

Modern Dental College & Res. Cen. & Others

v.

State of Madhya Pradesh & Others

(Supreme Court Of India)

HON'BLE DR. JUSTICE B.S. CHAUHAN HON'BLE MR. JUSTICE K.S.  
RADHAKRISHNAN HON'BLE MR. JUSTICE S.A. BOBDE

Interlocutory Application No. 64-65 Of 2013 In Civil Appeal No. 4060 Of 2009  
| 12-07-2013

K.S. Radhakrishnan, J.

1. These applications have been preferred seeking clarification of the order of this Court dated May 27, 2009, as extended by order dated October 01, 2012, on the ground that the same is not applicable to the applicant.

2. This Court, in Civil Appeal No. 4060 of 2009, passed a detailed interim order on May 27, 2009. The operative portion of the same reads as follows:

"We, therefore, direct that the admissions in the private unaided medical/dental colleges in the State of Madhya Pradesh will be done by first excluding 15% N.R.I. seats (which can be filled up by the private institutions as per para 131 of Inamdar's case), and allotting half of the 85% seats for admission to the undergraduate and post-graduate courses to be filled in by an open competitive examination by the State Government, and the remaining half by the Association of the Private Medical and Dental Colleges. Both the State Government as well as the Association of Private Medical and Dental colleges will hold their own separate entrance examination for this purpose. As regards the 'NRI Seats', they will be filled as provided under the Act and Rules, in the manner they were done earlier."

3. Shri Harish Salve, learned senior counsel appearing for the applicant, submits that the above-mentioned order was passed by this Court in a case where the appellant had challenged the constitutional validity of the Madhya Pradesh Niji Vyavsayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk ka Nirdharan) Adhiniyam, 2007 (in short, the 'AFRC Act of 2007'). Learned senior counsel submits that the above-mentioned Act is no more applicable to the applicant, who is now governed by the provisions of the Madhya Pradesh Niji Vishvavidyalaya (Sthapana Avam Sanchalan) Adhiniyam, 2007 (known as M.P. Private Universities Act) and the statutes and ordinances framed thereunder and the applicant is free to fill all the seats.

4. Dr. Rajeev Dhavan, learned senior counsel also appearing for the applicant, has also taken up the same stand.

5. Shri Ravi Shankar Prasad, learned senior counsel appearing for the State of Madhya Pradesh, submitted that the provisions of the AFRC Act of 2007 still applies to the applicants and in any view, the applicants are governed by the orders passed by the Regulatory Commission under the Peoples University Act. Learned counsel also submitted that this Court has already extended the interim order, which was passed on May 27, 2009, for the academic session 2013-2014 as well and, therefore, the applicants are bound by that interim order.

6. We are of the view that it is not possible to finally pronounce upon the various legal contentions raised by the parties at this interlocutory stage, especially when we have to examine the question of the applicability of AFRC Act of 2007 to the applicants and also the powers vested on the Regulatory Commission under the Peoples University Act in governing admission to the applicants institutions. Till we consider all those larger issues, we feel it appropriate that the arrangement made by this Court by its order dated May 27, 2009 be allowed to continue until further orders. Ordered accordingly.

7. The applications are disposed of accordingly without expressing any opinion on the various contentions raised by the counsel on either side.

IA No. of 2013 ( for Stay)

8. In view of the orders passed in IA Nos. 64-65 of 2013, no further orders are required to be passed on this IA.