

ITEM NO.1

COURT NO.2

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). 856/2022

SARTHAK VATS & ORS.

Petitioner(s)

VERSUS

AIIMS NEW DELHI & ORS.

Respondent(s)

IA NO.175004/2022-IMPLEADMENT

IA NO.175006/2022- DIRECTIONS

IA NO.174989/2022- IMPLEADMENT

IA NO.174991/2022- DIRECTIONS

IA NO.174961/2022- IMPLEADMENT

IA NO.174963/2022- DIRECTIONS

IA NO.174994/2022- IMPLEADMENT

IA NO.174997/2022- DIRECTIONS

Date : 17-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Gopal Sankarnarayan, Sr. Adv.
Mr. Milind Kumar, AOR
Ms. Tanvi, Adv.
Ms. Ishita Chowdhary, Adv.

For Respondent(s) Mr. Sudarshan Rajan, AOR
Mr. Mahesh Kumar, Adv.
Mr. Ashutosh Gupta, Adv.
Mr. Nand Ram, Adv.

Mr. Snehasish Mukherjee, AOR
Mr. Mayank Sapra, Adv.
Ms. Sruti Chandran, Adv.
Mr. Kamal Malik, Adv.

Mr. Girish Ananthamurthy, Adv.
Mrs. Vaijyanthi Girish, AOR

Mr. Milind Kumar, AOR

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

The Writ Petition has been filed under Article 32 of the Constitution of India by students who are seeking admission in speciality courses of medicine alleging that the vacant seats for open round allotment has not taken place in pursuance to the exam of July, 2022. What persuaded us to issue notice was the fact that a large number of seats remained vacant against the total number of seats available. The stand placed before us by the respondents also confirms this aspect as out of 918 seats, 454 seats were vacant for second round reporting but on account of timeline not being adhered to, has not been held. The rationale given for the timeline not being adhered to is stated to be the order dated 13.05.2022 passed by this Court for giving roster based points which is stated to have required entire overhaul of the software.

The impediment in the way of the respondent is that when they moved this Court for relaxation of the time consequent thereto that was rejected vide order dated 16.09.2022 in Miscellaneous Application No.1566/2022 in Writ Petition [C] No.1329/2021.

It is pointed out to us that there were delays in holding the open round allotment even in July,

2021 and January, 2022 that time on account of Covid but since permission was granted, 282 and 298 seats respectively were filled in through this methodology. The net result, therefore, is that more than half the seats have remained vacant though learned counsel for the respondents states that next exam has already been held and results are expected to be declared on 19.11.2022. It is further stated that 62 per cent of the seats out of the 454 seats are non-clinical. It is also their stand that petitioner Nos.1, 2 and 5 were allocated seats of their choice but did not join though it is accepted that if the open round allotment were to take place, they could have been able to participate in the same. Petitioner Nos.3 and 4 are stated not to have even taken the examination.

Learned counsel for the petitioner points out that he has sought to bring on record a list of 33 similarly situated candidates and there are applications filed even for intervention.

Be that as it may, we put to learned counsels that any order which is sought from this Court would actually run contra to the order referred to aforesaid and thus, if in view of the facts set out herein at the behest of the private petitioners, a different view has to be taken, that can only be by that Bench or a Larger Bench.

Learned counsel for the petitioners states that modifications *qua Ashish Ranjan* timeline have been directed by this Court vide two orders dated 21.10.2022 in *Ashish Ranjan & Ors. v. Union of India & Ors.*[Miscellaneous Application No.1763/2022 in W.P.[C] No.76/2015 & *Ashish Ranjan & Ors. v. Union of India & Ors.* [Miscellaneous Application No.1822/2022 in W.P.[C] No.76/2015], one dealing with NEET PG Schedule-2022 and the second one dealing with the NEET Under Graduate Schedule-2022, which includes AIIMS.

We are thus, of the view that the matter is required to be placed before the same Bench which passed the order subject to the order of Hon'ble the Chief Justice of India.

The matter being of some urgency, the Registry to obtain necessary orders urgently from Hon'ble the Chief Justice of India.

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IA NO.174989/2022- IMPLEADMENT
IA NO.174961/2022- IMPLEADMENT
IA NO.174994/2022- IMPLEADMENT

The applicants are permitted to intervene.

Applications stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)