

:

OUT TODAY

ITEM NO.8 + 14

COURT NO.2

SECTION IX

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

RECORD OF PROCEEDINGS

IA No.1 In & Petition(s) for Special Leave to Appeal Civil)...../2006

(CC 4850/2006)

(From the judgement and order dated 28/06/2006 in SCA No. 12157/2006 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

ROMIL B. SHAH & ORS

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(For permission to file SLP and with prayer for interim relief )

With

SLP (C) No.10469/2006

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief and office report)

Date: 30/06/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

(VACATION BENCH)

For Petitioner(s)

Mr. Raju Ramachandran, Sr. Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Nakul Dewan, Adv.

Mr. Vikash Singh, Adv.

Mr. Abhijit Sinha, Adv.

(SLP(C) ....CC No.4850/2006)

Mr. P.P. Rao, Sr. Adv.

Mr. N.D. Nanavaty, Sr. Adv.

Mr. S. Udaya Kumar Sagar, Adv.

Ms. Bina Madhavan, Adv.  
Mr. Mitul Selat, Adv.  
Mr. A. Venayagam, Adv.  
Mr. Rahul Pratap Singh, Adv.  
(SLP(C)NO.10469/2006)

For Respondent(s) Mr. Bhaskar Tanna, Sr. Adv.

Mr. Gaurav Agrawal, Adv.  
  
Mr. Tushar Mehta, Adv.  
Mr. E.C. Agrawala, Adv.  
Mr. Mahesh Agrawal, Adv.  
  
Mr. Rishi Agrawal, Adv.

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UPON hearing counsel the Court made the following

O R D E R

I.A. No.1 in SLP(C) ....CC No.4850/2006, application for permission  
to  
file S.L.P., is allowed.

This special leave petition (SLP(C) ....CC No.4850/2006)  
was filed by  
three students out of 23 selected candidates. The prayer in this S.L.P. is to sta  
y  
the operation of the impugned judgment and order dated 28.6.2006 passed by  
the High Court of Gujarat at Ahmedabad rendered in Special Civil Application  
No.12157 of 2006. It is also prayed to direct the respondents not to disturb the  
admissions already given to the petitioners by the respondent no.4 Institute for  
of further the academic year 2006-2007 and to regularize the same. Stay

proceedings of Special Civil Application No.12157 of 2006 pending before the

High Court of Gujarat is also prayed for. Prayer (b) and (c) of para 8 of the special leave petition cannot be countenanced at this stage. We are, therefore, not granting any relief insofar as it relates to prayer (b) and (c).

The other SLP(C)No.10469/2006 was filed by K.M. Shah

Dental College questioning the correctness of the very same interim order dated

28.6.2006 passed by the High Court of Gujarat at Ahmedabad, rendered in

Special Civil Application no.12157 of 2006. The prayer in this S.L.P. is also to be of same effect as in the other aforesaid special leave petition.

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The High Court by the impugned order stayed the admissions granted

to the concerned students as per the list Annexure 'G' at page 10 with

amendment and also continued the earlier interim order dated 26.6.2006. What

is challenged before us is only an interim order. The writ petition is pending

and the pleadings are not complete. It is submitted by Mr. P.P. Rao, learned

Senior Counsel for the petitioner, that the direction given by the High Court by

its interim order is contrary to the decision of this Court reported in 2005(6)

SCC 537. However, in our view, that is a matter which is to be argued and

decided by the High Court in the pending writ petition. We, therefore, request

the Hon'ble Chief Justice of the High Court to place the Special Civil Application no.12157 of 2006 before the Division Bench for an expeditious disposal, at any rate not later than two weeks from the date of communication of our order. Both the parties are at liberty to file their additional documents and pleadings and other submissions before the Division Bench. We request the Division Bench to decide the matter within two weeks. We also make it clear that the students who have already been admitted cannot claim any equity in their favour, and their admission shall be subject to the final outcome of the writ petition.

In the meantime, the interim order passed by the High Court shall remain stayed.

Since we have extended the time for disposal of writ petition by two more weeks from the date of receipt of the copy of the order, we also grant leave to Dental Council of India to extend the time, if the circumstances so warrant.

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The respondent nos.5 & 6 in Special Civil Application No.12157 of 2006 shall implead the selected students as respondents in their writ petition. Selected students are also at liberty to apply for impleadment.

The special leave petitions are disposed of accordingly.

Office shall furnish copy of the order to all the parties and also

dispatch copy to the High Court of Gujarat immediately.

( A.D. Sharma )

Court Master

( Phoolan Wati Arora )

Court Master