

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.11234-48 OF 2017
(Arising out of SLP(C)Nos.20210-20224 of 2017)

DILIP VITTHAL BAMBALE & ORS.APPELLANTS

VERSUS

VINITKUMAR MOTIRAM TOTLOD & ORS.RESPONDENTS

WITH
CIVIL APPEAL Nos.11249-51 OF 2017
(Arising out of SLP(C)Nos.20200-20202 of 2017)

O R D E R

Leave granted.

A batch of writ petitions was filed before the High Court of Judicature at Bombay, Bench at Aurangabad, forming the subject matter of Writ Petition No.8851 of 2017 and other connected matters wherein the High Court vide order dated 12.07.2017 has passed the following directions:

"After these petitions were directed to be listed today and on account of the urgency, so also not to cause any disruption in the education of meritorious students, the learned A.G.P. on behalf of the state and the second respondent, has made a statement that all students like the petitioners and seeking admission against reserved seats should give an undertaking in the prescribed form to the second respondent, stating that they would on receipt of the certificate of validity from the competent Scrutiny Committee duly forward it to the authorities, so as to regularize their admission if obtained on merit.

2. In the event, the certificate of validity is refused then all consequences in law shall follow and for which the authorities will not be held responsible. It is agreed that such an undertaking would be furnished by all the petitioners and on furnishing of the same, the petitioners be allowed to participate in the ongoing admission process and if admitted their admission would be in terms of the undertaking."

Mr.Nishant Katneshwarkar, learned standing counsel for the State of Maharashtra, has filed the details of cases disposed of by the Scheduled Tribe Caste Certificate Scrutiny Committee. On a perusal of the said chart, it is noticeable that 11 students have got the certificate of validity. The students who have got certificate of validity shall be entitled to be admitted. As far as other students are concerned, who have taken admission in pursuance of the undertaking, as directed by the High Court, it is appropriate to pass the following directions:

(a) The persons who are aggrieved by the order of the Scheduled Tribe Caste Certificate Scrutiny Committee may approach the High Court by 12.09.2017. The High Court shall list the matters either on 14.09.2017 or 15.09.12017.

(b) Learned Advocate General or his associate shall remain personally present in the High Court on the date of hearing. The counter affidavits shall be permitted to be filed within ten days therefrom.

(c) The High Court shall dispose of the writ petitions by the end of October, 2017.

Ordinarily, we would not have made such a request to the High Court but as the students have been admitted by virtue of the interim order of the High Court, which has been reproduced hereinabove, such a request has been made. However, this Court had stayed the impugned order passed by the High Court, and on that basis, the Commissioner and Competent Authority, State CET Cell, Maharashtra State, Mumbai, has notified as follows:

"During NEET-UG-2017 Admission Process, as per NEET-UG-2017 brochure, Tribe Validity Certificate was mandatory for the candidates applying under Reserve Quota. However as per the order of Hon'ble High Court, Mumbai bench at Aurangabad in W.P.No.8851 of 2017 dated 12/07/2017, the candidates without Caste Validity Certificate were made eligible for Reserve Category on the basis of undertaking furnish by the candidate.

This order of Hon'ble High Court, Mumbai bench at Aurangabad was challenged in the Hon'ble Supreme Court of India. Hon'ble Supreme Court of India in SLP No.D23169 of 2017 dated 04/08/2017 has stayed the order of the Hon'ble High Court, Mumbai dated 12/07/2017.

In view of this the candidates listed in the first round of selection list, who have taken admission on the basis of undertaking in Reserve Category are hereby informed as under:

I. As per the order of Hon'ble Supreme Court of India, admission granted to all such candidates listed only on the basis of an undertaking and without a caste validity Certificate will be cancelled, and

II. All such candidates without Caste Validity Certificate will be treated as General category candidate in the next selection process if found otherwise eligible.

The above points I & II are subject to final order of Hon'ble Supreme Court in the aforesaid SLP.

III. After Cancellation of admission given to SC,ST,VJ,NT-1,NT-2,NT-3,OBC only on the basis of undertaking, vacant seats will be filled by candidates from the same category having Caste Validity Certificate on 19/08/2017.

IV. Names of all non selected candidates without validity (CVC) will also be deleted from the NEET - UG-2017 Merit List as category candidates and they will be considered as general category candidates if found otherwise eligible."

As 11 students have become successful, we direct the institution to admit those 11 students in order of merit, after counselling. The other seats shall not be filled up and they shall be filled up after the judgment is pronounced by the High Court. The High Court shall not pass any protective order after dealing with the writ petition.

Before parting with the case, we are obliged to say that the Division Bench of the High Court has been absolutely ill-advised to pass such an interim order. The same is hereby set aside.

