

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

INTERLOCUTORY APPLICATION NO.2

(For directions)

IN

TRANSFER CASE (C) NO(S).7 OF 2013

ASSOCIATION OF MANagements OF UNAIDED  
PVT. MEDICAL & DENTAL COLLEGE & ANR. ... PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

&

INTERLOCUTORY APPLICATION NO.3

(For directions)

IN

TRANSFER CASE (C) NO(S).58 OF 2013

P.A. INAMDAR & ORS. ... PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

&

INTERLOCUTORY APPLICATION NOS.4-6

(For directions)

IN

TRANSFER CASE (C) NO(S).132-134 OF 2012

KARNATAKA PVT. MEDICAL DENTAL COLLEGE  
& ANR. ... PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

&

INTERLOCUTORY APPLICATION NO.10

(For impladment)

IN

TRANSFER CASE (C) NO(S).98 OF 2012

CHRISTIAN MEDICAL COLLEGE VELLORE & ORS. ... PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

&

INTERLOCUTORY APPLICATION NO.2  
(For stay)  
IN  
TRANSFER CASE (C) NO(S).99 OF 2012

CHRISTIAN MEDICAL COLLEGE VELLORE ASSO. ... PETITIONER(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

&  
WRIT PETITION (C) NO.275 OF 2016

SWAMI RAMA HIMALAYAN UNIVERSITY ... PETITIONER(S)

VERSUS

UNION OF INDIA & ANR. ... RESPONDENT(S)

&  
INTERLOCUTORY APPLICATION NO.1  
(For stay)

IN  
TRANSFER CASE (C) NO(S).11 OF 2013

DATTA MEGHE INSTITUTE OF MEDICAL SCIENCES & ORS. ... PETITIONER(S)

VERSUS

THE UNION OF INDIA & ORS. ... RESPONDENT(S)

&  
INTERLOCUTORY APPLICATION NOS.2 TO 30  
(For impleadment, modification of Court's order  
intervention and directions)

IN  
WRIT PETITION (C) NO.261 OF 2016

SANKALP CHARITABLE TRUST & ANR. ....PETITIONER(S)

Vs.

UNION OF INDIA & ORS. ....RESPONDENT(S)

&  
WRIT PETITION (C) NO.292 OF 2016

KOMAL TAPASVI THROUGH HER GUARDIAN & ORS. ... PETITIONER(S)

VERSUS

MEDICAL COUNCIL OF INDIA & ANR. ... RESPONDENT(S)

&

WRIT PETITION (C) NO.293 OF 2016

MIHIR ABHIJIT PATHAK & ORS. THROUGH  
HIS GUARDIAN ... PETITIONER(S)

VERSUS

MEDICAL COUNCIL OF INDIA & ANR. ... RESPONDENT(S)

O R D E R

These applications have been filed by the private medical colleges and also by some of the States seeking modification of order dated 28<sup>th</sup> April, 2016 in W.P. (C)No.261 of 2016.

The Medical Council of India (MCI) and the Dental Council of India (DCI) issued notifications dated 21<sup>st</sup> December, 2010, amending the existing statutory regulations to provide for a single National Eligibility-cum-Entrance Test (NEET) for admission to the MBBS/BDS course.

The said notifications were struck down in Christian Medical College, Vellore Vs. Union of India, 2014 (2) SCC 305.

The said judgment stands recalled vide order dated 11<sup>th</sup> April, 2016 in Review Petition (C) Nos.2159-2268 of 2013.

On 28<sup>th</sup> April, 2016, in W.P. (C)No.261/2016 a statement was made by the learned counsel for MCI, CBSE and Union of

India that for the academic year 2016-17, NEET would be held.

We have heard the learned counsel for the parties.

In recent Constitution Bench judgment dated 2<sup>nd</sup> May, 2016, in Modern Dental College & Ors. Vs. State of M.P. & Ors. in Civil Appeal No.4060 of 2009 etc., the stand of the private medical colleges (including minorities) that conducting of entrance test by the State violated right of autonomy of the said colleges, has been rejected. The State law providing for conducting of entrance test was upheld, rejecting the contention that the State had no legislative competence on the subject. At the same time, it was held that the admission involved two aspects. First, the adoption of setting up of minimum standards of education and coordination of such standards which aspect was covered exclusively by Entry 66 of List I. The second aspect is with regard to implementation of the said standards which was covered by Entry 25 of List III. On the said aspect, the State could also legislate. The two entries overlap to some extent and to that extent Entry 66 of List I prevailed over the subject covered by Entry 25.

*Prima facie*, we do not find any infirmity in the NEET regulation on the ground that it affects the rights of the States or the private institutions. Special provisions for reservation of any category are not subject matter of the NEET nor rights of minority are in any manner affected by NEET. NEET only provides for conducting entrance test for

eligibility for admission to the MBBS/BDS course.

We thus, do not find any merit in the applications seeking modification of order dated 28<sup>th</sup> April, 2016.

Only other contention relates to perceived hardship to the students who have either applied for NEET-I but could not appear or who appeared but could not prepare fully thinking that the preparation was to be only for 15% All India seats and there will be further opportunity to appear in other examinations. To allay any such apprehension, we direct that all such eligible candidates who could not appear in NEET-I and those who had appeared but have apprehension that they had not prepared well, be permitted to appear in NEET-II, subject to seeking an option from the said candidates to give up their candidature for NEET-I. It would be open to the respondents to reschedule the date of holding NEET-II, if necessary. To this extent the earlier orders stand modified.

We may also add here that to ensure total credibility of the examination to be held by the CBSE, the Oversight Committee appointed by this Court vide the aforesaid judgment dated 2<sup>nd</sup> May, 2016 shall also oversee the NEET-II examination to be conducted by the CBSE.

In view of the above, it is also clarified that only NEET would enable students to get admission to MBBS or BDS studies.

In view of the above order, all the applications and

writ petitions seeking modification of order passed on 11<sup>th</sup> April, 2016, stand disposed of.

W.P.(C)261/2016 :

In view of the above order, W.P.(C)No.261/2016 also does not survive and that is also disposed of.

.....J.  
[ANIL R. DAVE]

.....J.  
[SHIVA KIRTI SINGH]

.....J.  
[ADARSH KUMAR GOEL]

New Delhi;  
9<sup>th</sup> May, 2016.



JUDGMENT

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JUDGMENT