND MEDICAL COUNCIL OF INDIA

S.No.

Stage of processing

Last Date

1.

Receipt of applications by the Central Government

Between 1st August to 21st August (both days inclusive) of any year

2.

Forwarding application by the Central Government to Medical Council of India

By 31st August

3.

Technical Scrutiny, assessment and recommendations for Letter of Permission by the Medical Council of India

By 31st December

4.

Receipt of reply/ compliance from the applicant by the central Government to the Medical Council of India

By 15th February

5.

Final recommendations for the Letter of Permission by the Medical Council of India

By 30th April

6.

Issue of Letter of Permission by the Central Government

By 31st May

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In exercise of powers conferred by Section 33 of the Indian Medical Council Act, 1956 (102 of 1956), the Medical Council of India with the previous sanction of the Central Government hereby makes the following regulations to further amend the "Postgraduate Medical Education Regulations, 2000", namely:-

1.(i) These regulations may be called the "Postgraduate Medical Education (Amendment) Regulations, 2015".

(ii) They shall come into force from the date of their publication in the Official Gazette.

2. In the "Postgraduate Medical Education Regulations, 2000" further amended till 17/04/2013, the following additions/modifications/deletions/substitutions, shall be as indicated therein.

3. In the appendix in "Postgraduate Medical Education Regulations, 2000", included vide amendment notification dated 23rd March, 2006, the time schedule for completion of admission process for postgraduate courses stands substituted by the following schedules:-

Time Schedule for Completion of Admission Process for PG (Broad Speciality) Medical Courses for All India Quota and State Quota

S.No.

Schedule for admission

Broad Speciality All India quota"

State quota

1.

Conduct of Entrance Examination

Month of December

Month of January

2.

Declaration of result of the qualifying Exam/Entrance Exam

By 15th of January

By 15th of February

3.

1st round of counselling/admission

Between 12th March to 24th March

" Between 4th April to 15th April

4.

Last date for joining/reporting the allotted college and the course.

By 3rd April

By 22nd April

5.

2nd round of counselling/admission for Vacancies

Between 23rd April to 30th April

Between 11th May to 20th May

6.

Last date of joining for the 2nd round of counselling/admission.

By 10th May

By 27th May

7.

Commencement of the academic session/term.

1st May

1st May

8.

Last date up to which students can be admitted/joined against vacancies arising due to any reason

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By 31st May

Note:

1. All India Quota Seats remaining vacant after last date for joining, i.e. 10th May will be deemed to be converted into state quota.
2. Institute/college/courses permitted after 28th February will not be considered for admission/allotment of seats for current academic year.
3. In any circumstances, last date for admission/joining will not be extended after 31st May.

Time Schedule for Completion of Admission Process for PG (Super Speciality) Medical Courses)

S.No.

Schedule for admission

Super Speciality

1.

Conduct of Entrance Examination

By 10th July

2.

Declaration of result of the qualifying Exam/Entrance Exam

By 15th July

3.

1st round of counselling admission

By 31st July

4.

Last date for joining the allotted college and the course

Between 1st to 7th August

5.

2nd round of counselling/admission

By 20th August

6.

Last date of joining for the 2nd round of counselling/admission

By 27th August

7.

Commencement of academic session/term

1st August

8.

Last date up to which students can be admitted/joined against vacancies arising due to any reason

31st August

Note:

1. Institute/college/courses permitted after 31st May will not be considered for admission/allotment of seats for current academic year.

2. In any circumstances, last date for admission/joining will not be extended after 31st August."

4. This Court gives the stamp of approval to the aforesaid schedule.

5. Regard being had to the prayer in the writ petition, nothing remain to be adjudicated. The order passed today be sent to the Chief Secretaries of all the States so that they shall see to it that all the stakeholders follow the schedule in letter and spirit and not make any deviation whatsoever. Needless to say the AIIMS and the PGI (for the examination held in July) shall also follow the schedule on letter and spirit.

6. An application has been filed by the National Board of Examination for extension of time in respect of declaration of result of the Post Graduation Medical Education Examination. It is submitted by Mr. Gaurav Sharma, learned counsel for the Medical Council of India that the result can be declared by 10th February by the said Board but counselling must be held by the time stipulated in the schedule as the date of counselling is not changed and there was a natural calamity in the State of Tamil Nadu. Accordingly, we extend the time.

7. All the interlocutory applications and writ petitions are disposed of.