Learned Chief Justice of the High Court is requested to constitute one Bench to hear the matters and assign the cases to the said Bench so that uniformity is maintained. All the cases shall be heard at the Principal Bench at Mumbai. The admission shall take place within a week after the judgment is pronounced by the High Court and the date of admission is extended to that date. The candidates who have got the certificate of validity by virtue of the High Court order shall be admitted and the vacant seats can be filled up from amongst the students who have got the certificate of validity. The Medical Council of India shall intimate this order to the concerned educational institution.

The appeals are disposed of accordingly. There shall be no order as to costs.

As a sequel to the above, all pending interlocutory applications also stand disposed of.

.....CJI.
(DIPAK MISRA)

.....J.
(AMITAVA ROY)

.....J.
(A.M.KHANWILKAR)

NEW DELHI;
SEPTEMBER 6, 2017.

ITEM NO.4+5

COURT NO.1

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s).
20210-20224/2017

(Arising out of impugned final judgment and order dated 12-07-2017 in WP No. 8851/2017 12-07-2017 in WP No. 8852/2017 12-07-2017 in WP No. 8853/2017 12-07-2017 in WP No. 8854/2017 12-07-2017 in WP No. 8855/2017 12-07-2017 in WP No. 8856/2017 12-07-2017 in WP No. 8857/2017 12-07-2017 in WP No. 8858/2017 12-07-2017 in WP No. 8859/2017 12-07-2017 in WP No. 8860/2017 12-07-2017 in WP No. 8861/2017 12-07-2017 in WP No. 8862/2017 12-07-2017 in WP No. 8863/2017 12-07-2017 in WP No. 8864/2017 12-07-2017 in WP No. 8865/2017 passed by the High Court Of Judicature At Bombay At Aurangabad)

DILIP VITTHAL BAMBALE & ORS.

Petitioner(s)

VERSUS

VINITKUMAR MOTIRAM TOTLOD & ORS.

Respondent(s)

(and IA No.73523/2017-INTERVENTION APPLICATION and IA No.73525/2017-EXEMPTION FROM FILING O.T. and IA No.73532/2017-INTERVENTION APPLICATION and IA No.73678/2017-EXEMPTION FROM FILING O.T. and IA No.73702/2017-INTERVENTION APPLICATION and IA No.73703/2017-EXEMPTION FROM FILING O.T. and IA No.74242/2017-INTERVENTION APPLICATION and IA No.74248/2017-INTERVENTION APPLICATION and IA No.74609/2017-INTERVENTION APPLICATION and IA No.74610/2017-EXEMPTION FROM FILING O.T. and IA No.74748/2017-INTERVENTION APPLICATION and IA No.78795/2017-CLARIFICATION/DIRECTION and IA No.83763/2017-EXTENSION OF TIME and IA No.85418/2017-INTERVENTION APPLICATION and IA No.85441/2017-INTERVENTION APPLICATION and IA No.85448/2017-INTERVENTION APPLICATION)

With

SLP(C)Nos.20200-20202/2017

(and IA No.85139/2017 - Exemption from filing O.T.)

Date : 06-09-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE AMITAVA ROY

HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr.Vikas Singh, Sr.Adv.
Mr.Ravindra Keshavrao Adsure, AOR
Mr.Siddeshwar Biradar, Adv.
Mr.Anand Landge, Adv.

For Respondent(s) Mr.Shekhar Naphade, Sr.Adv.
Mr.Sunil Vibhute, Adv.
Mr.Uday B. Dube, AOR

For Intervenor Ms.Meenakshi Arora, Sr.Adv.
Mr.Sunil Vibhute, Adv.
Mr.Uday B. Dube, AOR

For Impleaded Resp. Ms.Meenakshi Arora, Sr.Adv.
Mr.Amol B.Kakande, Adv.
Mr.Raj Patil, Adv.
Mr.Omgashad Bainwal, Adv.

Mr.Gaurav Agrawal, AOR

Mr.Shashibhushan P.Adgaonkar, Adv.

Mr.R.S.Hegde, Adv.
Mrs.Farhat Jahan Rehmani, Adv.
Mr.Chandra Prakash, Adv.
Mr.Rajeev Singh, Adv.

Mr.Rajiv Kumar, Adv.
Mr.D.P.Mohanty, Adv.
Ms.Pallavi Pratap, Adv.

Mrs.Astha Deep, Adv.
Mr.A.Radhakrishnan, Adv.

Ms.Rashmi Nandakumar, Adv.

Mr.Sandeep Sudhakar Deshmukh, Adv.

Mr.Satyajit A.Desai, Adv.
Ms.Anagha S Desai, Adv.

Mr.Nishant Katneshwarkar, Adv.
Ms.Deepa Kulkarni, Adv.

Mr.Sudhanshu S.Choudhari, Adv.
Ms.Surebhi Guleria, Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order.
There shall be no order as to costs.

As a sequel to the above, all pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
AR-CUM-PS

(SHAKTI PARKASH SHARMA)
ASST.REGISTRAR

(Signed order is placed on the file)