



Ref. U-12021/06/2021-MEC

Dated: 04-04-2022

Kind Attention all State DMEs: Compliance of Hon'ble Supreme Court's directions in W.P. (C) No. 174 of 2022

Vide the Order dated 31/03/2022 in W.P. (C) No. 174 of 2022 before the Hon'ble Supreme Court of India the said rule position has been upheld by the Hon'ble Court:

“(v) In line with the regulations which have been notified on 5 April 2018, students who have joined in round 2 of the state quota or round 2 of the AIQ shall not be eligible to participate in the mop-up round for All India Quota.” (Copy attached)

All the State DMEs may kindly note the same.

ITEM NO.303+304+305+
306+307

COURT NO.4

SECTION X

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

Writ Petition (Civil) No.174/2022

ANJANA CHARI S N

Petitioner(s)

VERSUS

THE MEDICAL COUNSELLING COMMITTEE (MCC) & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.36778/2022-GRANT OF INTERIM RELIEF and IA No.36776/2022-EXEMPTION FROM FILING AFFIDAVIT)

WITH W.P.(C) No.216/2022

W.P.(C) No.202/2022

(With appln.(s) for IA No.42260/2022 - EX-PARTE STAY and IA No.42263/2022 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.164/2022

(With appln.(s) for IA No.35092/2022 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.223/2022

(With appln.(s) for IA No.46510/2022 - STAY)

Date : 31-03-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s)

Mr. Gopal Shankaranarayanan, Sr. Adv.

Mr. Sanjay Hegde, Sr. Adv.

Ms. Charu Mathur, AOR

Ms. Tanvi, Adv.

Mr. Sanjay Kumar Dubey, Adv.

Ms. Ishita Choudhary, Adv.

WP 216/2022 Mr. Roy Abraham, Adv.
Ms. Reena Roy, Adv.
Mr. Akhil Abraham, Adv.
Mr. Aditya Koshy, Adv.
Mr. Himinder Lal, AOR

WP 202/2022 Mr. Shivendra Singh, AOR

WP 223/2022 Mr. Rakesh Khanna, Sr. Adv.
Mr. Veerendra Singh, Adv.
Mr. Ashutosh Dubey, AOR
Mr. Abhishek Chauhan, Adv.
Ms. Rajshri Dubey, Adv.
Mr. Amit P. Shahi, Adv.
Mr. Amit Kumar, Adv.
Mr. G.S. Rawat, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG
Mr. B.K. Satija, Adv.
Ms. Swarupama Chaturvedi, Adv.
Ms. Suhasini Sen, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Aman Sharma, Adv.
Ms. Kirti Khangarat, Adv.
Ms. Shivika Mehra, Adv.
Mr. Manvendra Singh, Adv.
Ms. Srishti Mishra, Adv.
Mr. Nithin P., Adv.
Mr. Gurmeet Singh Makker, AOR

Ms. Anindita Mitra, AOR

Mr. Gaurav Sharma, Adv.
Mr. Kirtiman Singh, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.
Ms. Manmeet Kaur Sareen, Adv.

Mr. Romy Chacko, Adv.
Mr. Shakij Chand Jaidwal, Adv.
Mr. Chandan Kumar Mandal, Adv.

**Mr. Abhay Anil Anturkar, Adv.
Ms. Bhavya Pande, Adv.
Mr. Dhruv Tank, Adv.
Mr. Ranjit Shinde, Adv.
Dr. R.R. Deshpande & Associates**

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

- 1 Pursuant to the order of this Court dated 30 March 2022, the Union Government in the Ministry of Health and Family Welfare (Directorate General of Health Services¹) has proposed to set right the anomalies which were noticed in the order.
- 2 The Court has heard submissions on behalf of the Union Government by Ms Aishwarya Bhati, learned Additional Solicitor General as well as of the counsel appearing on behalf of the aspiring candidates. The candidates were represented *inter alia* by Mr Gopal Sankaranarayanan, Mr Sanjay Hegde, Mr Rakesh Khana, senior counsel and by Mr Shivendra Singh, counsel who has ably assisted the Court.
- 3 The following directions are issued in order to facilitate the completion of the counseling process for the NEET - PG 2021-2022:
 - (i) The All India Quota² mop-up round of counseling shall stand cancelled;
 - (ii) For the 146 additional seats which became available after AIQ round 2 on 16 March 2022, a fresh round of counseling shall be conducted as a special case. Students who have joined in round 2 either of the state quota or of the AIQ, will be at liberty to participate in the fresh round of counseling without any financial penalties;

1“DGHS”

2“AIQ”

- (iii) In order to facilitate the expeditious completion of the process, the DGHS shall invite options from students for the 146 new seats within twenty-four hours of the uploading of the notification and the process shall be completed within a period of seventy-two hours after the cut off for receipt of options;
 - (iv) A fresh mop-up round for AIQ seats shall be conducted and an endeavour shall be made to complete the process within a period of two weeks; and
 - (v) In line with the regulations which have been notified on 5 April 2018, students who have joined in round 2 of the state quota or round 2 of the AIQ shall not be eligible to participate in the mop-up round for All India Quota.
- 4 The above directions have been issued in pursuance of the jurisdiction of this Court under Article 142 of the Constitution to resolve the imbroglio which has arisen due to the anomalies which were noticed in the order of this Court dated 30 March 2022.
- 5 The Petitions are disposed of in the above terms.
- 6 Pending applications, including the applications for intervention, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(DIPTI KHURANA)
Court Master