

ITEM NO.2 COURT NO.5 SECTION X

>

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

> RECORD OF PROCEEDINGS

> IA 35/2012 in WRIT PETITION (CIVIL) NO(s). 443 OF 1992

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>

> SHARWAN KUMAR Petitioner(s)

>

> VERSUS

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> DIR.GENERAL OF HEALTH SERVICES AND ANR Respondent(s)

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> (With appln(s) for directions/modification of Court's order dated

> 30.4.1993 and office report)

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> Date: 07/06/2012 This I.A. was called on for hearing today.

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> CORAM :

> HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

> HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

> (VACATION BENCH)

>

> For Petitioner(s) Mr. M.C. Dhingra, Adv.

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> For Respondent(s) Mr. Ashok Bhan, Sr. Adv.

> Ms. Sunita Sharma, Adv.

> Mr. D.S. Mahra, Adv.

> Ms. Rekha Pandey, Adv.

> Mr. Aditya Sharma, Adv.

> Mr. S. Sahejpal, Adv.

> Ms. Satya Siddiqui, Adv.

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> Mr. Tusar Mehta, Sr. Adv.

> Ms. Hemantika Wahi, Adv.

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> Mr. Tara Chandra Sharma, Adv

> Ms. Neelam Sharma, Adv.

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> Mr. Abhishth Kumar, Adv.

> Mr. Mukesh Verma, Adv.

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> Ms. Asha G. Nair, Adv.

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> Mr. S.M. Garg, Adv.

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> Mr. D. Mahesh Babu ,Adv

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> UPON hearing counsel the Court made the following

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> O R D E R

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> Counsel on either side including the counsel appearing for Medical Council of India and Union of India are in agreement that the arrangement made in respect of the post-graduate courses vide order of this Court dated 23.3.2012

can also be extended to the under-graduate courses like MBBS and BDS of 15% All-India quota on the basis of Annexure A-9 Modification.

> Annexure A-9 is, accordingly, accepted and let Annexure A-9 be made applicable to the under-graduate courses also, but only for the current academic year. Learned counsel appearing for the Union of India submitted that the online counseling will continue in future also. Submission accepted.

> I.A. is disposed of accordingly.

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> (NARENDRA PRASAD) (RENUKA SADANA)

> COURT MASTER COURT MASTER

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> ANNEXURE-IX

> Table showing modifications sought in the Scheme which was approved by the Hon'ble Supreme Court in Writ Petition (Civil) No. 443 of 1992 order dated April 30,1993, Sharwan Kumar and Ors Vs Directorate General of Health Services & Anr.

> S.No	The Scheme approved by the Hon'ble Supreme Court in Writ Petition (Civil) No. 443 of 1992 order dated April 30,1993, Sharwan Kumar and Ors Vs Directorate General of Health Services & Anr.	Further modification sought by the present IA
>	The Entrance Examination will be conducted in the Month of May and the dates will be so fixed that the result is declared by July 15.	No change required.
>	Candidates shall appear for	No change required.

	Entrance Examination, without giving their preference for course (MBBS/BDS) and college choices.	
>3.	A merit list equal to total number of seats plus a waiting list of 50% of the total number of seats shall be prepared.	A total of five times of number of seats available for allotment or all qualified candidates, whichever is less, will be given chance to participate in online counseling.
>4.	The successful candidates whose names are included in the merit list shall appear in person for allotment to seats on notified dates.	Candidates declared eligible to take part in online counseling will take part in online allotment process as per scheme/ procedure on notified dates.
>5.	About 200 candidates will be called for personal appearance on a notified date in accordance with the rank in the merit list, i.e., rank Nos. 1 to 200 on the first day, rank Nos. 201 to 400 on the	All candidates declared eligible to take part in online allotment process/ Counseling will be able to participate in Online allotment process through internet from anywhere (home/college etc.).

	second day and so on.	
> 6.	The seats available will be displayed on computer screen and the notice boards and thus the candidate will stand informed about the available seats at the time of allotment.	The seats available will be displayed on website, category-wise (UR/SC/ ST/ OBC/PH). Seats for various categories will be identified by arranging available seats, alphabetically, state, college, subject-wise on roster points. Details shown in Annexure –A-7 of this IA.
> 7.	On the day of personal appearance the allotment will be made in order of merit, out of the seats available for allotment at his/her rank, through computer.	During online counseling allotment process candidates will register online, fill in choice (as many as they want), lock their choice, Online allotment will be done by NIC server in order of merit, and allotment letter will be issued online, through internet.
> 8.	Candidates will have an option to either	Candidates will have option to register and fill in choice or opt

	<p>a) Select any one of the seat/seats available OR</p> <p>b) Reject the available seat/seats and forfeit the claim for a seat under All-India quota.</p>	<p>out by not registering. Candidate can also opt out after first round/ second round if he/she is not getting seat of choice and forfeit the claim for a seat under All-India quota during subsequent round(s).</p>
>9.	<p>A candidate who is unable to appear in person on the notified date can send his/her authorised representative with authority letter duly signed by him/her for allotment on the notified date.</p>	<p>Not applicable. Can be deleted.</p>
>10.	<p>Candidates allotted seats on a particular day will be issued allotment letters on the next day. The last date of joining will be 15 days from the date of personal appearance.</p>	<p>After the date of Choice locking, the data will be processed by NIC server and allotment list will be generated. Allotment letter will be available online (through internet). Candidates will be required to join allotted course</p>

		and college in 7 to 10 days time from the date of allotment.
> 11.	The candidates who fail to appear on notified date in person or through his/her authorized representative shall forfeit the claim for a seat under All-India quota.	The candidates who fail to register for online allotment process (online counseling) during notified dates or who do not fill up choice online, for allotment of seat, shall forfeit the claim for a seat under the All India Quota Scheme.
> 12.	The candidates, who do not join the allotted college by the last date of joining, shall also forfeit the claim of a seat under All-India quota.	No change.
> 13.	The first round of allotment by personal appearance would be from August 1 to 14 covering all the successful candidates including waiting list candidates.	The first round of allotment will be started from 24.7.12 this year and completed as per schedule for Undergraduate (MBBS/BDS) courses i.e. by 30 th September

		2012.
> 14.	<p>The Dean/Principal of the College shall notify to the Director-General of Health Services, New Delhi, by September 5, the vacancy position due to non-joining of a candidate/candidates allotted seat/seats in the first round. In case the vacancy position is not communicated by September 5 the seats allotted to the college will be treated as vacant and allotment of candidates will be made against these deemed to be vacant seats and it shall be the responsibility of the Dean/Principal of the concerned College to give admission to those candidates.</p>	<p>The information about joining of allotted seat by the candidates would be available online and the vacancy due to non-allotment, non-joining, resignation or due to creation of new seats will be submitted by various participating institutions, online. The vacancies after the last date of joining will be available for allotment during next round(s), which will be up-gradation round.</p>
> 15.	<p>The second round of allotment by personal appearance will be for (a)</p>	<p>There will be second and also third round of online allotment as</p>

	<p>candidates who were allotted a seat in the first round and who wish to change their allotted college/course and wish to join the same against vacancies arising due to non-joining of the candidates allotted in the first round of personal appearance; and (b) for candidates on the merit list who could not be considered for allotment in the first round.</p>	<p>per scheme of online allotment.</p>
<p>> 16.</p>	<p>The candidates who were allotted a seat in the first round and who desire to change their allotted college/course for the vacancies arising due to non-joining of allotted candidates will have to apply to DGHS in writing by registered post. Their applications, duly forwarded by Principal/Dean</p>	<p>After joining the allotted seat, the candidates desirous to up-grade their choice will indicate the same online. The up-gradation of choice will be subject to availability of seat and in case of up gradation of choice; the previously allotted seat will be automatically cancelled and will</p>

	<p>of the allotted colleges should reach the DGHS by registered post on or before September 5. They will have to give an undertaking that their earlier allotment will stand cancelled and the seat will be vacated by them in case the change is made to them.</p>	<p>be allotted to other candidate.</p>
> 17.	<p>The second round of allotment by personal appearance will be from September 8 to September 12.</p>	<p>The three rounds of online allotment process (online counseling) will be completed within prescribed time limit for UG. This year allotment process will start from 24.7.12. However, from next year, it will start as per Medical Council of India Schedule.</p>
> 18.	<p>Each day candidates upto 600 rank numbers will be covered i.e. the candidates from rank Nos. 1 to 600</p>	<p>Not applicable. Can be deleted.</p>

	will appear on September 8, from rank Nos. 601 to 1200 on September 9 and so on.	
> 19.	The fact that a candidate has appeared in the second round of allotment shall not entitle him for a change as the same will be subject to availability of a seat and the acceptance of the available seats at the rank of the candidate by him/her.	The choice will be upgraded in second / third round subject to availability.
>20.	The candidates who have been allotted a seat in the second round will have to join the college within 15 days from the date of their personal appearance.	The candidates who have been allotted a seat in the second round will have to join the college within 7 to 10 days time (which will be specified in provisional allotment letter) from the date of allotment.
> 21.	The whole allotment and admission process to the 15% seats	No change required.

	<p>for All-India quota will be over by September 30 and any seat remaining vacant thereafter will be deemed to have been surrendered back to the colleges/States.</p>	
>22.	<p>In the year 1993, the venue for this allotment process will be Delhi. In subsequent year it may be extended to four metropolitan cities by linking the venues in these four cities to the mother computer, located in Delhi through Satellite. As and when the linkage of four metropolitan cities becomes successful, the network will be spread to the other State Capitals also.</p>	<p>Not applicable. Can be deleted.</p>

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