

ITEM NO.7

IN COURT NO.6

SECTION III

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(s).7003/2017

(Arising out of impugned final judgment and order dated 22-02-2017
in SCA No. 19918/2016 passed by the High Court Of Gujarat At
Ahmedabad)

YATINKUMAR JASUBHAI PATEL & ORS.

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(With appln.(s) for permission to file annexures)

WITH W.P.(C) No. 218/2017 (X)

W.P.(C) No. 122/2018 (X)

(ONLY I.A. NO. 39250/2018 FOR CLARIFICATION/DIRECTION TO BE LISTED)

Date : 12-09-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Siddharth Luthra, Sr. Adv.
Mr. Puneet Jain, Adv.
Mr. Abhinav Gupta, Adv.
Ms. Christi Jain, AOR

Mr. Gaurav Agrawal, AOR

Mr. Nikhil Goel, AOR

For Respondent(s) Mr. Nikhil Goel, AOR

Mr. Mahesh Agarwal, Adv.
Mr. Abhinav Agrawal, Adv.
Mr. E. C. Agrawala, AORMr. Pritesh Kapur, Adv.
Ms. Hemantika Wahi, AOR
Ms. Jesal Wahi, Adv.
Ms. Vishakha, Adv.
Ms. Pallavi Baghel, Adv.

Ms. Charu Mathur, AOR

Mr. Sanjay Kumar Pathak, Adv.
Ms. Madhavi Divan, Adv.
Mr. Vibhu Shankar Mishra, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Vikas Singh, Sr. Adv.
Mr. Gaurav Sharma, AOR
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Abhishek, Adv.
Ms. Amandeep Kaur Ahuja, Adv.

Ms. Ruchi Kohli, AOR

Mr. Harsh Kaushik, Adv.
Mr. Sachin Akhoury, Adv.

Mr. Santosh Kumar - I, AOR
Mr. Abhinav Sharma, Adv.

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

The institutional preference for post-graduate medical admissions is the core issue involved in these petitions.

In the case of *Saurabh Chaudri & Ors. vs. Union of India & Ors.* - (2003) 11 SCC 146, a five-Judge Constitution Bench has upheld the institutional preference in post-graduate medical courses.

Mr. Siddharth Luthra, learned Senior Counsel appearing for the petitioner, submits that regulation 9 of the Post-Graduate Medical Education Admission Regulation, 2000 and the introduction of National Eligibility-cum-Entrance Test (NEET) brings about the change to the effect that all admissions in post-graduate medical courses should be only on the basis of merit in the NEET.

We are informed that a three-Judge Bench of this Court made the interim arrangement for the year 2017-18 for admissions to

post-graduate medical courses in a similar fact situation.

The learned counsel appearing for the respondents viz., University of Delhi, Guru Gobind Singh Indraprastha University and University of Gujarat, submit that the matter can be decided by us especially in view of the paragraph 72 of the judgment in *Saurabh Chaudri (supra)* where there is a difference to the introduction of NEET.

However, in view of the importance of the issue involved in these petitions, we are of the considered opinion that these matters have to be heard by a larger Bench.

The Office is directed to place the papers before Hon'ble the Chief Justice for suitable orders for reference to a larger Bench.

Liberty is granted to the parties to mention the matter before Hon'ble the Chief Justice for early hearing.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR