

OUT TODAY

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 571 OF 2018

SOURABH BRALA AND ORS.

... Petitioner(s)

Versus

UNION OF INDIA AND ORS.

... Respondent(s)

WITH  
WRIT PETITION (C) NO. 798 OF 2018

O R D E R

1) The present Writ Petition has been filed by the students, who were admitted to the first year MBBS Course in the Respondent No. 5 College. Mr. Nidhesh Gupta, learned senior counsel appearing for the petitioners, has informed us that the total number of students who were admitted to the first year MBBS Course is 150. Despite having been taught for a period of 1 year, the petitioners have knocked at the doors of this Court for the reason that the Respondent No. 5 College has not got its act in order, as a result of which, they prayed that they be transferred from Respondent No. 5 College to any other College in the State and be allowed to take their examination after having completed the first year of MBBS.

2) We have heard Mr. J.K. Sethi, learned Deputy Advocate General of the State of Uttarakhand and Mr. Vikas Singh, learned senior counsel appearing on behalf of the Medical Council of India.

3) After hearing the learned counsel for some time, Mr. Sethi stated that he was instructed to make an offer before this Court

which the court considered to be fair. Mr. Sethi states that the State Government would be willing to take over the students and the Respondent No. 5 College itself, along with all its entire infrastructure and assets, movable and immovable, so that it could then meet both the Medical Council of India's norms and affiliate with Hemwati Nandan Bahuguna, Uttarakhand Medical University, Dehradun.

4) We direct the Respondent No. 5 College to hand over the land, building and all assets, as stated hereinabove, to the State Government forthwith - to be completed latest by tomorrow, i.e., December 7, 2018. This is only to allay an apprehension raised by Mr. Sethi that the management of Respondent No. 5 College should not be given any time to deal with the assets and/or infrastructure, as it exists, as of today.

5) On an application being made by the State Government to the aforesaid University, the aforesaid University will, after taking an inspection, as per its Statutes, proceed to take steps either to grant affiliation or otherwise, within a period of four weeks from the date on which the said application is made to it by the State Government. Likewise, once the State Government sets up the necessary infrastructure in terms of teaching staff etc., it will apply to the Medical Council of India for its permission under Section 10A of the Medical Council of India Act.

6) We make it clear that if the aforestated University affiliates the Institution and the Medical Council of India grants permission, the students, who have taken the first year Course, can then sit for the first year examination of MBBS, to be conducted by the

affiliating University.

7) In pursuance of our order for handing over possession today itself, the Director General of Police, Dehradun, is directed to seal the aforesaid premises forthwith. We make it clear that any litigation *qua* this College, that may arise in future, can only be made before this Court and no other.

8) List on Thursday, the 13<sup>th</sup> December, 2018 as first item for further hearing.

.....J.  
(ROHINTON FALI NARIMAN)

.....J.  
(M.R. SHAH)

New Delhi,  
Dated: December 6, 2018.

ITEM NO.7

COURT NO.7

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). 571/2018

SOURABH BRALA &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(FOR ADMISSION and IA No.78777/2018-EXEMPTION FROM FILING O.T.)

(IA NO. 108455/2018-EXEMPTION FROM FILING O.T.

IA NO. 78777/2018-EXEMPTION FROM FILING O.T.

IA NO. 131278/2018-EXEMPTION FROM FILING O.T.

IA NO. 116714/2018-EXEMPTION FROM FILING O.T.

IA NO. 115020/2018-EXEMPTION FROM FILING O.T.

IA NO. 108453/2018-PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURESIA NO. 97474/2018-PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)IA NO. 90248/2018-PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

WITH

W.P.(C) No. 798/2018 (X)

(FOR ADMISSION and IA No.91235/2018-EXEMPTION FROM FILING O.T.)

Date : 06-12-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Nidhesh Gupta, Sr.Adv.  
Mr. Akshat Shrivastava, AOR  
Mrs. Pooja Shrivastava, Adv.

Mr. Tarun Gupta, AOR

For Respondent(s) Mr. J.K. Sethi, Dy. Adv. Gen.  
Mr. Himanshu Sethi, Adv.  
Mr. Jatinder Kumar Bhatia, AOR  
Mr. Ashutosh Kumar Sharma, Adv.

Mr. Vikas Singh, Sr.Adv.  
Mr. Gaurav Sharma, AOR  
Mr. Dhawal Mohan, Adv.  
Mr. Prateek Bhatia, Adv.

Mr. Prasanna Mohan, Adv.

Mr. Ajit Kumar Sinha, Sr.Adv.  
Mr. Amitabh Sinha, Adv.  
Mr. Chandra Bhushan Prasad, AOR

Mr. Aman Lekhi, ASG  
Mr. Vijay Prakash, Adv.  
Ms. Prerna Priyadarshni, Adv.  
Mr. G.S. Makker, AOR

For Intervenor(s) Mr. Varun Tankha, Adv.  
Mr. Siddharth Sharma, Adv.

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

This Court made certain directions in terms of the signed order and directed to list the matters on Thursday, the 13<sup>th</sup> December, 2018 for further hearing as the first item.

(MANAV SHARMA)  
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)  
ASSISTANT REGISTRAR

(Signed order is placed on the file.)