

(2018) 03 MP CK 0135

In the Madhya Pradesh High Court

Case No : WRIT PETITION NO.12601, 12774, 13742, 13835, 13838, 13897,
15190 OF 2017

Smt. Rajkumari & Others

APPELLANT

Vs

Smt. Anju Sharma & Others

RESPONDENT

Date of Decision : 23-03-2018

Acts Referred:

M.P. Niji Vyasayik Shikshan Sansthan (Pravesh Ke Viniyam Evam Shulk Ka Nirdharan Adhiniyam) 2007 — Section 13

M.P. Niji Vyasayik Shikshan Sansthan (Pravesh Ke Viniyam Evam Shulk Ka Nirdharan Adhiniyam) 2007 — Rule 3(5)

Citation : (2018) 03 MP CK 0135

Hon'ble Judges : R. S. JHA, J; RAJEEV KUMAR DUBEY, J

Bench : Division Bench

Advocate : Aditya Sanghi, Rajendra Tiwari, Greeshm Jain, Satish Verma, Akash Choudhary, Sanjiv Kumar Mishra, Lal Raj Bahoran Singh Chauhan, Y. M. Tiwari, Praveen Dubey, Manu V. John,

Final Decision : Disposed Of

Judgement

These bunch of petitions involve a common question for adjudication and are, therefore, heard and decided concomitantly by this common order.

2. All the petitioners are students who had appeared in the NEET Examination 2017 and have obtained marks between 566 and 532 except for the

petitioner in W.P No.15190/2017 who was a Scheduled Caste candidate and has obtained 482 marks. All the petitioners had initially been granted

admission by the respondent authorities in the counselling conducted by them between 12.7.2017 and 17.7.2017 and were allotted colleges in various

private medical colleges in the State of M.P. between 19.7.2017 and 23.7.2017.

3. At this stage, W.P No.12601/2017 and a Public Interest Litigation, W.P

No.12774/2017 were filed before this Court challenging the manner and procedure followed by the State in granting admissions on the ground that admissions were being granted in violation of the provisions of the Madhya

Pradesh Main Sahayata Na Paanae Waalae Niji Chikitsa Mahavidhyalaya Evam Dant Chikitsa Mahavidyalaya Main MBBS Tatha BDS

Pathyakramo Main Pravesh Ki Paatrata, Pravesh Ki Reeti Evam Sthano Kea Aarakshan (Aniwasi Bharti Ki Liyea Sthano Ka Aarakshan Sammillit

Hai) Kea Viniyam 2017 (hereinafter referred to as the Regulations of 2017) framed in exercise of powers under section 13 of the M.P. Niji Vyasayik

Shikshan Sansthan (Pravesh Ke Viniyam Evam Shulk Ka Nirdharan Adhiniyam) 2007 (hereinafter referred to as 'the Adhiniyam of 2007').

4. In the aforesaid two petitions, allegations were made that the students who are not permanent residents of the State of M.P. had obtained false

domicile certificates from the authorities of the State and had obtained admission on that basis contrary to the provisions of Regulation 3(5) and 6 of

the Regulations of 2017.

5. In view of the serious allegations made by the petitioners in the aforesaid two petitions, this Court passed the following order on 24.8.2017.

'The learned Advocate General for the State prays for and is granted a week's time to file a return.

In view of the urgency of the matter, the parties have argued extensively on the question of interim relief.

The case of the petitioners is that the list of students that had been shown on the website of the CBSE as students belonging to the State of M.P. vide

Annexure P-3 has been removed and thereafter on the basis of the domicile certificate students from outside the State of M.P. have been allotted

State quota seats. It is submitted that the students from outside the State of M.P. have obtained dual domicile certificate, one from the State where

they originally reside and the other from the State of M.P. and on that basis admissions have been granted by the respondents authorities in the first

and second round of counselling in respect of which they have filed complaints which have not been looked into.

The learned Advocate General submits that the State shall look into the complaints in respect of false and fabricated domicile certificates filed by the

candidates and in case any certificate is found to be false or fabricated,

appropriate steps in that regard would be taken by them in accordance with law.Â He further states that at present in viewÂ of the proviso inserted beneath Rule 3(5) of the Madhya Pradesh Niji Vyavsayik Shikshan Santha (Pravesh ka Viniyaman avam Shulk ka nirdharan) Adhiniyam, 2007 (hereinafter referred to as â??the Admission Rulesâ?) of the State Rules notified in the M.P. Gazette on 7.7.2017, the authorities are taking into consideration the details relating to domicile mentioned by the candidates while registering themselves online for the purposes of counselling and on that basis seats have been allotted.

The learned Advocate General submits that in view of the proviso appended to Rule 3(5) of the Admission Rules, admissions are being made which are in accordance with law.

We have extensively heard the learned counsel for the parties on the question of interim relief.

From a perusal of the Admission Rules notified by the State, it is apparent that Rule 3(5) of the Admission Rules states that â??Abhayarthi Dwara

Pravesh Pariksha ke avedan form me Madhya Pradesh Rajya ke sthaniya niwas se sambandhit diya gaya vikalp antim mana jayegaâ?. The proviso

which has been inserted beneath this Rule by the Gazette notification dated 7.7.2017 provides that in case no information relating to local residence is

given in the form filled up for participating in the entrance examination, the candidate will have to furnish information in this regard at the time of

registering himself for the purposes of online counselling in the State.Â

It is also observed that in the information bulletin published by the CBSE for participating in the NEET examination, Clause 5 of the online application

formÂ prescribes the information that the candidate is required to furnish, relating to the State to which he belongs as per Appendix 5 that is annexed

alongwith the information bulletin. Appendix 5 which has been placed before us relates to the list of codes that are allotted to various States in the

country and, therefore, it is apparent that while the candidate is appearing in the NEET examination, he has to give information in respect of the State

to which he belongsÂ by mentioning the code of the State to which he belongs.Â It is also apparent from a perusal of the CBSE guidelines and

instructions that the candidate appearing in the NEET examination is required to furnish detailed information in respect of the School from where he

has passed, the State to which he belongs, his permanent residence, Adhar Card, etc.

When the aforesaid information is read alongwith the specific and clear provision of Rule 3(5) of the Admission Rules, it is apparent that the option

relating to residence given by the candidate in that form shall be and has to be treated as final for the purposes of local residence and it is only in cases

where such information is not available that the proviso appended to the Rules by the notification dated 7.7.2017 comes into operation and the

candidate concerned is required to furnish information relating to local residence while registering himself online at the time of counselling. A

conjoint reading of the aforesaid provisions specifically Rule 3(5) of the Admission Rules relating to admission makes it clear that the provisions of law

do not envisage or permit a student to have the luxury of obtaining 2 or 3 certificates relating to local residence from different States and to try his luck

wherever possible or to block the seats of other eligible candidates by adopting such a tactic.

In view of the aforesaid, and keeping in mind that the last date for admissions is 30th September 2017, as an interim measure and in view of the

undisputed position that the respondent State is required to strictly follow the rules framed by them while making admissions, it is directed that the

State authorities shall conduct counselling, draw up the list of candidates eligible under the State quota by taking into consideration and treating as final

the option and information regarding the State to which the candidate belongs that has been furnished by him in the NEET form submitted by him

and it is made clear that all information given by the candidate in the NEET form in respect of his residence shall be treated as final in terms of

Rule 3(5) of the Admission Rules and thereafter the authorities shall proceed further in the matter by redrawing the merit list.

It is clarified that the information given by the candidate in respect of the State to which he belongs in accordance with the information bulletin

published by the CBSE would be treated as final in terms of the provisions of Rule 3(5) of the Admission Rules and only in case such information is

not available in the NEET form the respondents shall resort to the proviso to Rule 3(5) of the Admission Rules.

6. The State, being aggrieved by this order, immediately filed a SLP before the Supreme Court which was registered as Special Leave to Appeal (C)

No.2242822429/2017 which was dismissed by the Supreme Court on 29.8.2017 affirming the order passed by this Court and directing the authorities

of the State to make admissions strictly in accordance with the Rules and Regulations and while doing so the State, on its request, was granted 10

days time to take up fresh proceedings for counselling.

7. The aforesaid order passed by this Court has attained finality and according to this order, the State was strictly required to undertake the process of

counselling and admission in accordance with the provisions of Regulation 3(5) of the Regulations of 2017, which stipulates that the information

regarding permanent resident given by the candidate in his NEET Form shall be taken to be final and the provisions of Regulation 6 which provides for

granting prior and first preference for admission to candidates who are permanent residents of M.P. Pursuant to the aforesaid order passed by this

Court and the Supreme Court, the State took up the process of conducting counselling afresh from 30.8.2017.

8. At this stage, the petitioner in W.P No.13742/2017 and others approached this Court stating that the respondent authorities were not following the

directions and orders passed by this Court while granting admission and though the petitioner had furnished information regarding their permanent

residence in the NEET Form, the same was being ignored.

9. In view of the submission of the petitioners and the objections raised by the State, this Court passed another order on 5.9.2017 in W.P

No.13742/2017 which is in the following terms:-

â?? Heard on I.A No.12235/2017, filed by the petitioner in W.P No.12601/2017 and I.A No.12192/2017 filed by the petitioner in W.P No.13742/2017

for grant of interim relief.

This Court on 24.8.2017 has already passed an interim order after considering the Rules of admission and the relevance of information regarding State

of residence given by the candidate concerned in the NEET form and passed a detailed order which has been affirmed and confirmed by the Supreme

Court in S.L.P. No.22438-22439/2017 by order dated 29.8.2017.

It is, however, submitted by the learned counsel for respondent no.7 and the petitioner in W.P No.13742/2017 that the respondents are blindly rejecting

the candidature of all students by simply and only taking into consideration the entry made in Column-5 regarding the eligibility for All India Quota

and not taking any other part of the form into consideration and while considering the candidature of a candidate, are obtaining an affidavit to the effect that the candidate belongs to the State of M.P. and has not claimed or obtained a domicile certificate of any other State.

The learned counsel for respondent no.7 and the learned counsel for the petitioner in W.P No.13742/2017 submits that the petitioner is infact a residence of the State of M.P. and has given details regarding the aforesaid fact in the column relating to State of residence in the NEET Form but the authorities are ignoring the said aspect and not considering the case of the petitioner by deleting her name from the list of eligible candidates prepared by them.Â It is stated that the authority concerned are simply misinterpreting the order passed by this Court on 24.8.2017 wherein this Court has directed the authorities to take into consideration the information furnished by the candidate relating to local residence and State of residence given the NEET Form.Â The learned counsel, therefore, submits that necessary direction in this regard be issued to the respondents.

Having heard the learned counsel for the parties at length, we are of the considered opinion that this Court has passed a detailed order on 24.8.2017 which does not need any clarification and, therefore, the authorities are required to comply with the same specifically as the said order has been affirmed and confirmed by the Supreme Court.

It needs no emphasis to state that in the said order this Court has directed the authorities to draw up the list of eligible candidates by taking into consideration the information given by the candidate in the NEET Form regarding the State to which the candidate belongs and the place of his residence alongwith the information that the candidate has filled up in Column-5 regarding eligibility for 15% All India Quota and, therefore, it is apparent from the direction issued by this Court that this Court has not directed the authorities to confine the inclusion of candidates in the list only on the basis of the entry made by the candidate relating to 15% All India eligibility column.Â The order passed by this Court has made it clear that the authorities have to prepare the list by taking into account the information furnished by the candidate regarding the place of his residence and the local residence in the form in respect of the school from where he has passed, the State to which he belongs, his permanent residence, Adhar Card, etc. as

well as the information contained in Column-5.

As all these aspects are already contained in the order passed by this Court on 24.8.2017, we do not find any reason to modify or clarify the aforesaid

aspect except to state that this Court has not directed the authorities to prepare the list only on the basis of the entry in Column-5 relating to 15%

eligibility quota.

We are also of the considered opinion that no fault can be found with and in fact we appreciate the attempt of the State in introducing transparency

while undertaking the exercise by requiring the student to submit an affidavit in addition to all the scrutiny in respect of the place of residence

with a view to ascertain the fact that the candidate has only claimed residence and domicile in the State of M.P. and has not obtained any such

certificate from any other State or applied or attempted to obtain admission in any other State with a further stipulation that in case the information

furnished by the candidate is false, his admission would stand cancelled.

In the circumstances, by taking all the aforesaid aspects into consideration, we do not find any reason to pass any further or additional order or

direction than the one that we have already passed on 24.8.2017.

The learned counsel for respondent no.10 in W.P No.12601/2017, who has filed I.A No.12235/2017, submits that the respondent no.10 has stated that

his place of residence and domicile is the State of U.P as per the NEET form but he has subsequently obtained a domicile certificate of Madhya

Pradesh under the proviso to Rule 3(5) and on this count the authorities while redrawing up the list, have removed the name of the respondent from

the list of selected candidates.

In view of the aforesaid facts, as the counsel for respondent no.10 has admitted that the respondent no.10 belongs to the State of UP and has

furnished information in that regard in the NEET form, it is apparent that the exclusion clause contained in Rule 3(5) of the Admission Rules, would

apply to her and, therefore, we do not find any reason to issue any further orders on I.A No.12235/2017 filed by respondent no.10 in the light of the

direction issued by this Court on 24.8.2017.

In view of the aforesaid I.A Nos.12235/2017 and 12192/2017 stands disposed of.

A free copy of this order be supplied to the learned Dy. Advocate General for

information and compliance.â??

10. During the pendency of this petition, the cases of the petitioners in W.P No.13742/2017 (Sai Shruti Dubey) and W.P No.13897/2017 (Mansi

Apreja) were considered and rejected by the authorities of the State vide order dated 9.9.2017 and 14.9.2017 respectively which orders have also

been challenged by the petitioners by amending their petitions.

11. Before we proceed any further, it is worth noting that all the parties admit and do not dispute about the fact that the order passed by this Court on

24.8.2017 has become final and binding on all parties and that the State, in terms of the said order, was required to draw up a list of eligible candidates

who are permanent resident of M.P. in terms of the provisions of Regulation 3(5) of the Regulations of 2017, i.e. strictly on the basis of the

information regarding permanent residence given by the candidates in the NEET Form.Â This exercise was compulsory and necessary as candidates

who are permanent residents of M.P. have a statutory prior and first right to admission in terms of and in view of Regulation 6 of the Regulations of

2017.

12. The common contention raised by all the petitioners before this Court is that the respondents/State has not considered the claim of the petitioners

and rejected the same in W.P.No.13742/2017 and W.P.No.13897/2017 in total derogation of the directions of this Court and the Regulations of

2017,Â simply and only on the ground of the entry made by the petitioners in column 5 of the NEET form which relates to state of eligibility for the

purpose of 15% All India Quota without looking into or considering the information regarding permanent residence given by them in the NEET forms.

13. The learned counsel for the petitioners submit that column 5 of the first part of the NEET form requires a candidate to fill in the name of the State

of eligibility for the purposes of obtaining admission in the 15% All India Quota. It is submitted that the entry made by the candidate in this column

does not relates to permanent residence of the candidate.

14. It is submitted that the information regarding permanent residence, Aadhaar Card, passing of 10th and 12th Class, etc. is separately furnished by

the candidates/petitioners in the NEET form and it was this information regarding permanent residence which was required to be taken into

consideration by the authorities of the State for the purpose of determining

whether the candidate is a permanent resident of Madhya Pradesh in terms of Regulation 3(5) of the Regulations of 2017.

15. The learned counsel for the petitioners submit that the State has admittedly only considered the entry made by the candidate in column 5 which relates to the State of eligibility for the purpose of 15% All India Quota and has not taken the other information furnished by the candidate regarding place of residence while deciding their eligibility. It is submitted that this is an undisputed fact which is evident from a bareÂ perusal of the impugned orders dated 09.09.2017 and 14.09.2017 passed by the authorities in W.P. No.13742/2017 and W.P. No.13897/2017 wherein the State has clearly stated that the only information made available to them by the CBSE was in respect of the State of eligibility for the purpose of 15% All India Quota and thereforeÂ the State has decided the eligibility of the petitioners as permanent resident of M.P. on that basis alone.

16. The learned counsel for the petitioners submits that this action of the respondents/authorities and the impugned orders rejecting their claim is, therefore, contrary to Regulation 3(5) of the Regulations of 2017, and the orders passed by this Court on 24.08.2017 which has been affirmed and confirmed by the Supreme Court and on this count the impugned orders be set aside and the petitioners be granted admission by treating them as permanent residents of Madhya Pradesh.

17. The Deputy Advocate General appearing for the State has vehemently opposed the contentions of the learned counsel for the petitioners. It is submitted that the NEET forms were filled up by the candidates on their own being fully aware of the information that was sought by the CBSE in the form. It is submitted that the information in respect of the petitioners and all other State candidates that was furnished to the authorities of the State by the CBSE has been filed by the respondents/State as document Annexure AR/27 alongwith an additional affidavit filed in W.P.No.14687/2017 and connected matters which are being decided in a separate bunch of petitions.

18. It is submitted that a bare perusal of this information in respect of the petitioners whose names are mentioned in the aforesaid Annexures, makes it abundantly clear that as per the information given by the CBSE to the State, the petitioners have themselves not stated that they are permanent residents of Madhya Pradesh.Â It is submitted that as per the information given

by the CBSE, Sai Shruti Dubey is shown to be an applicant of

Andhra Pradesh, Ashish S Pai is shown to be an applicant of the Kerala, Rajni Ayushi is shown to be a candidate of Bihar, Mansi Apreja is shown to

be a candidate of Haryana and Ruchika Anuragi is shown to be a candidate of Haryana.

19. It is submitted that on the basis of the aforesaid information which was the only information available before the authorities of the State, the claim

of the petitioners was considered in terms of the directions and orders issued by this Court on 24.08.2017 and rejected. It is submitted that in such

circumstances as the authorities of the State have complied with the directions issued by this Court, as well as the Regulations of 2017, therefore, no

fault can be found with the action taken by them.

20. The learned Deputy Advocate General as well as the learned Senior Counsel appearing for the MCI submits that the last date for grant of

admission was 31.08.2017 which was extended up to 10.09.2017. It is submitted that as this last date is over therefore, in terms of the Supreme

Court's decision in the case of Ashish Ranjan (supra), State of Kerala vs. T. P. Roshna, (1979) 1 SCC 572, Medical Council of India vs.

State of Karnataka (1998) 6 SCC 131, Dr. Preeti Shrivastava vs. State of M.P. and others, (1999) 7 SCC 120, State of Punjab vs.

Dayanand Medical College, (2001) 8 SCC 664, State of M.P. and others vs. Gopal D. Tirthani and others, (2003) 7 SCC 83, Medical Council of

India vs. Madhu Singh and others, (2002) 7 SCC 258, Mridul Dhar and another vs. Union of India and others, (2005) 2 SCC 65, Royal Medical

Trust (Regd) and another vs. Union of India, (2015) 10 SCC 19, D. Y. Patil Medical College vs. Medical Council of India and another,

(2015) 10 SCC 51 and Poonaiyah Ramajayam Institute of Science & Technology Trust vs. Medical Council of India and another, (2015) 10 SCC

83, no relief can be granted to the petitioners. It is submitted that the scheduled prescribed by the MCI and approved by the Supreme Court is final

and binding and cannot be deviated by any Court or authority and, therefore, the petitions filed by the petitioners have been rendered academic and

deserve to be dismissed.

21. The learned counsel appearing for the CBSE submits that the responsibility of the CBSE is only to conduct the examination, declare the result and

provide the result thereof to all the States. It is submitted that as far as determining the eligibility of the candidate for the purposes of permanent residence and domicile is concerned, it is the responsibility of the concerned State where the candidate appears for counselling and the CBSE has nothing to do with the same.

22. It is, however, admitted that till the year 2016 the CBSE was obtaining information regarding permanent residence and domicile of the candidate in the form. It is submitted that thereafter as the CBSE felt that the issue of domicile/permanent residence was beyond its authority to determine, therefore, from 2017 onwards, the CBSE has only prescribed the requirement of giving information regarding State of eligibility for the purposes of 50% All India quota, which is not for the purposes of determining permanent residence of the candidate. It is submitted that in such circumstances, the CBSE had issued a clarification dated 23.8.2017 on a query being made by the State of Madhya Pradesh, which has been filed alongwith the return as document Annexure P/19 in W.P. No.13742/2017. It is submitted that the CBSE has no further role to play in the matter.

23. It is, however, pertinent to note that the learned counsel appearing for the CBSE on going through the format of the NEET form which has been produced by the petitioner as well as the State does not deny or dispute the fact that there is a specific column in the form wherein the CBSE requires the candidate to furnish information regarding permanent residence as well as contact address. The learned counsel also does not deny the fact that in the NEET form the information regarding Aadhar number, the place of Schooling from which the candidate has passed his 10th and 12th class is also obtained and therefore, the form does contain information in respect of permanent residence of the candidate.

24. We have heard the learned counsel for the parties at length.

25. The issue regarding compliance and the scope and interpretation of the provisions of Regulation 3 (5) of the Regulations of 2017 stands concluded by the order passed by this Court on 24.8.2017 which has been affirmed and confirmed by the Supreme Court by order dated 29.8.2017 passed in SLP Nos.22438/2017 and 22439/2017. According to the order passed by this Court and the provisions of Regulation 3 (5) of the Regulations of 2017, the information regarding permanent residence given by a candidate in

the NEET form is treated to be full and final.

26. In the order passed by this Court on 24.8.2017, this Court has also stated the reasons for providing such a stipulation in the regulations, namely to

bind the candidate for the purposes of seeking admission as a permanent resident of a particular State and to prevent him from having the luxury of

obtaining two or three domicile certificates relating to local residence from different States and thereafter to try his luck wherever possible or to

block seats of other eligible candidates in a number of States by adopting such a tactic and the order passed by this Court has been affirmed and

confirmed by the Supreme Court.

27. Apparently the object and purpose of the Regulation is to ensure that the candidate gives one and one option alone in respect of his residence in

the NEET form and thereafter, he is not permitted to rescind from the same. It needs specific mention to state that this requirement in the

Regulations of 2017 was and is necessitated on account of the fact that all the States in the country have reserved 100% seats for the MBBS and

BDS courses in their State for the permanent residents of their respective States, whereas for a period of 4-5 years, the State of Madhya Pradesh had

thrown open the MBBS and BDS seats available in the private medical colleges in the State of Madhya Pradesh to candidates from all other States.

The provision in this regard was assailed and challenged by candidates who were the residents of Madhya Pradesh before this Court and this Court by

the decision rendered in the case of Rudrika Pushpraj Bhatele and others vs. State of M.P. and others, 2017 (1) MPLJ 472, has struck down

such a provision on the ground that it violates the fundamental rights of the candidates of Madhya Pradesh on account of total absence or reciprocity

and closing of doors to the candidates of Madhya Pradesh by all other States for obtaining admission.

