

ITEM NO.13

Court 4 (Video Conferencing)

SECTION X

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

Writ Petition(s)(Civil) No(s).1369/2021

MARATHA MANDALS NATHAJIRAO G HALGEKAR INSTITUTE OF
DENTAL SCIENCES AND RESEARCH CENTRE & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH IA No. 165890/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 165892/2021 - EXEMPTION FROM FILING O.T., IA No. 165891/2021 - STAY APPLICATION)

Date : 12-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Ms. Bina Madhavan, Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Mr. Udayaditya Banerjee, Adv.
Mr. Rajendra M.S, Adv.
Mr. Mohammed Siddiq, Adv.
Ms. Rao Vishwaja, Adv.
For M/S. Lawyer S Knit & Co

For Respondent(s) Mr. K.M. Nataraj, ASG
Mr. Gurmeet Singh Makker, AOR
Mr. Shailesh Madiyal, Adv.
Mr. Udai Khanna, Adv.
Ms. Vanshaja Shukla, Adv.
Mr. Raghav Sharma, Adv.

Mr. Nikhil Goel, AAG
Mr. Shubhranshu Padhi, AOR
Mr. Ashish Yadav, Adv.
Mr. Rakshit Jain, Adv.
Mr. Vishal Banshal, Adv.

Mr. Gaurav Sharma, AOR
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.

Dr Charu Mathur, AOR
Mr Sanjay Kumar Dubey, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 In its order dated 3 January 2022, this Court has noted that though the deadline for completing admissions for PG courses in MDS for the 2021-22 session was extended from 10 November 2021 to 20 November 2021 by the Union Ministry of Health and Family Welfare and that the Dental Council of India adopted a similar deadline, the State of Karnataka carried out the first round of counselling between 4 and 18 December 2021, while the second round of counselling was carried out between 18 and 30 December 2021. Admissions have been made beyond the cut-off date.
- 2 Mr Shyam Divan, senior counsel appearing on behalf of the petitioner institutions, has submitted that the State of Karnataka was exclusively entrusted with the responsibility of conducting counselling, there being no other modality for completing admissions and it was the State itself which delayed the process and carried out admissions beyond the deadline fixed by the Union Government. It has been submitted that 633 students have been admitted by the State of Karnataka *albeit* beyond the cut-off date and if these admissions are not regularized at the present stage, the colleges in the State of Karnataka will have no students for three years.
- 3 Mr K M Nataraj, Additional Solicitor General appearing on behalf of the Union of India, and Mr Gaurav Sharma, counsel appearing on behalf of the Dental Council of India, on the other hand, have submitted that the State of Karnataka was aware of the fact that the cut-off date was extended only till 20 November 2021. It has been submitted that the classes have already begun and there would be no occasion to extend the deadline.

- 4 Mr Nikhil Goel, AAG, has appeared on behalf of the State of Karnataka.
- 5 The State of Karnataka has not moved any application or proceeding before this Court though admittedly on 21 December 2021, its representation for extension of time was rejected by the Union Government. In these circumstances, we find it necessary that the State of Karnataka must explain the circumstances in which it carried out admissions beyond the deadline of 20 November 2021.
- 6 Mr Nikhil Goel states that the students were placed on notice in regard to the consequences which may ensue since the admissions are made beyond the cut-off date.
- 7 We direct the Secretary, Medical Education of the State Government to file an affidavit explaining the circumstances in which the State of Karnataka breached the deadline of 20 November 2021. The affidavit shall be filed within a period of one week. The Union of India and Dental Council of India may also file their affidavits in the meantime.
- 8 List the petition on 21 January 2022.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER