

ITEM NO.7+29+30 Court 11 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 623/2021

POULAMI MONDAL & ORS. Petitioner(s)

VERSUS

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS. Respondent(s)

(FOR ADMISSION and IA No.66283/2021-STAY APPLICATION and IA No.66284/2021-EXEMPTION FROM FILING AFFIDAVIT)

WITH

Item No. 29

Writ Petition(s)(Civil) No(s). 631/2021

(FOR ADMISSION and I.R. and IA No.66916/2021-STAY APPLICATION and IA No.66914/2021-EXEMPTION FROM FILING AFFIDAVIT)

Item No. 30

Writ Petition(s)(Civil) No(s). 632/2021

(FOR ADMISSION and IA No.66986/2021-GRANT OF INTERIM RELIEF and IA No.66987/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 11-06-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE M.R. SHAH
(VACATION BENCH)

For Petitioner(s) Ms. Pallavi Pratap, AOR

Mr. Sanjay R. Hegde, Sr. Adv.
Mr. Chandrashekhkar A. Chakalabbi, Adv.
Mr. Awanish Kumar, Adv.
Mr. Shiv Kumar Pandey, adv.
Mr. Anshul Rai, Adv.
Mr. Shikha Bharadwaj, Adv.
Mr. Abhinav Garg, Adv.
M/S. Dharmaprabhas Law Associates, AOR

Mr. Arvind P Datar, Sr. Adv.
Ms. Sonia Mathur, Sr. Adv.
Dr. Charu Mathur, AOR
Mr. Sanjay Kumar Dubey, Adv

Ms. Tanvi Dubey, Adv.
Mr. Puneet Pathak, Adv.

For Respondent(s) Mr. Dushyant Parashar, AOR

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

IN W. P.(Civil) No(s). 623 & 632 of 2021

These Writ Petitions have been filed by doctors with an MBBS degree, aspiring to appear for the Institute of National Importance Combined Admission Test (INI CET) for admission to the Post Graduate courses for the July 2021 session in the units of AIIMS (All India Institute of Medical Sciences), PGIMER Chandigarh, JIPMER Puducherry and NIMHANS Bengaluru. The Writ Petitions are directed against Notice No. 81/2021 dated 27.05.2021 issued by the AIIMS Examination Centre, rescheduling the INI CET for the July, 2021 session to 16th June, 2021.

It is submitted that the hasty decision taken by AIIMS to conduct INI CET 2021 on 16th June, 2021 has seriously prejudiced innumerable aspirants for admission to Post Graduate courses of the institutions of national importance, who are serving in Covid hospitals in various parts of the country. Many of them have been rendering services at Covid Centres located far away from the examination centres for which they have opted.

The Petitioners contend that conducting the INI CET at such short notice is arbitrary, unfair on the aspirants for the INI CET and will cause gross injustice, as the aspirants have got very short time to prepare. According to the petitioners the concerned doctors had been assured that they would be given sufficient time,

atleast a month, to prepare for the admission test.

Mr. Datar, learned senior counsel appearing on behalf of the Petitioners pointed out that the INI CET is being conducted to fill up 850 MD and MS seats in 6 units of AIIMS, PGIMER Chandigarh, JIPMER Puducherry and NIMHANS Bengalure. About 80,000 doctors with the MBBS degree are expected to take the INI CET. Post Graduate courses of medical colleges, other than those mentioned above are through the NEET-PG, which according to the Petitioners has been postponed beyond 31st August, 2021.

Mr. Datar argued that different examination have been postponed on account of the pandemic including the Civil Services Examination. It is not clear whether some examinations including Board examinations for this year, will at all be held.

The attention of the court has also been drawn to news reports of extensions of lock down, in many States. It is reported that in Odisha lock down has been extended till 16th June, 2021. In Maharashtra and Andhra Pradesh and also in Kolkata, the lock down has been extended till 15th June, 2021. It would be extremely difficult, if not virtually impossible for many candidates for the INI CET to reach their examination centres from their places of duty. Many of the doctors are exposed to and are running the risk of contracting Covid 19 and they may have to isolate and/or quarantine themselves. Even otherwise holding the INICET on 16th June, 2021 will result in spread of the virus and increase in Covid 19 cases.

Having regard to the circumstances, pleaded, fixing of the INI CET on 16.06.2021 is arbitrary and discriminatory, more so

since other important examinations including Joint Entrance Examinations, Board Examinations etc. have been postponed.

The impugned notice is, therefore, set aside. The INI CET is directed to be postponed by at least a month from 16th June, 2021.

The AIIMS shall fix a convenient date for the INI CET at least one month after 16th June, 2021.

With the aforesaid observations, the Writ Petitions are disposed of.

Pending application, if any, stands disposed of.

IN W. P.(Civil) No(s). 631 of 2021

Mr. Sanjay R. Hegde, learned senior counsel, on instructions, submits that the Petitioners shall not press the first prayer i.e. Prayer No.1.

Issue Notice to the Union of India and to the Medical Council, returnable by 18th June, 2021.

Dasti service, in addition, is permitted.

Union of India may be served through the office of the Solicitor General of India.

(MANISH ISSRANI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)