

(2006) 06 KAR CK 0015

In the Karnataka High Court

Case No : Writ Petition No's. 8316, 8489, 8661 and 8667 of 2006

Dr. K.S.R. Prasad Rao and Dr. Vinod Kumar and Others

APPELLANT

Vs

Karnataka Religious and Linguistic Minority Professional and Others

RESPONDENT

Date of Decision : 29-06-2006

Acts Referred:

Constitution of India, 1950 — Article 141, 19, 32

Citation : (2007) 1 KarLJ 263

Hon'ble Judges : D.V. Shylendra Kumar, J

Bench : Single Bench

Advocate : T.P. Rajendrakumar Sungay, in in W.P. No. 8316, 8489 and 8661/2006, A.S. Patil, for Vighneshwar S. Shastri, in W.P. No. 8667/2006, for the Appellant; Ravivarma Kumar, for S. Prafulla Chandra and J. Prashanth for R1, B.V. Nagarathna, for R2, N.K. Ramesh, for R3, K. Shashikiran Shetty, for R4, Nanjunda Reddy, for M.P. Subbaiah and Reuben Jacob for R5, B. Manohar, AGA for R6 in W.P. No. 8316/2006, Ravivarma Kumar, for S. Prafulla Chandra and J. Prashanth for R1, B.V. Nagarathna, for R2, N.K. Ramesh, for R3, K. Shashikiran Shetty, for R4, B. Manohar, AGA for R5 in W.P. No. 8489/2006, Ravivarma Kumar, for S. Prafulla Chandra and J. Prashanth for R1, B.V. Nagarathna, for R2, N.K. Ramesh, for R3, K. Shashikiran Shetty, for R4, B. Manohar, AGA for R8 in W.P. No. 8661/2006, Ravivarma Kumar, for S. Prafulla Chandra and J. Prashanth for R1, B.V. Nagarathna, for R2, N.K. Ramesh, for R3, K. Shashikiran Shetty, for R5 in W.P. No. 8667/2006, for the Respondent

Final Decision : Allowed

Judgement

D.V. Shylendra Kumar, J.—Petitioners in all these cases are students who have completed their degree courses in dental sciences. They are aspiring for admission to post graduate dental courses. For such purposes, they have written a common entrance test conducted by the Karnataka Religious and Minority Professional Colleges Association - Respondent No. 1 of which Association it is claimed the Members are Bangalore Institute of Dental Sciences & Hospital, Oxford Dental College, Coorg Institute Of Dental Sciences and Al-Ameen Dental

Colleges. Petitioners claim they have obtained fairly higher ranking in such examination and who are confident of securing a seat in one or the other courses in one or the other Member colleges but having been stumped at the threshold in not even being notified about the counselling particulars and their efforts before the Overseeing Committee headed by Justice Venkataraman, the Committee constituted as per the Judgment of the Supreme Court in Islamic Academy of Education and Anr. v. State of Karnataka and Ors. reported in [2004] 8 SCC 217 and continued as per the Judgment in P.A. Inamdar v. State of Maharashtra 2005 (5) KLJ 161 for redressal of their grievance though had resulted in issue of positive directions by the Committee, that having not fructified into any seat in favour of the petitioners as it is alleged that the Association as well as the individual colleges having flouted such directions, students have approached this Court seeking for relief etc.,.

2. Petitioners have primarily challenged the manner of admission procedure that has been followed by the Association and Member colleges; that the Association has not completed its responsibility after having undertaken the task of holding a common entrance test; that the Association has abdicated its responsibility and have left the students like the petitioners at the mercy of the individual colleges to be subjected to exploitation at the whims and fancy of the individual colleges; that the colleges have been dictating terms to them; that huge amounts are demanded from the students for admission to the post-graduate dental courses in these colleges; that the petitioners have been left high and dry notwithstanding having obtained a reasonably high rank in the entrance test which could have otherwise fetched them a seat in the post graduate dental course and with such complaints and grievances, have sought for suitable relief.

3. Petitioners have also placed reliance on an earlier decision of this Court dated 9-6-2006 rendered in writ petition No. 6144/2006 wherein similar students who had written the very examination and who had aspired for admission in three of the Member colleges, namely Al-Ameen Dental College, Oxford Dental College, Coorg Institute of Dental Sciences and had not obtained seats therein had approached this Court, also on similar grounds and this Court on examination of the issues raised therein and having found that the method followed by these institutions was not in conformity with the law declared by the Supreme Court in the matter of admission of students to professional courses and being not in conformity with the directions that had been issued by the Supreme Court in Inamdar's case and it had been noticed that there was no proper or valid counselling worth the name; that though the entrance test having been conducted by notifying the students, it was not followed up by proper/relevant counselling, had issued directions to the Association to hold proper centralised counselling and to admit students on the basis of the merit that they had obtained in the entrance test conducted by the Association; that the 4th respondent-Bangalore Institute of Dental Sciences & Hospital, who has later claimed to be a member of the 1st respondent - Association also not having conducted a fair or proper counselling for admission of students to post graduate

dental courses in their Institute, but having made admission surreptitiously permitting undeserving and meritless students to be admitted to post graduate dental courses in their Institute, petitioners are left high and dry; that the last date for admission to dental courses even as notified by the Rajiv Gandhi University expiring by 30-6-2006, suitable directions are required to be issued in this regard to protect the interest of the students and for such purpose, the present writ petition.

4. Petitions were admitted and emergent notices were issued having regard to the urgency of the matter and the deadline of 30-6-2006 looming large on all concerned, learned Counsel who had appeared earlier for the very respondents, were directed to take notice. Learned Counsel have gracefully accepted notice for such respondents who had been represented earlier. In so far as respondent No. 4 in WP No. 8316/2006 i.e., Bangalore Institute of Dental Sciences & Hospital is concerned, Sri. K. Shashikiran Shetty, learned Counsel who has filed appearance has also filed a statement of objections on behalf of this respondent and has made his submissions.

5. Petitioners are represented by Sri. T.P. Rajendrakumar Sungay and Sri. A.S. Paul, learned Counsel. Sri. Manohar, learned AGA appears for the State of Karnataka, Sri. N.K. Ramesh, learned Counsel for Rajiv Gandhi University for Health Sciences, Sri. Ravivarmakumar, learned Senior Counsel appears for Sri. Prafullachandra, learned Counsel for the Association, Smt. B.V. Nagarathna, learned Counsel for Overseeing Committee and respondent No. 5, a student who is said to have been admitted at the 4th respondent Institute in WP No. 8316/2006 is represented by Sri. Nanjundareddy, Senior Counsel appearing for Sri. M.P. Subbaiah.

