
(2009) 05 SC CK 0076

In the Supreme Court Of India

Case No : Writ Petition (Civil) No. 216 of 2009

Dr. Smitha Nath

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 26-05-2009

Acts Referred:

Citation : (2009) 14 JT 226 : (2009) 13 SCC 255 : (2009) 9 SCR 824

Hon'ble Judges : Markandey Katju, J;Deepak Verma, J

Bench : Division Bench

Advocate : Mukul Rohatgi, Indu Malhotra, Vikram Mehta and Nupur Kanungo, for Vikas Mehta, for the Appellant; V. Shekhar Manjit Singh, Manish Singhvi, AAGs, Aman Ahluwalia, Sudarshan Singh Rawat for D.S. Mahra, Harikesh Singh, for Kamal Mohan Gupta, Shomila Bakshi, for Kamini Jaiswal, Niranjana Singh, Ravindra K. Adsure, T. Harish Kumar, Garav Sharma, Sumeet Bhatia, Abhinav Mukherji for Pratibha M. Singh, Mohit Kumar Shah, for Gopal Singh, Riku Sarma, for Corporate Law Group, B.B. Singh, Hemantika Wahi, Tara Chandra Sharma, Subhashini, A.P. Mayee, V.G. Pragasam and N.I. Suji for Milind Kumar, for the Respondent

Final Decision : Allowed

Judgement

1. The Application for impleadment is allowed.
2. Heard learned Counsel for the parties.
3. On 13.1.2009, exam was conducted by AIIMS for 50% post graduate medical seats for all government/municipal colleges in India (except for the government medical Colleges in the States of Andhra Pradesh and Jammu and Kashmir). The First Round of Counseling for these seats ended on 16.3.2009, which was conducted by Director General of Health Services (DGHS). Thereafter, the States and Uts commenced their first round of counseling which was to be completed by 10.4.2009.
4. However, most States did not complete their first round of counseling in time. The 2nd Round of All India Counseling by DGHS was conducted between

22.4.2009 and 8.5.2009. This, however, was incomplete since all the States/UTs did not report the correct number of All India Vacant Seats after the first round of State counseling in time.

5. We have persued the Order dated 2.5.2008 passed by this Court in the case of Dr. Amit Gupta and Ors. v. Union of India and Ors. in I.A. No. 17 of 2008 in W.P. (C) No. 157 of 2005, where in similar circumstances this Court had directed an extended 2nd Round of All India Counseling to fill up those seats which could not be included in the Original 2nd Round of counseling.

6. In such circumstances, we direct that an extended 2nd Round of Counseling be conducted to fill up the seats which could not be filled up in the Original 2nd round of counseling due to incomplete information furnished by the States at the time when the 2nd Round of Counseling was conducted. All the States and UTs shall abide by the following schedule for the extended 2nd Round of counseling.

Date

Particulars

27th May, 2009

Counseling Schedule to be notified by DGHS

28th May, 2009

All States must report updated number of vacancies resulting from non-joining, resigning and surrender of seats in All India Quota to the DGHS by 5 p.m. on 29th May, 2009.

30th May, 2009

Total number of vacancies to be notified by DGHS

31st May 2009 to 08th June, 2009

Extended 2nd round of counseling to be conducted by DGHS at Delhi Centre

13th June, 2009

Students to join allotted college within 5 days of allotment (i.e.) last date for students to join allotted college is 13th June, 2009.

14th June, 2009

Vacant All India Quota seats must be deemed to be surrendered to the States on 14th June, 2009

20th June, 2009

Final deadline for students to join allotted course. Before this date all States should complete their 2nd Round of counseling.

7. We further direct that Counseling will be only in the Delhi Centre.

8. This order will be placed on the websites immediately. Copy of this order shall be given to all the parties today itself.
9. The Writ Petition is disposed of in the above terms.