

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO.1/2011  
in  
CIVIL APPEAL NO. 4836 OF 2011

ALL INDIA INSTITUTE OF MEDICAL SCIENCES  
AND ANOTHER

Appellant (s)

VERSUS

VARUN KUMAR AGARWAL AND OTHERS

Respondent(s)

O R D E R

This is an application for clarification of order dated 31.5.2011 and for issue of a direction to the appellants to hold counseling strictly as per the prospectus.

In the reply affidavit filed by Dr. Rani Kumar, Dean of All India Institute of Medical Sciences, it has been categorically averred that the applicant Varun Kumar Agarwal had attended the second round of counseling held on 22.6.2010 and he was offered seats in three disciplines, namely, Anatomy, Physiology and Biophysics but he refused to opt for any of seat. Thereafter, the available seats were offered to the candidates who were lower in merit than the applicant.

Although, the applicant has filed detailed rejoinder affidavit, he has not denied the assertion contained in the affidavit filed on behalf of the appellants regarding the offer of three seats and his refusal to accept the same.

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We have heard learned counsel for the parties and carefully perused the record.

In our view, the applicant's challenge to the admissions made by the appellants pursuant to order dated 31.5.2011 passed by this Court and further consequential action taken by them for admission against other seven seats cannot be adjudicated in this application because none of the admitted candidates is a party to the proceedings of the appeal and the application.

With the above observations, the application is dismissed.

.....J.  
(G.S. SINGHVI)

.....J.  
(H.L. DATTU)

NEW DELHI,  
August 9, 2011.

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ITEM NO.2

COURT NO.10

SECTION XIV

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

I.A. No.1 in CIVIL APPEAL NO(s). 4836 OF 2011

ALL INDIA INST.OF MED.SC.& ANR

Appellant (s)

VERSUS

VARUN KUMAR AGARWAL & ORS.

Respondent(s)

(For CLARIFICATION/DIRECTION and office report)

Date: 09/08/2011 This Application/Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s) Mr. Parag Tripathi, A.S.G.  
Mr. Sunil Fernandes, Adv.  
Ms. Astha Sharma, Adv.

For Respondent(s) Mr. Ranjit Kumar, Adv.  
Mr. Abdhesh Chaudhary, Adv.  
Mr. Rohit Singh, Adv.  
Mr. Harish Pandey, Adv.

UPON hearing counsel the Court made the following

O R D E R

In terms of signed order, the application is dismissed.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master

(Signed Order is placed on the file)