6. Elaborate submissions have been made by learned Counsel appearing for the parties. What is sought to be highlighted on the part of the petitioners is that no counselling worth the name has ever taken place for admission to any of the four member colleges; that the so called counselling that has taken place by giving publicity through website and newspaper publication was one an apology to such purpose but not one giving any opportunity in reality to any of the students; that even that is done in a most Lazy and haphazard manner; that the effort on the part of the individual member colleges was not really to publicise about any counselling or admissions, but to see that all the students who had written the entrance examination were kept in the dark; that the colleges who claim to have followed their own methods and procedures, have now come up with the stand that they have already made admissions before the last date that had been fixed by the Supreme Court in terms of the schedule laid down in Medical Council of India Vs. Madhu Singh and Others, and affirmed in Mridul Dhar (Minor) and Another Vs. Union of India (UOI) and Others, ; that the entire conduct and procedure said to have been followed by the individual institutions if at all is one of totally evading the directions and law that has been laid down by the Supreme Court in P.A. Inamdar's case; that admittedly no common counseling having

been conducted by the Association which had conducted the entrance test and the admission procedure having been left midway, necessary directions should be issued for such purpose.

7. Though several facets of the arguments on factual aspects as to whether the manner of counselling, as to whether any proper publicity had been given at all have all been pointed out which ultimately leads to the inference that the institutions, in fact, have also not conducted any counselling worth the name leave alone the same being either transparent or in a fair manner, What is highlighted in respect of respondent No. 4 institution in WP No. 8316/2006 is that so far as this institution is concerned, it had not even made it known to the students that it was part of the Association earlier and obviously this institution has joined midstream into the common entrance test scheme only to get over the stumbling block of no entrance test having been conducted for admission to the institution and if such is the situation, the college being debarred from making any admissions and the college has claimed that entrance test was conducted even including that institution as it was a member though the very calendar of events that had been issued by the association never indicated that the entrance test was being conducted as part of the admission procedure to this institution also.

8. It has been pointed out by Sri. Rajendrakumar Sungay, learned Counsel for the petitioners that copy of the calendar of events produced at Annexure-A to WP No. 8316/2006 is proof of this fact; that while details of the institutions, the courses available in such institutions had been indicated in this calendar of events in so far as individual institutions such as Al-Ameen Dental College, Oxford Dental College and Coorg Dental College are concerned, but it has never made any mention of the Bangalore Institute of Dental Sciences & Hospital also being a member institution nor about the subjects and seats available there and it was never made known to the student community that this institution was also part of the Association and that entrance test was being conducted in common for students seeking admission to this college also. What is submitted is that in the absence of any information to the students at the time of conducting a common entrance test though such test is also a part of the admission procedure; the institution of this nature cannot later claim that the examination was meant for such institution also only because such institution is otherwise a member of the association.

9. Sri. Rajendrakumar Sungay, learned Counsel for the petitioners highlights that transparency being one of the triple tests laid down in P.A. Inamdar's case such conduct on the part of this institution woefully fails to answer this test, there is absolutely no transparency, on the other hand, carrying on admission in a secretive manner, to the whims and fancies of the institution, fails the test of transparency; that the institution cannot claim it has carried on its admission procedure in the manner and the procedure envisaged in P.A. Inamdar's case.

10. The common submission that has different shades and flavors in respect of

the Association and other respondents as submitted by learned Counsel defending the action on the part of the association is that there is no requirement that the common entrance test should be followed up by common counselling or a centralised counselling; that any member institution of the association which has conducted the common entrance test could have separate counselling at each of the member institutions; that the institutions have conducted the counselling at the institution level; that such counselling procedure was fair, transparent and the colleges having already made admissions to the available seats in their colleges within the time limit permitted, there is no need for disturbing the same; that the action taken and pursued by the individual institutions is not only permitted in terms of the law laid down in P.A. Inamdar's case but also in terms of an interim order Dt 20-4-2006 passed by the Supreme Court in two writ petitions that had been filed under Article 32 by 1st respondent-Association and the Karnataka Private Medical College Association; that in terms of the interim order, the Supreme Court had approved the individual counselling that had taken place in the colleges and if such is the relaxation shown in favour of the individual colleges; that it cannot be found fault with now in the present proceedings; that the interim order being subject to the final orders to be passed by the Supreme Court in the pending writ petition before it, there cannot be any variation or modification and at any rate, if the association and the member colleges have acted well within what was permitted under this interim order, no exception can be taken with such action even on applying the law as laid down in P.A. Inamdar's case and therefore, no interference is warranted.

11. Establishing and administering the educational institutions having been recognised as part of right to occupation or profession under Article 19 of the Constitution of India, education being understood as a part of the occupation, Post Graduate Medical Education and Post Graduate Dental Education have become very lucrative business in the hands of such institutions, who have the privilege of running such institutions and admitting students to such institutions. The efforts of legislature and good number of legislations both at the state level and national level to curb the menace of higher education being made a subject matter of monetary consideration at the cost of students have not yielded much result so far. If one were to examine the situation in the light of the complaints that are made by the petitioners in these cases and in such cases repeatedly, the complaint of the petitioners is that they have been demanded Rs. 15 lacs, Rs. 20 lacs and Rs. 25 lacs for admission to the Post Graduate Dental Course though they had a higher merit ranking but that is completely ignored or given a go by from the institutions, it becomes very obvious that higher ranking is not translating to secure the seats therein but the seats are sold at a price by the institutions; the respondents have not followed procedures that are required to be followed in law and that has been declared by the Supreme Court; but they have adopted their own methods and procedures to deprive the benefit to legitimate and bona fide students of the seat in the higher education of their

choice and aspiration.

12. While the allegations of this nature are rather serious and even if not made good with credible evidence before the Court, repeated complaints of this nature cannot be without any basis or a mere figment of the imagination of the petitioners.

