

ITEM NO.24+25

COURT NO.4

SECTION XIA

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).35075-35076/2015

(Arising out of impugned final judgment and order dated 18/11/2015 in WPC No. 12224/2015,09/12/2015 in WPC No. 12224/2015 passed by the High Court of Orissa at Cuttack)

SOUMYA RANJAN PANDA AND ORS

Petitioner(s)

VERSUS

SUBHALAXMI DASH AND ORS

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and interim relief and office report)

WITH

SLP (C) No.35212 of 2015

(With interim relief and office report)

Date : 05/01/2016 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. Ajay Sharma, AOR
Mr. Jitender Kumar Mahapatra, Adv.
Mr. Rajeev Sharma, Adv.
Mr. Bibhu Tripathy, Adv.
Ms. Neelam Sharma, Adv.

Mr. P.N. Misra, Sr. Adv.
Mr. Ashok Kumar Mohapatra, Sr. Adv.
Mr. M.A. Majid, Adv.
Mr. Kedar Nath Tripathi, AOR

For Respondent(s) Mr. Sanjeeb Panigrahi, Adv.

Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Purushottam Kumar Jha, Adv.
Ms. Niharika, Adv.

For M/s. K. J. John & Co., Adv.

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

Heard Mr. Jitendra Mohapatra, learned counsel for the

petitioner and Mr. Pratap Venugopal, who has entered appearance for 33 private respondents. Mr. Panigrahi, learned counsel submits that he has already entered appearance on behalf of respondent no.1 and would file vakalatnama on behalf other private respondents within three days hence.

Issue notice to the respondents who have not been represented.

A copy of the petition be served on Mr. Gaurav Sharma, learned counsel who ordinarily represents the Medical Council of India.

No notice need be issued to respondent nos.76, 77 and 81. As far as other official respondents are concerned, let the notice be served through the counsel who are representing the said parties before the High Court. Service by e-mail is permitted.

At this stage, question of interim order/direction has to be considered. It is submitted by Mr. Venugopal and Mr. Panigrahi, learned counsel appearing for the respondents that they have been admitted in two Government Colleges situated at Burla and Berhampur. It is urged by Mr. Ashok Mohapatra, learned senior counsel, Mr. Ajay Sharma and Mr. Jitendra Mohapatra, learned counsel for the petitioner that the students who are ranked higher than the respondents have been compelled to study in private medical colleges whereas because of a peculiar situation, that is, inadequacy of infrastructure and the functioning of Sardar Rajas Medical College and Research Centre situated at Jaring in District Kalahandi, the students of that college have been directed to be transferred/shifted to Government colleges by the High Court. That apart, it is submitted that there was an interim direction by this Court to adjust the students in recognized colleges which would mean not the Government colleges but other three recognized colleges which are functional in the State of Odisha.

We would like to consider both the aspects on Friday, the 8th January, 2016.

Mr. Gaurav Sharma, learned counsel for the Medical Council of India shall make a statement about two facets, namely, whether the petitioners in SLP (C) No.35075-35076 of 2015 had appeared in All India Entrance Examination and secured more marks than the respondents who have been directed to be transferred/shifted to the Government colleges in Odisha. He shall also obtain instructions whether it would be appropriate to accommodate the students in the recognized colleges and in that event what conditions should be imposed.

Till 08.01.2016, the private respondents in SLP (C) Nos.35075-35076 shall not attend classes in the colleges, for we are going to decide which institutions will adjust them.

In course of hearing, we have been apprised that the medical students studying in the medical college at Burla and Berhampur have behaved in an unwarranted manner because they have closed the college gates. The students are not supposed to take the law unto their own hands. Therefore, we command the students to behave themselves and not to get involved in any kind of activities pertaining to administration as this Court is dealing with the matter.

Similarly, the students who are studying in all the recognised colleges shall abide by the above direction failing which they may face the contempt of this Court.

Let a copy of this order be communicated to the Chief Secretary of the State in course of the day so that he shall see to it that the order is followed in letter and spirit.

Call on the date fixed.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master