

ITEM NO.62

COURT NO.16

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(s)(Civil) No(s). 26/2022

SRISHTI NAYAK & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 167616/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 29-08-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s)

Mr. Zoheb Hossain, Adv.
Mr. Vivek Gurnani, Adv.
Mr. Vipul Agrawal , AOR

Ms. Shashi Kiran, AOR

For Respondent(s)

Mr. Gaurav Sharma, AOR
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Paranjay Tripathi, Adv.

Mr. Saurabh Mishra, A.A.G.
Mr. Sunny Choudhary, AOR
Mr. Karan Bishnoi, Adv.

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

1. The petitioner No.1 was allocated a seat on 07.08.2023.
2. In this writ petition the issue is about a persons eligibility to be considered in cases where the Class 11th Marksheet was not available. However, it was clarified to us by Shri Gaurav Sharma, on behalf of the Medical Council, that

by virtue of the Graduate Medical Education Regulations, 2023, the petitioner No.1 would now be eligible. After the clarification, we have specifically directed that the seat which has been allocated to the petitioner No.1 shall not be withdrawn.

3. Shri Sunny Choudhary, learned counsel appearing on behalf of the State was to take instructions and inform us of the outcome of the counselling. Shri Choudhary submitted that yesterday at the counselling, the seat was allocated to another candidate, who is said to have obtained 208 marks out of 720.

4. We are of the opinion that as the petitioner No.1 was already allocated the seat on 07.08.2023 and the only question which remained for admission is the merit of the matter relating to the eligibility of petitioner, which was anyway clarified in yesterday's order. Under these circumstances, we are of the opinion that the petitioner should have been allotted the seat and given admission yesterday itself.

5. We have instructed Shri Gaurav Sharma appearing for MCI to examine the matter and suggest necessary action. In the meanwhile, we direct that the letter of admission that may be issued to the candidate who has been given admission yesterday, under the freedom fighters quota should specifically mention that the admission will be subject to the

outcome of this writ petition.

6. List this matter on 04.09.2023.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)