13. Bereft of all other legal niceties and the other complications, the aim of all judgments and decisions interpreting the legislations on the subject involving admission to professional courses like Post Graduate Medical and Dental Course is that the merit should not be sacrificed. The admissions whether by minority institutions or by non-minority institutions should be based solely on merit and it is for ensuring that merit is not given a go by. The Supreme Court, in the absence of any other commensurate statutory provisions to curb the menace of capitation fee and prevent exploitation of student community and also to ensure that less merited and undeserving students are not admitted to such professional courses particularly for the study of post-graduate medical and dental courses after examining the existing law on the subject, has emphatically declared the position of law in this regard in P.A.. Inamdar's case and has indicated the triple test which is the criteria for making the admissions to such courses in the higher education. The law declared by the Supreme Court in P.A.. Inamdar's case is the law, governing admission of the students and binds all the Courts in the country who have to apply this law when such matters come up for consideration before the Courts. The decision of the Supreme Court in P.A. Inamdar's case particularly as is indicated in paras 136 and 137 which has been read and re-read by all the learned Counsel, is the law which is required to be applied and followed in the matter of admission by all the Courts in the country. The admission procedures to be followed by all the institutions whether it is state owned, private, minority or non-minority are governed by the law as declared in P.A. Inamdar's case and there is no escape for any of the institutions from following this procedure. The Supreme Court itself having indicated that for the purpose of monitoring the method of admission in such institutions, minority or non-minority institutions, a overseeing committee is required to perform this function and such a committee having been formed to examine the grievance of the students, who feel that they have been unfairly treated and the committee having been given the power to issue suitable directions which binds the institutions, their associations etc., there is no way the institutions can act contrary to any of the directions issued by the overseeing committee.

14. In the present case, the committee had occasion to examine the admission procedures that have been followed by the individual member colleges, who claim association with the 1st respondent and having found that the procedures followed were in breach of the directions of the Supreme Court, directions had been issued to conduct a proper counselling. The copies of such proceedings directing the institutions to conduct a proper counselling are produced as at Ann-D Dt. 11.05.2006 and Ann-E Dt. 16.6.2006 to W.P. No. 8661/2006 and Ann-F Dt.

16.06.2006 to W.P. 8316/2006.

15. The Proceedings of the Meeting of Justice S. Venkataraman Medical Committee for Overseeing the CET conducted by private professional colleges held on 11th May 2006 produced as Annexure-D in WP No. 8661/2006 reads as follows:

Proceedings of the meeting of justice S. Venkataraman medical committee for overseeing the CET conducted by private professional colleges held on 11th may 2006, at 3.30 p.m.

Present

1. Justice S. Venkataraman, Chairman
2. Sri. M.N. Vidyashankar, Member Secretaryy
3. Dr. K.S. Shekart Member
4. Prof. M. Ravindram, Member

Sub: Verification of complaints received against KRLMPCA colleges Al-Ameen Dental College and Oxford Dental College.

Mr. Shafi Ahmed, Secretary of the Association, Dr. B.S. Patil, Deen of Al-Ameen Medical College, Dr. Ganapathy, Principal of Oxford Dental College have appeared before the Committee.

It is stated that Counselling was conducted separately in each college and that no centralized counseling was held. It is stated that both the colleges held counseling on 17.04.2006.

One of the complaints given by Dr. Jyoti Bala and 5 others on 20.04.2006 is to the effect that though they had appeared for the test (Dental) conducted by the Association and the Rank list had been published on 27.02.2006, they had been kept in the dark about the counseling inspite of the repeated telephones to the office.

The colleges state that they had published a notification on the website about the counseling being conducted on 17.04.2006 and had also notified it in the newspaper. It is stated that the colleges have notified on the website on 15.4.2006 about date of counseling being 17.4.2006. The website notification copies are produced. The paper publication dated 15.04.2006 is produced and in that paper publication it is stated that the Association would conduct counseling for PG Medical and Dental seats on "Saturday and Monday at the Member institutions." The date of counseling is not mentioned therein and as such it cannot be treated as proper intimation about counseling. The paper itself is published on 15.4.2006 Saturday. The next day being Sunday the candidates would have had no time to collect the necessary amount for attending the counseling and getting admission in case they got a seat. The time allowed for candidates to appear for counseling is too short.

It is stated by the principal that on 17.04.2006 at the Oxford College, 30 candidates appeared for counseling and among them 24 were selected. Among those 24, two candidates are stated to have surrendered subsequently. It is stated that as there has been excess admission in the previous year, to offset the same they have given up 16 seats out of the total intake of 38 including the 2 surrendered seats and that there are no vacancies.

Of the complainants, Dr. Rajkumar who has Rank Number 3 under general merit has appeared before the committee and he asserts that he approached the college several times and that he was not informed about the counseling and he was being asked to come later. Though the college has now produced a counseling record to show that two of the complainants namely Imran Khan and Hidayatulla Shaik had appeared for counseling and that the others had not appeared on 17.4.2006 and that Imran Khan and Hidayatulla Shaik were selected, it is seen that Imran Khan and Hidayatulla Shaik along with 4 others including Dr. Rajkumar had appeared before the chairman and remarks were called for on that application. The committee did not receive the remarks and reminder was issued and it is only on 8.5.2006 the reply is given. If actually Imran Khan and Hidayatulla Shaik had appeared for counseling on 17.4.2006 and they had been selected, there is absolutely no reason why they would have appeared before the committee on 20.04.2006 to complain that there has been no counseling. That apart, it is stated that Imran Khan along with Dr. Jyoti Bala and Dr. Vinod Kumar 2 other complainants have filed W.P.6144/2006 before the High Court against both colleges and that the High Court has passed an Interim Order on 27.4.2006. Dr. Raj Kumar has produced a copy of order passed by the High Court.

A perusal of the counseling record shows that actually it is not a record regarding seat selection but only a record where the three preferences of the candidate are noted and signatures of the candidates are obtained. Counseling necessarily means, the candidate being offered the courses available and the candidate selecting one and he being selected for admission. There is no note in the record against the name of each, candidate as to whether he or she has been allotted any subject and selected for admission. At the end of the record there is an abstract, which shows that out of 30 present, 24 students were selected and 4 students are shown to be not willing. Who are those candidates, who were selected and who were not willing is not shown. Patently the record placed before the committee cannot be said to be counseling record. On 25.4.2006 list of candidates selected is stated to have been published on the website and a copy of the same is produced. This also shows that on 17.4.2006 there has been no counseling in the sense seat selection. From the list of candidates selected, it is seen that some candidates holding lower rank than the rank held by the complainants have been selected. It is seen from the list of selected candidates two candidates are shown as SC(GM) and one is shown as Category 7 (GM). This being a minority institution there is no question of reservation for SC or OBC and among non-minority candidates selection has to be made only on the basis of

merit The college had also not notified that they have reserved any seats for SC, ST or OBC.

In view of the above facts it has to be held that the college has not given sufficient notice of counseling date to the candidates and that no counseling in the sense of seat selection has been conducted. Though two of the complainants are stated to have been selected, the selection cannot be said to be fair and transparent. The college is directed to give at a least 4 days prior notice of date of counseling by publishing in newspaper and also on website and to hold fresh seat selection process.

With regard to Al-Ameen Dental College it is stated that it has 4 seats. One Dr. Maksudali Khan, Rank No. 36 has given a complaint stating that though he attended the counseling, he was not given a seat while a Non-Karnataka Muslim has been given a seat. The College has produced the counseling records to show that 5 candidates appeared for counseling and that Dr. Maksudali Khan who had appeared for counseling had not produced Original certificates and he had not produced the Final Year Part I marks Card. As such 4 other candidates who had higher ranks and who are minority candidates were selected. Though Dr. Maksudali Khan being a candidate from Karnataka should have been given preference as against candidates coming from other states, as he had not produced relevant documents he could not be selected. In the circumstances the committee cannot say that he was illegally denied admission. The committee takes note of the fact that out of the 4 seats only one candidate is from Minority community of Karnataka and the 3 other candidates though belonging to the same community are from different states.

So far as Al-Ameen Medical College is concerned the committee has not received any complaint from any candidate complaining of illegal denial of seat. The verification of the admissions made by these colleges would be done after the final admissions are over.

Sd/- Sd/- (M.N. Vidyashankar) (S. Venkataraman) Member Secretary Chairman

16. The Proceedings of the Meeting of Justice S. Venkataraman Medical Committee for Overseeing the CET conducted by private professional colleges held on 16th June 2006 produced as Annexure-E in WP No. 8661/2006 reads as follows:

Justice S. Venkataraman Admission Overseeing Committee, Medical, HELD ON 16TH JUNE 2006, AT 4.00 P.M.

Present:

1. Justice S. Venkataraman, Chairman
2. Dr. K.S. Shekar, Member
3. Prof. M. Ravindram, Member

Sub: Complaint dated 13-6-2006 received from Dr. K.S.R. Prasad, Rank No. 17 and Dr. Sarath S, Rank No. 26, with regard to admission in BIDS.

The above two doctors have complained that though they took the entrance test conducted by KRLMPA, the Association-member colleges namely Oxford Dental College, Coorg Dental College, Al-Ameen Dental College and Bangalore Institute of Dental Sciences are stated to have conducted individual counselling and no common counselling and that when they approached Bangalore Institute of Dental Sciences, they were told that there was no need to attend counselling if they were ready to pay Rs. 25,00,000/- lakhs. They have alleged that the college without conducting any counselling has admitted students having lower ranks. The extract of this complaint was communicated to the college and the college was required to give their remarks and the college was also directed to intimate the Committee as to whether the college was also directed to intimate the Committee as to whether the college had notified the date of counselling in web-site and in newspaper and if so to send the copies of the same along with the list of candidates who had applied merit-wise and the list of candidates admitted with rank numbers, date of admission and fee collected etc. The principal was also required to appear before the Committee totally with all relevant records.

The principal instead of appearing before the Committee has sent a letter denying the allegations made by the candidate Dr. K.S.R. Prasad. With regard to the information sought for by the Committee the principal has sought for four days time to furnish the same on the ground that the Chairman is not in station. It was the duty of the college to intimate the Committee not only about the date fixed for the counselling but also about the list of candidates who had applied and about the candidates admitted after counselling, immediately after the admission. Though the admission is stated to have been completed by 31-5-2006 the college has not furnished the requisite information in spite of the Committee calling for the same. The reason given by the Principal for extension of time is patently untenable as the requisite information must be available in the college. There seems to be substance in the complaint that the college has not given any prior notice of counselling to the candidates who had appeared for the entrance test or conducted any counselling. In fact the Association was required to conduct centralized counselling and neither that this college has conducted any counselling nor is there any material to show that this college has conducted counselling for the candidates who had appeared for the test. The admission, if any, made by this college does not appear to be fair and transparent and as such the Committee cannot approve the admissions if any. Even now it is pointed out to the college that if it is permissible in view of the extended date fixed by the University they may hold a proper counselling after due intimation to all the candidates through website and by paper publication and to make admissions afresh. Send a copy of this resolution to the college as well as to the Association immediately.

Sd/- [S. Venkataraman] Chairman"

17. The committee having noticed that the counselling procedure followed is not proper, issued directions to the institutions to follow a proper procedure to hold proper counselling. But the petitioners have now complained about the 4th respondent that even though directions had been issued by the Monitoring Committee to the institution also but the 4th respondent also has not heeded so far to the directions of the Committee. Admittedly, the association also has not conducted any centralised or common counselling and it also had been indicated that it is desirable to hold a fair counselling.

18. In this regard, it is also submitted by Smt. Nagarathna, learned Counsel for the committee that the colleges concerned had adopted an attitude of non co-operation with the committee; that they were rather reluctant to part any information that was sought for and in placing information; that the conduct was clearly not only in contravention with the directions issued by the committee but even one of not fulfilling requirements of the law as it had been indicated in P.A. Inamdar's case particularly in not placing before the Committee the details of admission made by the institutions, Such information having not been placed before the committee or nor even before this Court even till day that entire admission procedure has been done in a most secretive or suspicious manner, that it can never answer the test of transparency that has been mandated by the Supreme Court; that therefore, the entire action of the Association and its members is to be quashed; that so far as the factual aspects with regard to the centralised counselling having not been conducted, there is no dispute and admission by the association and the member colleges that counselling was not done as it is not warranted in terms of the decision of the Supreme Court. This aspect had been examined by this Court even in terms of the order dated 9.6.2006 passed in W.P. No. 6144/2006. If at all such violations on the part of the respondents is reiterated by the present petitioners also, the subsequent conduct on the part of the institution is that they have continued their secretive and suspicious behaviour. The stand is that whatever they had done is justifiable and being a minority institution, they have a right to form their own procedures even in terms of the decision of the Supreme Court in P.A.. Inamdar's case particularly as in paragraph-136, there being scope for a different procedure even at the level of an individual institution and minority institution being different particularly as each minority institution can be said to be different having regard to the nature of linguistic and religious minority and each of the member institution being a minority institution with a different flair and with different language etc., they are entitled to adopt there own procedures and if they have followed a separate counselling system and as a common or centralised counselling was not feasible or possible, they cannot be found fault with for not conducting the common counselling and therefore, no interference is warranted.

19. It is also one of the submissions on behalf of the respondent-Association and member colleges that the decision in W.P.6144/2006 was subject matter of writ appeal No. 914/2006 and as the petitioner in the writ petition had filed a memo

praying for withdrawal of the writ petition the order had been set aside by the Division Bench and the writ petition was permitted to be withdrawn and therefore, the order does not exist any more and the petitioners cannot place any reliance seeking support from this order.

20. Sri. Ravivarma Kumar, Senior Counsel, appearing for the 1st respondent-association produced a copy of the Judgment in W.A. No. 914/2006 before this Court, which reads as under:

The Karnataka Religious Linguistic Minority Professional Colleges Association-the first appellant and the Oxford Dental College-the second appellant in this appeal were the fifth and fourth respondents respectively in the writ petition filed by the contesting respondents.

2. In the writ petition, the petitioners 1 and 3 had sought for a direction to respondents 2 to 5 to make admissions to the post graduation Dental Science course only in accordance with the ranking and the merit. The learned Single Judge by his order dated 9.6.2006 has allowed the writ petition and has issued certain directions. Aggrieved by the same, the appellants are before us in this appeal.

3. The petitioners in the writ petition and respondents 1 and 2 in the appeal have filed a memo before this Court. The memo so filed are taken on record and they read as under:

The respondent No. 2 above named submits that in view of the subsequent developments which has taken place after the disposal of WP.6144/2006 dated 9.6.2006 he may be permitted to withdraw the said WP.6144/2006 in the interest of justice."

The respondent No. 1 above named submits that in view of the subsequent developments which has taken place after the disposal of WP.6144/2006 dated 9.6.2006 she may be permitted to withdraw the said WP.6144/2006 in the interest of justice."

4. After seeing the memos filed by the contesting respondents, the learned Counsel for the appellants also has filed a memo seeking permission of this Court to withdraw the appeal.

5. The memo so filed is placed on record and the same reads as under:

In the above writ appeal the appellants pray that this Hon"ble Court may be pleased to permit the appellant to withdraw the above mentioned writ appeal in the interest of justice and equity."

6. In view of the memos filed by the parties to the lis, in our opinion, the writ appeal requires to be disposed off as withdrawn and the order passed by the learned Single Judge requires to be set aside. Accordingly, the writ appeal is disposed off as withdrawn and the order passed by the learned Single Judge in WP.No. 6144/2006 dated 9.6,2006 is set aside. Ordered accordingly.

21. It is therefore submitted by the Counsel that it is of no avail for the petitioner to seek any relief in the present case based on this order. It is also his submission that the question of admission to these institutions is a matter before the Supreme Court in W.P. (Civil) Nos. No. 59/2006 No. 4/2006, wherein the Supreme Court had on two occasions has passed interim orders i.e. on 17.02.2006 in W.P. (Civil) No. 59/2006 and on 20.4.2006 in W.P. (Civil) No. 4/2006, and therefore this Court has no competence to examine a matter of this nature. Submission is that it is not open to this Court to scrutinise the complaints of the petitioners touching upon the aspect of admission to the individual institution when the matter is at large before the Supreme Court. The 1st interim order dated 17-2-2006 passed by the Supreme Court in pending W.P. (Civil) No. 59/2006 is as under:

"Heard learned Counsel for the petitioner and for the State.

Petitioner-Association would be at liberty to go ahead with the entrance exam at their risk and consequences, but they shall not publish the result. Post on 24.02.2006.

22. The further interim order Dt. 20.04.2006 passed in W.P. (Civil) No. 4/2006 reads as under:

Heard Counsel for both the sides.

The Counsel for the State has strenuously contended before us that there can only be one entrance examination and single window procedure. Attention was drawn to paragraphs 136, 137, 138 and 145 of P.A. P.A.. Inamdar's

case. The crucial paragraph 136 reads as follows:

... There is nothing wrong in an entrance test being held or one group of institutions imparting same or similar education. Such institutions situated in one State or in more than one State may join together and hold a common entrance test or the state may itself or through an agency arrange for holding of such test. Out of such common merit list the successful candidates can be identified and chosen for being allotted to different institutions depending on the courses of study offered, the number of seats, the kind of minority to which the institution belongs and other relevant factors."

Going by the opinion expressed in the P.A. P.A. Inamdar's case, we do not think that there should be a mandatory single window system for admission to the post-graduate studies.

The private unaided colleges and also the private unaided minority colleges have conducted entrance examinations. The State have also conducted an entrance examination. We are told that the private minority and non-minority institutions have already conducted the counselling that was subject to the approval of this Court. Both these sets of colleges, who have prepared the result of the counselling for the candidates proposed to be admitted to the course, are

directed to publish the result on the web site, if not already done, and also publish it in the local newspaper. Any of the candidate, who feels that he or she is illegally denied admission to these colleges, is entitled to file compliance within a period of one week to the committee for overseeing the entrance test conducted by association of private Professional Colleges headed by Hon''ble Justice S. Venkataraman. The Committee will consider the applications and will give suitable directions to the colleges concerned. The Committee will give its decision for compliance on or before 3rd May,2006.

As regards the Government colleges, the counselling and admission can be done in accordance with the law.

Post the matters on 9th May, 2006.

23. The argument that the matter is at large before the Supreme Court in view of the pendency of the writ petition in which the Supreme Court has already issued interim orders and therefore this Court should not examine the present writ petitions is countered by Sri. Manohar, learned Additional Government Advocate appearing for the State and Sri. N K Ramesh, learned Counsel appearing for the University by pointing out that the subject matter of the writ petitions before the Supreme Court is the validity of the Government Notification whereby the University is permitted to conduct a common entrance examination and that is under challenge on the premise that the minority institutions and other private institutions are entitled to devise their own. admission procedure by holding a separate common entrance test and counselling even in terms of the Judgment of the Supreme Court in P.A. Inamdar''s case. But, what is in issue in the present writ petitions is the very conduct of the respondent No. 1 - Association and its affiliating member institutions on the touchstone of the directions contained in P.A. Inamdar''s case for the admission procedure and in the light of law as has been declared in P.A. Inamdar''s case that the Association and its member institutions are never relieved of the rigour of the law as has been declared by the Supreme Court in P.A. Inamdar''s case.

24. I am of the view that submission of learned Government Advocate for the State and learned Counsel for the University merits acceptance. It is for the reason that while the law declared by the Supreme Court in P.A. Inamdar''s case is law declared and is binding on all courts under Article 141 of the Constitution of India. Such law continues to hold the field till it is modified or varied by the Supreme Court itself or by a competent legislature by ushering in new law on this aspect. The pendency of writ petition before the Supreme Court involving an incidental aspect win not in any way detract from the efficacy and binding nature of the law declared by the Supreme Court which is at all times required to be followed and given effect to by all courts in India and even assuming the Supreme Court itself has issued any directions or passed farther interim orders in individual cases; assuming to any extent is inconsistent with the law declared by the Supreme Court itself, such subsequent variations, modifications cannot attain the status of law declared under Article 141 of the Constitution of India and

therefore such subsequent orders do not come in the way of giving effect to the law as has been declared in P.A. Inamdar's case.

25. It is in the light of these orders it is submitted that the Supreme Court itself having approved the procedure that is being followed by the individual member Institutions there cannot be any scrutiny into any part of such action nor can any directions be issued contrary or for any variation.

26. While on facts there is no escape from the conclusion that the member colleges of the association have not conducted any fair, transparent, non-exploitative counselling and on the other hand even on their own admission and material placed, it is a most unfair procedure and the allegations of the petitioners being that an exploitative procedure is being followed coupled with the clear admission that no centralized counselling had ever been conducted in violation of the directions as contained in P.A. Inamdar's case and in contravention of the law as declared by the Supreme Court, but such actions are sought to be protected only by projecting the legal arguments. It is to be noticed on a perusal of para-150 in P.A. Inamdar's case, judicial review for correction action is permitted even in terms of the law laid down by the Supreme Court in P.A. Inamdar's case.

27. Learned Counsel for the respondents have mainly urged three contentions for sustaining the action of the colleges. They are, [a] that the procedure followed and action taken so far by the individual colleges is permitted even in terms of the law laid down by the Supreme Court in P.A. Inamdar's case. [b] that in terms of the interim orders passed the present conduct and action are approved; [c] that in view of the judgment of the Division Bench the earlier direction issued by this Court in a writ petition, is no more available and therefore these petitions will have to be dismissed.

28. Let me examine these legal contentions in that order. In terms of the law laid down by the Supreme Court as contained in paragraph 136 of P.A. Inamdar's case, common entrance test followed by common counselling is a must and that is what the Supreme Court itself has said. An exception is only in paragraph 137 and in a situation as indicated therein. Consequences of not following the stipulated procedure and the action warranted is also indicated in para-137 of the judgment. Paras-136 and 137 read as under:

"136. Whether minority or non-minority institutions, there may be more than one similarly situated institutions imparting education in any one discipline, in any State. The same aspirant seeking admission to take education in anyone discipline of education shall have to purchase admission forms from several institutions and appear at several admission tests conducted at different places on the same or different dates and there may be a dash of dates. If the same candidate is required to appear in several tests, he would be subjected to unnecessary and avoidable expenditure and group of institutions imparting same or similar education. Such institutions situated in one State or in more than one

State may join together and hold a common entrance test or the State may itself or through an agency arrange for holding of such test. Out of such common merit list the successful institutions depending on the courses of study offered, the number of seats, the kind of minority to which the institution belongs and other relevant factors. Such an agency conducting the common entrance test ("CET for short") must be one enjoying utmost credibility and expertise in the matter. This would better ensure the fulfilment of twin objects of transparency and merit CET is necessary in the interest of achieving the said objectives and also for saving the student community from harassment and exploitation. Holding of such common entrance test followed by centralised counselling or, in other words, single-window system regulating admissions does not cause any dent in the right of minority unaided educational institutions to admit students of their choice. Such choice can be exercised from out of the list of successful candidates prepared at CET without altering the order of merit inter se of the students so chosen.

137. Pai Foundation has held that minority unaided institutions can legitimately claim unfettered fundamental right to choose the students to be allowed admission and the procedure therefore subject to its being fair, transparent and non-exploitative. The same principle applies to non-minority unaided institutions. There may be a single institution imparting a particular type of education which is not being imparted by any other institution and having its own admission procedure fulfilling the test of being fair, transparent and non-exploitative. All institutions imparting same or similar professional education can join together for holding a common entrance test satisfying the abovesaid triple tests. The State can also provide a procedure of holding a common entrance test in the interest of securing fair and merit based admissions and preventing maladministration. The admission procedure so adopted by a private institution or group of institutions, if it fails to satisfy all or any of the triple tests} indicated hereinabove, can be taken over by the State substituting its own procedure. The second question is answered accordingly.

29. The exception is when an any individual college has an unique course to offer, an unique education to provide which is not available in other institutions. Institutions imparting same could join together and Conduct a entrance test which satisfied the above triple tests. In fact the argument before the Supreme Court that the functioning of some overseeing committees have not been upto mark and therefore continuing such procedure and the role of the Committee should be stopped has been repelled by the Supreme Court observing that the decision of the Committee being quasi-judicial in nature, would always be subject to judicial review. The constitution of the Committee for purpose of monitoring the admission procedure is necessitated, according to Supreme Court, as experience had shown that the educational institutions have always been mischievous and have always given a go-by to the merit of the students and therefore it was necessary to monitor the admission procedure. As any grievance has to be redressed as and when it arises, a monitoring committee is very

essential and the monitoring committee being a committee in the nature of quasi-judicial authority, their action is always subject to judicial review and if there were to be any grievance against the functioning of the Committee such grievance could be brought before the court is what the Supreme Court has observed. This indicates that even in terms of the law laid down by the Supreme Court the action of the individual member colleges in following the admission procedure is not only subject to the scrutiny of the monitoring committee, and a direction issued by the committee in the context of such examination is binding, but a complaint against such direction can also be subject matter of judicial review. Therefore, the judicial review in respect of a complaint of the present nature is definitely permitted even in terms of the law declared in P.A. Inamdar's case but I am also of the opinion it is warranted in law in the present set of facts.

30. This is said so by the Supreme Court even in terms of paragraph 150 of P.A. Inamdar's case.

31. The exception that is sought to be pleaded on behalf of the institutions by Sri. Shashikiran Shetty is also not one acceptable. The Supreme Court has held in the P.A. Inamdar's case that exception was available to the institution which is providing a unique system of education, peculiar only to the institution and not in common with other institutions, it was very clear in P.A. Inamdar's case that the law in T.M.A. Pai Foundation and Others Vs. State of Karnataka and Others, has been laid down correctly and it was also clarified as to what was the law that was required to be followed and therefore there is no escape from the law that has been declared in P.A. Inamdar's case. This aspect of the matter is apprised of in paragraphs 151 and 154 in P.A. Inamdar's case. If such is the legal position and not as is sought to be contended by the learned Counsel for the respondents, the scrutiny about the procedure followed by the respondent-institutions for making admissions to MDS course in their institutions is very much warranted. When the admission procedure followed by a institution is found to be arbitrary and secretive, then any grouse against such conduct of the respondent institutions or of the association in respect of the directions that was issued by the competent monitoring committee, can also be subject of judicial review. Accordingly the first contention fails.

32. Now, let me examine the second contention. On a perusal of the two interim orders dated 17-2-2006 and 20-4-2006 passed by the Supreme Court in WP No. 59/2006, it becomes clear that the Supreme Court was merely permitting certain action to be taken by the petitioners therein at their risk and consequence. Interim orders of this nature can never be contended or called in aid as orders to protect any illegal action on the part of the respondents, found to be illegal on applying the law as has been declared in P.A. Inamdar's case. While the law in P.A. Inamdar's case is the law declared under Article 141 of the Constitution and is binding on all courts and is to be applied, the interim orders do not in any way alter this position. In fact, the Supreme Court itself has cautioned the petitioners" before it that whatever action the petitioners take they will be doing

so at their own risk and consequences! Therefore, any subsequent action taken by such petitioners assuming to be on the basis of such interim orders if is in the teeth of the law that has already been declared by the Supreme Court, such subsequent action not only becomes illegal but it cannot also be pleaded that the interim orders protects such illegal action from judicial review as even while acting on the basis of the interim orders, the Association and its members are never relieved of the requirement of abiding by the law as has already been declared by the Supreme Court.

33. Alternatively, it is urged that the matter is at large before the Supreme Court and therefore irrespective of the procedure followed, it cannot be reviewed by this Court. I am afraid this is also a submission made only to avoid scrutiny to get away with the flawed and suspect actions on the part of the respondent institutions, Even the subsequent order is only about the factual appraisal of the development, which is taken note of by the Supreme Court. If the matter is at large before the Supreme Court even as submitted by the learned Counsel for the respondents, then it is obvious that no law has been laid down, whereas the law that has been emphatically laid down earlier cannot be given a go by nor flouted but has to be complied so long as there is no special order or law granting exemption from such law. So long as judicial review is permitted even as per the law laid down by the Supreme Court in terms of P.A. Inamdar's case, it is the duty of this Court to examine such causes and when it is found that the association and its members are at fault both on legal and factual aspects it is inevitable this Court intervenes to enforce the rule of law so that the law as declared by the Supreme Court is respected and given effect to. It is for this reason I do not find it necessary to accept the submission that this Court cannot act or should lay its hands off even on noticing the averments of violation in the matter of admission on the part of the association and also on the part of the individual member colleges therefore the second contention fails.

34. Now to the third contention about the effect of the order of this Court dated 9-6-2006 in Writ Petition No. 6144/2006 in the light of the Judgment in W.A. No. 914/2006 permitting the withdrawal of the writ petition, a copy of which is placed before me. Assuming that the order has been set aside in the writ appeal without going into the merits of the order, that does not come in the way of a fresh scrutiny into the conduct of the respondent in the light of the law as laid down by the Supreme Court in P.A. Inamdar's case. It is not for issuing a direction in favour of any petitioner for providing any admission. No directions are being issued by this Court compelling any association or institution to admit any particular student. What is examined is whether the association and its members are following the due procedure in terms of the law laid down by the Supreme Court and there cannot be any exception to this. In fact a direction is only to follow a proper procedure to recognise the merit or to give effect to the merit of the students which the very association had evaluated by conducting common entrance test. When once the common entrance test is conducted and inter se merit of the candidate is evaluated that should be taken note of and should be

given effect to by the association. When once the Association has undertaken the evaluation of the merit of the students and ranking is given, then it should necessarily be taken to its logical conclusion.

35. The common entrance test if not followed by a centralized counselling that action will be clearly in violation or derogation of the direction of the Supreme Court as indicated in paragraph 136 of P.A. Inamdar's case.

36. Individual counselling at the colleges assuming for arguments sake, however, fair and transparent while it is neither permitted nor can be a substitute for the approved procedure. The common entrance test should be inevitably followed by centralized counselling. Then alone the purpose of holding a common entrance test will be achieved. The procedure of counselling is not to give any entitlement to individual colleges who may then give a go by to procedure, but to accord a fair and proper opportunity to the students having merit to choose a college and a course of their choice.

37. In the name of individual counselling the colleges cannot be permitted to choose the student of their choice which again becomes arbitrary. A common entrance test if not followed and if not concluded as per the law as laid down and as declared by the Supreme Court it is a procedure left undone and in the circumstances of the case it is found that the common entrance test as had been conducted by the 1st respondent association is not followed by the centralized counselling but while the association abandoned this responsibility, the individual institution have taken over this process by their individual action to the detriment of merited students and subjecting the students to exploitation and hardship. That cannot be permitted by this Court.

38. In spite of opportunities accorded to the association and the individual colleges, they have persisted in not following the due or proper procedure and have disregarded the directions that had been issued by the overseeing committee, which had on the complaints of the students found the action of the respondent-Association and its member institutions too very wanting and had issued direction for corrective measures. While the admission procedure which had commenced by holding a common entrance test conducted by the association is flawed and when the association and the individual colleges are not willing to have a common counselling for such purpose and on the other hand they have stoutly resisted the same. In a situation of this nature, it is inevitable to issue directions to the State and the University to take over the admission procedure and on the basis of the merit list announced by the Association to hold a centralised counselling and complete the admission procedure. These directions are accordingly issued to the State and the University in terms of the judgment of the Supreme Court in P.A. Inamdar's case as it is found inevitable in the circumstances of the case as an admission procedure once began cannot be left midway or inconclusive.

39. What is projected as an impediment to this Court for this course of action is

that there are time stipulations for completing admission procedures in terms of the order of the Supreme Court earlier in Madhu Singh's case and later in Mridul Dhar's case.

40. It is rather unfortunate that in spite of concerted efforts by legislation and Courts' orders the individual institutions have found ways and means of flouting and getting over all regulatory provisions. Even the aspect of fixing deadline for an admission procedure is taken advantage of by the erring institutions which have denied admission to merited candidates and filled up the available seats with less merited candidates of their choice and convenience. This is the complaint of merited candidates time and again and there is no answer to this complaint. But, in the instant case answer by the institutions is that we have already made admissions and filled up the seats having regard to the last date that has been stipulated by the Supreme Court in Mridul Dhar's case. Here again the result achieved is quite opposite than what is intended. The stipulation of time limit was to ensure that the institutions do not come up with belated admissions in a secretive or confidential manner. While merited students had been denied admission on their merit entitlements, the stand that admissions cannot be made beyond the stipulated date merits acceptance on the basis of the law laid down. It does not enable the colleges to make fraudulent admissions before that date. The two issues are different. The question firstly is as to whether admissions made by the colleges, if they have done so, is in consonance with the admission procedure laid down by the judgment of the Supreme Court.

