

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
R E C O R D O F P R O C E E D I N G S**

IA 1/2009 in WRIT PETITION (CIVIL) NO(s). 216 OF 2009

SMITHA NATH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for stay and office report)

Date: 26/05/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE DEEPAK VERMA

[VACATION BENCH]

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.

Ms. Indu Malhotra, Sr. Adv.

Mr. Vikram Mehta, Adv.

Ms. Nupur Kanungo, Adv. for

Mr. Vikas Mehta, Adv.

For Respondent(s)

Mr. V. Shekhar, Sr. Adv.

Mr. Aman Ahluwalia, Adv.

Mr. Sudarshan Singh Rawat, Adv. for

Mr. D.S. Mahra, Adv.

Mr. