

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) 16965/2006

(From the judgment and order dated 18/09/2006 in LPA No. 2040/2006 & CA No. 10790/2006 & SCA

No. 18274/2006 & SCA No. 18275/2006 & SCA No. 18276/2006 of The HIGH COURT OF GUJARAT

AT AHMEDABAD)

RUCHIN BHARAT PATEL  
Petitioner(s)

VERSUS

PARENTS' ASSN. FOR THE M/D STUDENTS & ORS  
Respondent(s)

(With office report)

WITH

SLP(C) No.16892/2006

(With prayer for interim relief and office report)

SLP(C) No.16680/2006

(With appln. for permission to place addl. Documents on record and with prayer for interim relief and

office report)

Date: 12/10/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Hazarika, Adv.

Sr. Adv.

Sr. Adv.

Sr. Adv.

Sr. Adv.

Sr. Adv.

Shelat, Huzefa Ahmadi, Ejaz Maqbool,

Singh, Taruna Singh, Adv.

For Respondent(s)

Sr. Adv.

Tanna, Sr. Adv.

Adv.

Adv.

Sr. Adv.

Sr. Adv.

Dave, Mahesh Agarwal, E.C. Agrawala,

Mr. Arun Jaitley, Sr. Adv.

Ms. Sumita

Mr. Ashok H. Desai,

Mr. Arun Jaitley,

Mr. A.M. Singhvi,

Mr. C.A. Sundaram,

Mr. N.D. Nanavati,

M/s. Mitul

Nakul Dewan, Vikash

Mr. Gopal Subramaniam, ASG

Mr. K.K. Venugopal,

Mr. Bhaskar P.

Mr. Nikhil Kariel,

Mr. Gaurav Agrawal,

Mr. Ranjit Kumar,

Mr. Uday U. Lalit,

M/s. Amar

Anand Yagnik, Advs.

For Applicant(s)

Ms. Nandini Gore, Adv.

Ms. Pragya Baghel, Adv.

Mr. Jayant Mohan, Adv.

Adv.

For Ms. Manik Karanjawala,

Adv.

Mr. Dushyant Dave, Sr.

Mr. A.P. Mayee, Adv.

Adv.

Mr. Sanjeev Chaudhary,

Mr. Sanjay R. Hegde, Adv.

Mr. Mitul Shelate, Adv.

Mr. Vikrant Yadav, Adv.

Mrs. Hemantika Wahi, Adv.

Ms. Shivangi, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

parties.

Heard learned senior counsel for the

are allowed.

Intervention/impleadment applications



(Arising out of SLP(C) No. 16892 of 2006

CIVIL APPEAL NO.4481 OF 2006

(Arising out of SLP(C) No. 16680 of 2006

O R D E R

Leave granted.

These matters relate to the admission of students to the

unaided private/professional Medical and Dental colleges. There are

twelve such colleges in the State of Gujarat. The State Government had

issued a Notification in the month of January, 2006 for conducting a

common entrance test for admission of the students to various

government professional colleges in the State of Gujarat. Out of twelve

unaided private Medical and Dental colleges, ten agreed in writing that

they would fill-up their seats for the year 2006-2007 from the candidates

who have passed the Common Entrance Examination held by the Gujarat

State (GUJCET). Subsequently, these ten colleges resiled from their

decision and took steps to conduct their own Common Entrance

Examination for admission of students to these colleges. An

advertisement was published in July, 2006. The respondent

Parents/Teachers Association then approached the High Court of Gujarat

and contended that the unaided private colleges are not entitled to

conduct the Common Entrance Examination and they are bound to fill

up the seats from the list of students who have passed the GUJCET. The

matter was considered on merits and the learned Single Judge held that

the Association of private unaided colleges shall not be entitled to

conduct the examination. This was challenged before the Division Bench

in a L.P.A filed by the Association. The L.P.A. was dismissed and

aggrieved by the same, these appeals have been filed.

We heard learned senior counsel for the parties.

One student who has filed one of the present appeals has stated

that students were denied opportunity to participate in the Common

Entrance Examination held by the private unaided association of private

unaided colleges.

We have heard the matter in detail and we find no reason to

interfere with the impugned judgment. However, for this year, having

regard to the best interest of the student community admission to these

12 private unaided colleges shall be in the following manner:

85% should be from the candidates who passed the GUJCET and

other 15% candidates are to be filled up by these colleges from the quota,

reserved for NRI candidates. This court in P.A Inamdar and others vs.

State of Maharashtra and others 2005 (2) SCC 537 in para 131, of

judgment indicated the criteria by which the NRI seats are to be filled up.

These colleges shall comply with the directions contained in Para 131 of

this judgment, while filling up of 15% NRI seats.

The 12 colleges shall fill up 15% NRI seats by 31st October, 2006

and the list of admitted students shall be sent to the Justice R.J.Shah

Committee by 2nd November, 2006 and the 85% of the seats in these

colleges shall be filled up by the candidates who have passed GUJCET

according to the merit list. The Admission Committee shall send

sufficient number of candidates to fill up 100% seats to each college and

of them 85% shall be given admission on the basis of rank assigned in

the merit list and the 15% shall remain in the waiting list and if any

candidate does not join, that seat shall be filled up from the 15% waiting

list and the entire admission process shall be completed on or before 10th

Nov., 2006. If there is any infraction of any guidelines given in paragraph

131 of the judgment, the Justice Shah Committee would be at liberty to

go into the objection and pass appropriate orders and in case of difficulty,

the candidates would be at liberty to approach the Court. This order

is passed without prejudice to the rights of the parties regarding

admission of students to unaided private colleges and also taking into

consideration the peculiar circumstances, as the time for admission of

students to professional colleges has crossed the final time limit.

The appeals are disposed of accordingly.

Intervention/impleadment applications are allowed.

.....J

(K.G. BALAKRISHNAN)

.....J

PANTA)

(LOKESHWAR SINGH

.....J

(D.K. JAIN)

NEW DELHI;

OCTOBER 12, 2006.