28. It is pertinent to note that an SLP against the aforesaid judgment of this Court is pending before the Supreme Court wherein the Supreme Court

has not granted any stay of the judgment of this Court and that pursuant to the judgment of this Court, the State has incorporated Regulation 6 of the

Regulations of 2017, wherein it is now provided and prescribed that candidates who are permanent residents of Madhya Pradesh should have priority

and first right to admission on MBBS and BDS seats in private medical colleges in

Madhya Pradesh and it is only after the list of candidates who are permanent residents of Madhya Pradesh is exhausted that candidates of other States would have a chance and be given an opportunity to obtain admission. It is in the backdrop of the aforesaid facts that the issue in this regard has been raised by the petitioners.

29. From a perusal of the document Annexure AR/27 filed by the State alongwith the additional affidavit in W.P. No.14687/2017 which is the

information that was furnished by the CBSE to the State in respect of each and every candidate, it is apparent that the CBSE has given information

regarding the Aadhar Card number, State code, applicant's State, the State from where the candidate has passed the 12th Class examination and its

code. However, the information regarding the residential address given by the candidate in the NEET form has not been mentioned or stated in the

information furnished by the CBSE to the State.

30. Though the petitioners have asserted that they have given their State of permanent residence as Madhya Pradesh in the NEET form, there is no

information before us on the basis of which any finding in this regard can be recorded or arrived at by this Court, whereas on the basis of the

information furnished by the CBSE vide Annexure AR/27 to the State, the decision taken by the respondent/State appears to be correct.

31. At the same time, it is also apparent that, though the State was helpless in this regard as the necessary information was not provided by the CBSE

and because of the information not being furnished by the CBSE, the State has not taken a decision on the representation of the petitioners by

taking all aspects directed to be considered by this Court by order dated 24.8.2017 or the order dated 5.9.2017 wherein this Court had directed the

authorities of the State to consider and prepare a list of candidates who are permanent residents of Madhya Pradesh on the basis of the information

relating to the permanent residence, address, Aadhar card, etc. given by them in the NEET form.

32. In view of the aforesaid facts and circumstances of the case, we are of the considered opinion that as the petitioners cannot be said to be

permanent residents of the State of M.P in view of the information furnished by the CBSE to the authorities of the State vide Annexure AR-27 filed

by the State, as according to the said information the petitioners are shown to

belong to States other than M.P., therefore, in terms of the provisions of Regulation 3(5) of the Regulations of 2017, we do not find any illegality in the impugned orders dated 09.09.2017 and 14.09.2017 passed by the authorities in W.P. No.13742/2017 and W.P. No.13897/2017 or the denial of status of permanent residents of M.P. to the other petitioners by the State in the facts of the present case.

33. We are also of the opinion that in view of the lapse of time of the cut-off date, no relief at this stage can be granted to the petitioners in view of the law laid down by the Supreme Court in the cases cited in the preceding paragraph until and unless some order in this regard is passed by the Supreme Court in the cases pending before it wherein the validity of the admissions made in the Session 2017 are under consideration.

34. Before we part with the case, it is necessary to observe and to issue certain directions to the CBSE in view of the fact that the entire admission process in the State of Madhya Pradesh has been upset on account of the misinformation spread by the CBSE. We are constrained to say so as on a perusal of the letter issued by the CBSE dated 23.8.2017, Annexure P/19, filed in W.P.13742/2017 wherein on the one hand the CBSE has stated that it has sought information regarding state of eligibility for the purposes of 15% quota only to ascertain as to whether the candidate belongs to the State of Andhra Pradesh, Telangana and Jammu & Kashmir, as candidates of these three states are not entitled to admission in the All India quota on account of the fact that they have not thrown upon 15% of the seats available in these three States for the purposes of the All India quota, on the other hand, in the FAQs notified by the CBSE on the website at S.No.6, the CBSE has stated that the candidate can appear in two or more States and for that purpose, it is the choice of the candidate to fill up that column.

35. It is clear from the apparent conflicting stand taken by the CBSE that certain students were confused which has resulted in the present situation.

^ However, in view of the order passed by this Court on 24.8.2017 which has been affirmed and confirmed by the Supreme Court, wherein this Court has stated that in terms of Regulation 3 (5) of the Regulations of 2017, a candidate has to clearly disclose information regarding permanent residence in the NEET form and cannot be permitted to resile from the same and also cannot be given an opportunity to vitiate the process of admissions being

undertaken by various States by applying in several States at the same time, blocking seats and thereafter, leaving them, thereby creating confusion

and difficulty in the admissions to be undertaken by various States, therefore, we are of the considered opinion that the CBSE for the purposes of

ensuring that admissions can be made by the various States without having to encounter such difficulties and problems that have arisen in the present

bunch of petitions, is required to clearly obtain information regarding permanent residence of the candidates in the NEET form itself, as that is the only

form that is required to be filled up by a candidate who is appearing in the NEET examination and no separate form or information in this regard is

either envisaged or required to be filled up by a candidate at the State level. This would also ensure the sanctity and purity of the admission process as

all the States have reserved seats in their respective States for the permanent residents of those States and would, therefore, give a candidate an

opportunity to opt for and chose the State in which he wishes to obtain admission at the time of filling up the form, which option once exercised would

not be permitted to be changed in any situation.

36. It needs no emphasis to state that as far as the verification and authentication of the information regarding permanent residence given by the

candidate in the NEET form is concerned, the same would be and has always been the responsibility of the concerned State and it is for the student

concerned to produce the relevant documents before the authorities of the State for verification and scrutiny at the time of counselling and this

responsibility has never been and would not be that of the CBSE.

37. In the circumstances, while disposing of these petitions, a clear direction is issued to the CBSE to ensure that information regarding permanent

residence/domicile is obtained from the candidate in the NEET form itself which shall be binding upon the candidate concerned in terms of

Regulation 3(5) of the Regulations of the State of M.P. and necessary steps in that regard be taken by the CBSE.

38. At this stage, the learned counsel for the parties submit that the process of filling up the NEET form for the year 2018 examination has already

commenced and is practically over and, therefore, it would be difficult at this stage to comply with the directions issued by this Court for the year 2018

NEET Examination.

39. We fully appreciate the aforesaid concern and difficulties mentioned and stated by the learned counsel for the CBSE and others and, therefore,

only for the year 2018, the CBSE is permitted to continue with the process that they had already commenced, however, it is directed that the CBSE

while forwarding the list of information of the counselling to the respective States, specially the State of M.P., would clearly and specifically furnish

information regarding permanent residence/place of residence, etc., as specified in the order passed by this Court on 24.8.2017 to the State. It is

made clear that this relaxation is granted to the CBSE only for the year 2018 whereafter it shall ensure that specific and clear information regarding

permanent residence/domicile is sought for and obtained from each and every candidate filling up the NEET form in future.

40. While disposing of the aforesaid petitions with the aforesaid directions, we think it appropriate to observe that this Court in a separate bunch of

petitions decided today in W.P No.14687/2017 and connected matters relating to the validity of the admission process undertaken by the State

authorities, has permitted the petitioners, the State and others to approach the Supreme Court in the pending SLPs in which the issue regarding

grant of relief to the petitioners regarding recounselling, admission, adjustment, compensation, penalty, etc. is pending adjudication and in case any

order for recounselling or undertaking admissions on some of the seats is issued by the Supreme Court, the case of the petitioners would also be

considered for admission by the authorities of the State after calling for fresh and complete information from the CBSE in respect of the details

regarding permanent residence of the petitioners and in case some or any of the petitioners are thereafter found to fall in the category of permanent

resident of M.P. and are desirous of obtaining admission the private medical colleges, their claim for the same be considered in accordance with the

Rules and Regulations.

41. With the aforesaid directions, the petitions filed by the petitioners stand disposed of.