ITEM NO.12 Court 3 (Video Conferencing) SECTION X

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 742/2020

RAGHUVIR SAINI & ORS.

Petitioner(s)

**VERSUS** 

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.68062/2020-EX-PARTE STAY and IA No.68064/2020-EXEMPTION FROM FILING AFFIDAVIT )

Date: 14-08-2020 This petition was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR HON'BLE MR. JUSTICE DINESH MAHESHWARI HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Mr. Adeel Ahmed, AOR

For Respondent(s)

Mr. K.M. Natraj, ASG

Mr. Gurmeet Singh Makker, Adv.

Mr. Shailesh Madiyal, Adv.

Mr. P.V. Yogeshwaran, Adv.

Mr. Gaurav Sharma, AOR

Mr. Dhawal Mohan, Adv.

Mr. Prateek Bhatia, Adv.

UPON hearing the counsel the Court made the following O R D E R  $\,$ 

Heard learned counsel for the parties.

This Writ Petition has been filed in the backdrop of approximately 3309 out of 9446 number of vacant All India Quota (AIQ) seats for the year 2020, reverting to the State Quota.

The relief claimed in this petition is to direct the respondents to declare such unfilled AIQ seats as having been lapsed on account of non-joining of selected/short-listed candidates after the 2<sup>nd</sup> round of counseling and publication of the final list dated 02.07.2020.

Admittedly, after the process of 2<sup>nd</sup> round of counseling was concluded and the final list was notified, the vacant seats have been transferred to State quota in terms of the decision of this Court in Ashish Ranjan & Ors. Vs. Union of India & Ors. - (2016) 11 SCC 225 and these seats are required to be filled as per the principle set out therein.

In other words, all the vacant AIQ seats will have to be now treated as State Quota seats and dealt with accordingly.

We fail to understand, as to how, the relief as claimed by the petitioners before us can be countenanced contrary to the settled legal position. Moreover, it would be counterproductive to declare the unfilled seats having lapsed. For, the same are available for allotment to eligible candidate(s) against the State Quota seats.

In our opinion, the relief as claimed if granted will create confusion and in fact result in denial of

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admission to eligible candidates against the transferred State Quota Seats. That will be counterproductive and also against the spirit of the concern expressed in the communication dated 02.07.2020 (Annexure P-18) sent by the Medical Council of India.

Suffice it to observe that substantive relief as claimed cannot be countenanced and for which reason further direction sought in terms of prayer Clause (c), also cannot be countenanced. Hence, this Writ Petition fails and the same is dismissed accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(BEENA JOLLY)
BRANCH OFFICER