

(Supreme Court Of India)

Islamic Academy of Education & Another

v.

State of Karnataka & Others

Interlocutory Application No. 90 & 96 In Wp (C) No. 350 Of 1993 | 23-09-2005

I.A. No. 90:

1. The interlocutory application is dismissed.

I.A. No. 96:

2. This application has been filed by the All India Medical and Engineering Colleges Association but is restricted to admission to engineering colleges. According to the applicant, as of today, no student, who had taken Common Entrance Test [CET] conducted by the respective State Governments, is available for admission in the engineering colleges, which are members of the applicant's association, and number of seats are still lying vacant. The contention is that if these vacant seats are not permitted to be filled up by admitting students on the basis of merit marks obtained on the basis of 10+2 examination conducted by the Central Board of Secondary Education [CBSE] or other equivalent examination conducted by the State Government and who are otherwise eligible and qualified, except that they have not taken CET conducted by the respective State Governments, all these seats would go waste. Under these circumstances, we dispose of the application by issuing the following directions:

(1) It would be open to the State Governments to send the list of candidates seeking admission in engineering courses, who may have taken CET conducted by the State Governments/entrance test conducted by consortium colleges and have not got admission. The said list shall be sent to the engineering colleges within one week from the State Governments being notified about the orders passed by this Court. This order shall be notified by the applicant to the State

Governments forthwith but, in any case, not later than seventy two hours. If any State Government has fixed higher standards, the same shall have to be complied with before granting admission.

(2) In case the names, as mentioned in Clause (1), are received, the colleges would give admission to those students in the first instance.

(3) All remaining vacant seats are permitted to be filled up on the basis of merit marks obtained in 10+2 examination conducted by the CBSE or other Boards.

3. The aforesaid directions are for the present academic year, i.e. 2005-2006.