

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 14510/2024

(Arising out of impugned judgment and order dated 26-03-2024 in LPA No. 242/2024 passed by the High Court of Gujarat at Ahmedabad)

ALPESHKUMAR RAMSINH RATHOD

Petitioner(s)

VERSUS

ADMISSION COMMITTEE FOR PROFESSIONAL MEDICAL
EDUCATIONAL COURSES & ORS.

Respondent(s)

Date : 05-04-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Yatin Oza, Sr. Adv.
Mr. Purvish Jitendra Malkan, AOR
Ms. Himanshi R. Balodi, Adv.
Mr. Dharita P. Malkan, Adv.
Mr. Alok Kumar, Adv.
Mr. Kush Goel, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. Yatin Oza, learned senior counsel appearing for the petitioner with Mr. Purvish Jitendra Malkan, learned AOR.
2. It is pointed out that the defects pointed out by the Registry has since been cured.
3. The counsel would refer to the order passed by the learned Single Judge on 29.01.2024 (Annexure P/6) in the R/Special Civil Application No. 16228 of 2023 to point out that the petitioner appeared in the National Eligibility cum Entrance Test (UG)-2022

(NEET) and secured 613 marks out of 720 marks. He accordingly secured the 15423 NEET All India Rank. Based on such performance in the admission test, the petitioner had secured admission in the Government Medical College, Vadodara.

4. However, on the issue of ineligibility of the petitioner for being categorised in the SEBC category in the State of Gujarat, the admission was cancelled by the Admission Committee by the order dated 01.09.2023.

5. When the above order was challenged, the learned Single Judge granted relief to the writ petitioner by recording the following:

"14. At the outset, before delving on the issue raised, it requires to be mentioned that learned Advocate Mr.Antani upon directions of this Court has submitted an additional affidavit whereby institute wise merit position of NEET (UG)-2022 had been produced. A perusal of the chart along with the affidavit would inter alia reveal that petitioner if he had not applied under the SEBC category then also, would have been entitled for being considered for admission in the general quota in three Government Medical Colleges viz., M.P. Shah Government Medical College, Jamnagar, Pandit Dindayal Upadhyay College Rajkot and Government Medical College, Bhavnagar. In all the three colleges, the cut off NEET score being, less than the NEET score obtained by the present petitioner.

14.1. At this stage reference is also made to paragraph no. 4.2 of affidavit filed on behalf of Admission Committee whereby it has been stated that the merit ranking of the petitioner in open category was 600 and SEBC category was 154. If the candidature of the petitioner is viewed from the said angle, then also, the petitioner would have been entitled to be considered for admission in the above three government medical colleges more particularly since the general merit number where the admission are

closed were all above general merit number of the petitioner i.e. admission in the M.P. Shah Government Medical College, Jamnagar closing at general merit number 839, the PDU Medical College, Rajkot closing at general merit number 673 and the Government Medical College, Bhavnagar closing at general merit number 934."

6. As can be seen from the above, if the petitioner's merit as a general category candidate is taken into account, that would have enabled him to secure admission in several Government Medical Colleges, in the State of Gujarat. However, under the impugned judgment dated 26.03.2024, the Division Bench has held that as the petitioner is disentitled to be considered as an SEBC category, he is disentitled for the seat in the Government Medical College, Vadodara.

7. Issue notice, returnable in four weeks.

8. In the meantime, the operation of the order dated 01.09.2023 of the Admission Committee and the consequential order dated 08.09.2023 by the College, are stayed. In other words, the petitioner's study in the Medical College should continue.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR