

ITEM NO.102

COURT NO.8

SECTION XI-A

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

Civil Appeal No(s). 2846/2007

THE STATE OF KERALA & ORS.

Appellant(s)

VERSUS

MANAGER MALANKARA ORTHODOX SYRIAN
CHURCH MEDICAL COLLEGE

Respondent(s)

WITH

C.A. No. 2847/2007 (XI-A)

C.A. No. 2848/2007 (XI-A)

C.A. No. 2849/2007 (XI-A)

C.A. No. 2850/2007 (XI-A)

C.A. No. 2852/2007 (XI-A)

C.A. No. 2851/2007 (XI-A)

C.A. No. 2853/2007 (XI-A)

Date : 25-07-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE S. ABDUL NAZEERFor Appellant(s) Mr. Jaideep Gupta, Sr. Adv.
Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.For Respondent(s) M/S. Lawyer S Knit & Co, AOR
Mr. Sunil Gupta, Sr. Adv.
Mr. Romy Chacko, AOR
Mr. Chandan Kumar Mandal, Adv.
Mr. Ajay Singh, Adv.

Mr. D. Bharat Kumar, Adv.
Mr. Tadimalla Baskar Gowtham, Adv.
Mr. Aman Sikla, Adv.
Mr. Sayooj Mohandas M, Adv.
Mr. Abhijit Sengupta, AOR

Mr. K. R. Nambiar, AOR

(CA No.2847/2007) Mr. Haris Beeran, Adv.
Mr. Mushtaq Salim, Adv.
Mr. Usman Ghani Khan, Adv.
Mr. Dev Prakash, Adv.
Mr. Radha Shyam Jena, AOR

Mr. Amit Kumar, AOR

Mr. E. M. S. Anam, AOR

Mr. R. Nedumaran, AOR

Mr. M. P. Vinod, AOR

Mr. Ranjith K. C., AOR

Ms. Asha Gopalan Nair, AOR

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

C. A. No(s). 2846/2007, C.A. No. 2848/2007, C.A. No. 2849/2007,
C.A. No. 2850/2007, C.A. No. 2852/2007, C.A. No. 2851/2007 and
C.A. No. 2853/2007

The appeals are disposed of, in terms of the signed order.

Pending application(s), if any, stand disposed of.

C.A. No. 2847/2007

Mr. Haris Beeran, learned counsel for the respondent prays for some time to argue the matter.

List the matter on 9th August, 2018.

(OM PARKASH SHARMA)
AR CUM PS

(Signed order is placed on the file)

(JAGDISH CHANDER)
BRANCH OFFICER

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO(S). 2846 OF 2007

THE STATE OF KERALA & ORS.

Appellant(s)

VERSUS

MANAGER MALANKARA ORTHODOX SYRIAN
CHURCH MEDICAL COLLEGE

Respondent(s)

WITH

CIVIL APPEAL No. 2848 OF 2007

CIVIL APPEAL No. 2849 OF 2007

CIVIL APPEAL No. 2850 OF 2007

CIVIL APPEAL No. 2852 OF 2007

CIVIL APPEAL No. 2851 OF 2007

CIVIL APPEAL No. 2853 OF 2007

O R D E R

This order is passed with respect to the private Medical Colleges since the new legislation, that is, Kerala Medical Education (Regulation and Control of Admission to Private Medical Educational Institutions) Act, 2017 (15 of 2017) (for short "the Act"), has been enacted.

By virtue of Section 15 of 2017 of the Act, it has the overriding effect over the provisions of the Kerala Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitation Fee and other Measures

to ensure Equity and Excellence in Professional Education) Act, 2006, in question.

Consequently, the decision *vis-a-vis* to Medical Colleges/ Institution which are covered by the Act (15 of 2017) is rendered of Academic importance.

In view of the above, it was rightly submitted that the instant appeals have become infructuous with respect to the private Medical Colleges covered under the Act. Consequently, they are disposed of as such.

.....J.
[ARUN MISHRA]

.....J.
[S. ABDUL NAZEER]

NEW DELHI
DATED; JULY 25, 2018