REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 747 OF 2019

EDUCATION PROMOTION SOCIETY
FOR INDIA AND ANOTHER …PETITIONER(S)

Versus

UNION OF INDIA AND OTHERS …RESPONDENT(S)

J U D G M E N T

Deepak Gupta, J.

1. By means of this writ petition the petitioner no.1 Society which claims to represent a large number of educational institutions including medical colleges running post-graduate (P.G.) medical courses, has prayed that this Court may grant extension of time to respective medical colleges/deemed universities for carrying out counselling for P.G. courses since large number of seats in these colleges are lying vacant.

2. Shri Maninder Singh, learned senior counsel for the petitioners urges that these colleges have spent a huge amount of money on the infrastructure of the colleges. He submits that

there is an acute shortage of doctors in India and, in fact, the Union of India has permitted increase of seats in government medical colleges without increase of infrastructure. According to him, this shows that the intention of the State is to ensure that more and more doctors pass out and treat the patients. He also relied upon a large number of orders wherein extension has been granted in granting admission in medical colleges in graduate course, P.G. courses and super-speciality courses. He has specifically drawn our attention to the orders passed by this Court on 11.10.2017 in Miscellaneous Application (M.A.) No.1043 of 2017 in Interlocutory Application (I.A.) No.96448 of 2017 in W.P.(C) No.743 of 2017, wherein on the request of the Central Government the Director General of Health Services (DGHS) was permitted to hold mop-up counselling for 553 unfilled super-speciality seats lying vacant. He submits that a similar order may be passed in this case.

3. Shri Vikramjit Banerjee, learned ASG appearing for the Union of India has opposed the said application and submits that the sanctity of the earlier orders passed by this Court in ***Mridul***

Dhar and Ors. vs. ***Union of India (UOI) and Ors***[1] ; ***Priya Gupta*** vs. ***State of Chhattisgarh and Ors***.[2] and ***Ashish Ranjan and Ors.*** vs. ***Union of India (UOI) and Ors***.[3], will be set at naught if the petition is allowed.

4. This Court in ***Mridul Dhar's*** case (supra) noted that there was no consistency in fixing the time schedule for admissions to medical colleges and discrepancies and irregularities in maintaining a prescribed schedule were being exploited by many private medical colleges by admitting undeserved students and charging high fees. This Court referred to the schedules notified by the Medical Council of India and directed strict adherence of those schedules. This was reiterated in ***Priya Gupta's*** case (supra). In ***Ashish Ranjan's*** case (supra), this Court specifically gave its approval to the time schedule. The schedule as approved by this Court provides that the declaration of result has to be done by the end of January and the first round of counselling for All India quota seats, deemed and central institutes has to be completed by 24th March and state counselling should be

1 (2005) 2 SCC 65
2 (2012) 7SCC 433
3 2016 (11) SCC 225

completed by 5th April, second round of counselling by 12th and 26th April respectively and mop-up round by 8th May for state and the 22nd May for Deemed Universities and Central Institutes. Last date of joining should be 31st May for deemed and central institutes and 18th May for the states. We have been informed that this date has been extended to 31st May for states also. The date was extended to 17.06.2019 for the State of Maharashtra, vide order of this Court, due to certain issues specific to the State of Maharashtra.

5. We have carefully gone through the orders relied upon by the petitioners. Except the orders in M.A. No.1043 of 2017 in I.A.No.96448 of 2017 in W.P.(C) No.743 of 2017, all the orders are either state specific or college/university specific. They have been passed in the peculiar facts and circumstances of each particular case and in most of the orders it is clearly mentioned that the orders shall not be treated as precedent. As far as the order dated 11.10.2017 is concerned it related to super-speciality seats and this Court on the request of the Central Government extended the date for counselling by 10 days from the date of the order and further granted 4 days for the candidates to join. The

order also clearly states that it is only applicable to the said academic year.

6. In this case the petitioners want a general extension of time not on account of any particular difficulty faced by any individual college or university but generally on the ground that a large number of seats for the P.G. courses are lying vacant. It is stated that more than 1000 seats are lying vacant. In the affidavit filed by the UOI it is mentioned that as far as deemed universities are concerned there are 603 seats lying vacant. However, it is important to note that out of 603 seats lying vacant only 31 are in clinical subjects and the vast majority (572) that is almost 95% of the seats are lying vacant in non-clinical subjects. There is no material on record to show as to what is the situation with regard to the remaining 400-500 seats. This Court however can take judicial notice of the fact that every year large number of non-clinical seats remain vacant because many graduate doctors do not want to do post-graduation in non-clinical subjects. Merely because the seats are lying vacant, in our view, is not a ground to grant extension of time and grant further opportunity to fill up vacant seats. The schedule must be followed. If we permit violation of schedule and grant extension, we shall be opening a

Pandora's box and the whole purpose of fixing a time schedule and laying down a regime which strictly adheres to time schedule will be defeated.

7. We may note that in the schedule prescribed, there are three rounds of counselling, the first round, the second round and the mop-up round. The mop-up round was to be completed by 31.5.2019 and if some seats remain vacant even after the mop-up round it cannot be helped. Extension cannot be granted just because some seats are lying vacant without there being any other justification.

8. We find no merit in this petition and the same is accordingly dismissed. Pending application(s), if any, stand(s) disposed of.

.....J.
(Deepak Gupta)

.....J.
(Surya Kant)

New Delhi
June 21, 2019