

**COURT MATTER/ BY EMAIL**

**F. No. C-18018/46/2013-MEC**

**भारत सरकार (Government of India)**

**स्वास्थ्य एवं परिवार कल्याण मंत्रालय ( Ministry of Health & Family Welfare)**

**स्वास्थ्य सेवा महानिदेशालय (Directorate General of Health Services)**

**चिकित्सा परीक्षा एकांश (Medical Examination Cell)**

Nirman Bhawan, New Delhi

Dated: 01<sup>st</sup> October, 2015

To,

Shri Khalid Imam (Petitioner),

S/O Shri Ali Ahmad

R/O C-317, Shaheen Bagh

Abul Fazal Enclave – II

Jamia Nagar, New Delhi

**Subject:-** Compliance of order dated 28/09/2015, passed by Hon'ble Supreme Court of India in Special Leave Petition (C) No. 26549 of 2015, titled as "Khalid Imam Vs Union of India & Ors".

Sir,

I am directed to refer to letter of Shri Devendra Singh (Advocate for the Petitioner)'s letter dated 01/10/2015, enclosing therewith a copy of order of Hon'ble Supreme Court of India dated 01/10/2015 (Annexure P-I) along with copy of choices of Medical Institute for admission of Shri Khalid Imam as per vacancy position (Annexure - II) on the subject mentioned above.

In this context, it is to state that the Medical Counseling Committee (MCC) of Directorate General of Health Services / Ministry of Health & Family Welfare does not have MBBS /BDS Seats in any Government Medical / Dental Colleges of the Country as all the vacant seats arising (due to non-joining/resignation etc.) after 3<sup>rd</sup> Round of Counseling of 15% All India Quota 2015 were reverted / surrendered back to the respective States / Colleges on 17/09/2015 in terms of the All India Quota Under Graduate (MBBS/BDS) scheme approved by the Hon'ble Supreme Court of India in I.A. No. 35/2012 in W.P.(C) No.443 of 1992in Sharwan Kumar case Vs Dte. GHS and Anr. The admission process against these reverted / surrendered seats is to be exercised by the concerned states / colleges. The MCC / Dte.GHS / MOHFW have no role to play in admission process to be done by State Government concerned.

However, it is necessary and important to mention here that the matter of utilization of 15% All India Quota UG seats after reverted / surrendered back to States was heard by the Hon'ble Supreme Court on 28/09/2015 in the case of Kritika Nigam (I.A. Nos. 2-5 of 2015 with W.P.(C) No. 629 of 2015)

Contd...2

On 28/09/2015, the Hon'ble Supreme Court passed the following order:

1. *All India Quota shall remain 15%.*
2. *The admission shall be strictly in accordance with merit as stipulated in para 15 of the Information Bulletin/Rules.*
3. *While making the admissions the directions contained in para 19 of Mridul Dhar (Minor) & Anr. vs Union of India & Ors. I (2005) 2 SCC 65 shall be borne in mind.*

The above said order was sent to all concerned State / College through email on 29/09/2015 by Answering Respondent for the strict implementation. The matter was heard again on 01/10/2015 by the Hon'ble Supreme Court in I.A. No. 2,3,4 and 5 /2015 with W.P. (C) No. 629/2015 (Kritika Nigam's case) for further extension of joining by All India Quota Candidates in participating Medical / Dental College located in different states of Country.

The relevant portion of order dated 01/10/2015 is re- produced:

*Having regard to the peculiar facts of this case wherein initially the States were restrained from giving any admissions from All India Quota seats thereafter, final orders were passed only on 28<sup>th</sup> September, 2015, the prayer made in these applications is allowed and we permit the State Governments to complete the admission process with the extension of period by one week from today, i.e. , by 07<sup>th</sup> October, 2015, by filling up the vacant / left over All India Quota seats which have been surrendered to the respective states*

The above said order was also sent to all concerned State/College on 01/10/2015 through email for strict implementation.

Keeping in view of the above it is felt that the admission against available MBBS/BDS seats from All India Quota (which have already been reverted / surrendered to concerned State / Colleges on 17/09/2015) is to be made by States / Colleges concerned in accordance with merit in terms of the directions of the Hon'ble Supreme Court of India dated 28/09/2015 and 01/10/2015 in W.P.(C) No. 629 of 2015.

You are requested to report to Medical College / Admission authority of the state along with your original documents and order of Hon'ble Supreme Court as per your merit and choice insuring that the All India Quota seat has been reverted to the College. You can refer to the seat allotment result of round 3 which is on MCC website to see the availability of seat as per your 15% All India Quota Rank.

Dean of the College / Admission authority of the State where Shri Khalid Imam is reporting is requested to admit Shri Khalid Imam as per his merit and choice in compliance of the directions of Hon'ble Supreme Court of India in Special Leave



Petition (C) No. 26549 of 2015. Dean / Admission authority of the State where is he is reporting may also send the compliance of the Hon'ble Supreme Court order and contact the undersigned office for any clarification regarding admission process.

Kindly acknowledge the receipt of this letter.

Yours faithfully,



Prof. (Dr.) B. Srinivas  
Assistant Director General (ME)  
(Off.)-23062493 /(FAX)-23061907

Copy to :

1. Shri. Devendra Singh, Advocate, 430, M.C.Setalvad Block, Supreme Court Lawyer's Chambers, Bhagwan Dass Road, New Delhi -110001
2. Shri D. S. Mahra, Senior Government Advocate, Central agency Section, Supreme Court Compound, New Delhi.
3. Ms. Pinky Anand, Additional Solicitor General of India, Supreme Court, New Delhi
4. Ms. Rekha Pandey, Advocate (attached with Shri D.S. Mahra), Supreme Court of India, New Delhi

IN THE SUPREME COURT OF INDIA

ANNEXURE P-1

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CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8203 OF 2015

(Arising out of SLP (C) No. 26549 of 2015)

KHALID IMAM

... Petitioner

VERSUS

UNION OF INDIA & ORS.

... Respondents

O R D E R

Leave granted.

The issue involved in this appeal is in a narrow compass. The appellant herein had appeared in the All India Pre-Medical Test (AIPMT) examination and was declared successful. He had secured 514 marks out of 720 marks and was placed at All India Quota Rank 4198 in unreserved category for admission in MBBS course in Medical College all over India under 15% All India quota undergraduate Medical/Dental seats.

As per the User Manual issued by Central Board for Secondary Education (CBSE) prescribing guidelines on Online Registration and Choice Filling, the petitioner had to register himself online as per those guidelines, which he failed to do. On that ground, admission has been denied.

The petitioner filed the writ petition in the High Court

which has been dismissed by the High Court. Though the High

Court has noted that the appellant is a meritorious student

Validity unknown  
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ASIRAM KUMAR  
Date: 2015.10.14  
17:02:45  
Reason:

having regard to the rank secured by him in AIPMT, however, since he failed to fill up/log in the choice of Medical College as stipulated in the User Manual, it was difficult to help him.

As certain seats under the aforesaid 15% All India Quota Seats are still available, we had requested Ms. Pinky Anand, learned Additional Solicitor General, appearing on behalf of the respondent to take instructions as to whether the appellant can be accommodated. The Additional Solicitor General, on instructions from her client, has fairly stated that in view of the aforesaid position, viz., some seats are still available and having regard to the fact that the appellant had otherwise secured a very high rank in the admission test, the respondent shall accommodate the appellant giving him admission in accordance with merit.

The appeal is disposed of accordingly. We make it clear that the order is passed in the aforesaid peculiar circumstances and will not be treated as a precedent.

....., J.  
[ A.K. SIKRI ]

....., J.  
[ ROHINTON FALI NARIMAN ]

New Delhi;  
October 01, 2015.

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

Petition(s) for Special Leave to Appeal (C) No. 26549/2015

(Arising out of impugned final judgment and order dated 08/09/2015  
in LPA No. 602/2015 passed by the High Court Of Delhi At New Delhi)

KHALID IMAM

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned  
judgment, interim relief and office report)

Date : 01/10/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. Devendra Singh, Adv.  
Mr. Anant K. Vatsya, Adv.

For Respondent(s)

Ms. Pinky Anand, ASG.  
Mr. Kailash Vasudev, Sr. Adv.  
Dr. Abhishek Atrey, Adv.  
Mr. D. S. Mahra, Adv.  
Mr. S. K. Visen, Adv.UPON hearing the counsel the Court made the following  
O R D E RApplication for exemption from filing certified copy  
of the impugned judgment is allowed.

Leave granted.

The appeal is disposed of in terms of the signed  
order.(Nidhi Ahuja)  
COURT MASTER(Renu Diwan)  
COURT MASTER

[Signed order is placed on the file.]