

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

I.A. No. 15/2014 in Writ Petition (Civil) No(s). 433/2013

DR FRAZ NASEEM &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondents(s)

(For directions and Office Report)

Date : 18/06/2014 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH  
[VACATION BENCH]

For Parties :

Ms. Indu Malhotra, Sr. Adv.  
Ms. Suman Yadav, Adv.  
Mr. Kush Chaturvedi, Adv.

Mr. Vikas Mehta, Adv.

Mrs. Kirti Renu Mishra, Adv.

State of Gujarat

Mr. S. Panda, Adv.  
Ms. Hemantika Wahi, Adv.

Ms. Sushma Suri, Adv.

UOI

Mr. Maninder Singh, ASG  
Mr. R.K. Rathore, Adv.  
Ms. Rekha Pandey, Adv.  
Mr. R.S. Nagar, Adv.  
Mr. D.S. Mahra, Adv.

Mr. V.G. Pragasam, Adv.

Ms. N. Annapoorani, Adv.

Ms. Asha Gopalan Nair, Adv. (N/P)

State of Assam

Mr. Navnit Kumar, Adv.  
For M/s Corporate Law GroupMr. Siddharth Bhatnagar, Adv.  
Mr. T. Mahipal, Adv.

State of Mah.

Mr. Aniruddha P. Mayee, Adv.

Mr. Irshad Ahmed, AAG  
Mr. Abhishth Kumar, Adv.  
Ms. Archana Singh, Adv.

Ms. Sharmila Upadhyay, Adv.

Ms. Pragati Neekhara, Adv.

Mr. Nirnimesh Dube, Adv.

Mr. B. Balaji, Adv.

State of M.P.

Mr. Naveen Sharma, Adv.  
Ms. Swati B. Sharma, Adv.  
Mr. Mishra Saurabh, Adv.

Mr. Gaurav Sharma, Adv.

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

I.A. No. 15/2014 in Writ Petition (Civil) No(s). 433/2013

By means of this application, a modification of Order dated 14<sup>th</sup> March, 2014 is sought for. By means of that order, following schedule had been prescribed, which we may emphasis by a third round of counseling.

SCHEDULE FOR ADMISSION	POST GRADUATE COURSES [BROAD SPECIALITY]	
	STATE QUOTA	ALL INDIA QUOTA
1 <sup>st</sup> round of counseling	To be over by 30 <sup>th</sup> March	Between 4 <sup>th</sup> April and 16 <sup>th</sup> April
Last date for joining the allotted college and course	7 <sup>th</sup> April	26 <sup>th</sup> April
2 <sup>nd</sup> round of counseling for allotment of seats from waiting list	27 <sup>th</sup> April to 3 <sup>rd</sup> May	9 <sup>th</sup> May to 13 <sup>th</sup> May
Last date for joining for candidates allotted seats in 2 <sup>nd</sup> round of counseling	10 <sup>th</sup> May	24 <sup>th</sup> May

3 <sup>rd</sup> round of counseling (Round for filling up seats reverted from AIQ/other vacant State Quota seats)	20 <sup>th</sup> June to 25 <sup>th</sup> June	25 <sup>th</sup> May to 9 <sup>th</sup> June
Last date for joining for candidates allotted seats in 3 <sup>rd</sup> round of counseling	30 <sup>th</sup> June	19 <sup>th</sup> June
Commencement of academic session	30 <sup>th</sup> June	30 <sup>th</sup> June
Last date up to which students can be admitted against vacancies arising due to any reason from the waiting list	10 <sup>th</sup> July	Not applicable.

It appears that, as is averred in the application, five States has yet not completed the second round of counseling, which exercise was to be completed by 3<sup>rd</sup> May, 2014 whereby enabling the All India Quota to be acted upon on or before 19<sup>th</sup> May, 2014.

Mr. Maninder Singh, learned Additional Solicitor General draws our attention to the decision of a three judge bench of this Court in Neelu Arora (Ms.) and another versus Union of India and others [(2003) 3 SCC 366], which categorically contemplates the holding of only two counseling. This has subsequently been followed by two judge bench of this Court in Priya Gupta versus State of Chhattisgarh and others [(2012) 7 SCC 433].

Because of alleged non-adherence to the schedule prescribed in the order dated 14<sup>th</sup> March, 2014, modification thereof has been necessitated. Learned counsel appearing for the States of Maharashtra and Gujarat state that the first round of counseling

has already been completed and there are no vacancies. As far as the other three States, namely, Assam, Bihar and Madhya Pradesh are concerned, we direct that the second counseling, if necessary, shall be completed by 23<sup>rd</sup> June, 2014. These States shall specifically and categorically mention the vacancies that have arisen even subsequent to the second counseling. Since the students are expected to act as per the choice indicated by them in the second counseling, one further day would be required for their paying the requisite fees, etc. In other words, by 25<sup>th</sup> June, 2014, it would be clear as to how many vacancies have arisen on that date. Accordingly, the candidates in the All India Quota will thereafter exercise their choice by way of extended third round of counseling which shall have to be completed by 27<sup>th</sup> June, 2014. Since the commencement of the Academic Session is contemplated on 30<sup>th</sup> June, 2014 for the Academic Year 2014-2015, this will enable the States to fill up the vacancies that may result from the All India Quota not being utilized. This will also safeguard the interests of the institutions concerned who are logically aggrieved by the fact that the seats should not go unutilized in any institution. Adequate publicity by way of advertisement as well as on the website shall be carried out by all the States concerned.

We clarify that the last date for joining of candidates allotted seats in the All India Quota, which has been fixed on 19<sup>th</sup> June, 2014, stands modified by the schedule laid down by us in the present order.

I.A. No.15 is disposed of in the above terms.

(VINOD LAKHINA)  
COURT MASTER

(INDU POKHRIYAL)  
COURT MASTER