41. It is also submitted by the learned Counsel Sri. Shashikiran Shetty, learned Counsel for the Institution that the relaxation of the time limit extending the last date for admission in terms of Mridul Dhar's case being 31st May extension upto 30th June was confined to in the case of Amit Gupta on IA. order passed in W.P.No. 157/2005 is confined to post graduate medical course and not to post graduate dental course that the time stipulation as had been indicated earlier in Mridul Dhar's case remains in so far as Post graduate dental course and therefore the last date for admission to post graduate dental course closed by 31st May.

42. However, what is submitted by learned Counsel for the petitioners is that these time stipulations were in the context of admissions to medical and dental courses in Government colleges and as against the State quota and the All India quota, such outer limit is not applicable per se to admissions that are made in private unaided minority institutions where merit alone is the guiding factor and while the basis for time stipulation in respect of medical courses is the existence of regulation framed by the Medical Council in this regard, in the absence of any regulation framed by the Dental Council fixing such time limits, it cannot be said that the time limits are statutorily fixed and at any rate the time limit as indicated in Mridul Dhar's case being not one applicable to admissions in private minority institutions, the argument cannot come in the way of this Court issuing necessary directions.

43. It is not necessary to examine this argument regarding time limits in the present case as indicated earlier in the course of this order. Assuming this to be the correct position in law, in the present situation as the admission procedure that had begun by commencing the same in terms of calendar of events earlier, having been halted midway and the procedure having taken a tangential route of arbitrariness, harassment and being exploitative in nature and as it had been found to be not in consonance with the procedure or law declared by the Supreme Court after the stage of conduct of test and announcing the result, all subsequent actions are inevitably to be declared as void, not permitted in law and all such actions are hereby quashed.

44. If such is the situation the procedure cannot be left midway and it has to be taken to its logical conclusion. It is for such purpose directions are issued to complete that procedure by completing the counselling and for such purpose the State and the University are directed to announce the date of counselling by allowing a reasonable interval to the students to reach the place of counselling by giving wide publicity, published through news dailies and having it posted on web sites and also through visual media. The State and University may complete such process and complete the admission procedure by or before 12th July 2006. The 1st respondent -Association to reimburse the actual costs to be incurred by the State for the purpose of completing admission procedure.

45. In the peculiar and extra ordinary circumstances in which these petitions have been presented and having regard to the flawed procedure that had been followed by the Association and its members, it has become inevitable for this Court to issue such direction though the court is aware of the time constraints. As it is submitted by the learned Counsel for the petitioners and not disputed by the learned Counsel appearing for Dental Council of India that under the Dental Council regulations, there is no outer limit stipulated as the last date for admission of students to post graduate dental courses, it is for the University and the Dental Council to resolve this aspect of the matter and if need be seek suitable directions/orders from the Supreme court in this regard. As to whether the counselling for admission of students to the respondent institutions can result in admission of students to the current year or later is a matter that will have to be examined and implemented by the University and the State, if the State is also interested in protecting the interest of student community and in ensuring that merit is to be the basis of selection.

46. It is also open to the university and the State to seek such orders or directions as would enable them to implement the same if need be by bringing it to the notice of the Supreme Court in the peculiar circumstances of these cases, as had been done on earlier occasions.

47. In so far as time stipulations are concerned and even in terms of the calendar of events as had been indicated in Madhu Singhs case and Mridul Dhar's case, it appears that one important factor so far as stipulation of time is concerned, has escaped the attention of all concerned; that the calendar of

events while provides for last date for admission, and P.A. Inamdar's case has also taken care of the complaint/grievances of the students by taking it before the Monitoring Committee and it is for the Committee to issue suitable direction; but no time limit is provided for judicial review of such actions which has become inevitable in the scheme of things in all these years.

48. No year passes by without the matters being brought before the courts either before the High Court or before the Supreme Court and the matters being pending, the nature of matter before the courts being such that it may or it may not be possible for the disposal of the cases forthwith and while in many writ petitions, interim orders are issued, the consequence that results thereafter when the petitions are found without merit and are to be rejected, particularly, by looking at the humane face of the students when such admissions are not disapproved, these developments have only led to the situation of producing the opposite result of what was intended to achieve and it has proved to the advantage of the erring institution to keep making admissions not permitted in law with impunity and later to project human faces of the students to save it. While the interest of the students has never been ignored by the courts, unfortunately, that is only taken advantage by erring institution. It is this aspect of the matter which cries for attention at the hands of the courts. Though courts have been issuing suitable directions/orders akin to regulatory measure in the interest of equity and justice to protect the interest of bonafide students, it should not become a tool in the hands of erring institutions to flout the law with impunity. It is this aspect which has to be necessarily addressed to, in cases where such questions crop up.

49. In the result, all these petitions are allowed. Rule made absolute.

50. The State and the University being directed to take over the admission procedure from the stage of completion of the entrance test, it is necessary that the respondent No. 1 -Association which had conducted the entrance test should hand over all the relevant records, material, rank list etc., to the State to facilitate the same to be handed over within two days from this order. The expenses to be borne by the State in this regard. It can be sought to be reimbursed by the Association which had taken the responsibility of completing the admission procedure. The State and the University can claim only the actual expenditure from the Association.

51. It is also directed to the individual member colleges to forward a list of students who had already been admitted, if had been admitted as also copy to the Overseeing Committee and the University to be furnished so that remedial action can be taken by such authorities.

52. The selection procedure to be continued by the State and the University is also subject to all the regulations, directions issued by the Supreme Court in P.A.. Inamdar's case and the admissions to be in accordance with the prescribed procedure and also having regard to the fact that such admissions are in

institutions which had claimed minority status and had formed an Association by themselves.

53. All admissions made by the individual member-Institution of the respondent No. 1 - Association are hereby quashed by issue of a writ of certiorari. Writ of certiorari is irrespective of the subsequent holding of the counselling and admission procedure as the earlier admission procedure has been found to be flawed.

54. A memo is filed on behalf of the second petitioner in Writ Petition No. 8316/2006 praying for permission to withdraw the writ petition in respect of second petitioner.

55. While developments therein are not taken note of by this Court, Writ Petition No. 8316/2006 is permitted to be withdrawn and dismissed as withdrawn in respect of the second petitioner only, without any expression on other aspects mentioned in this memo.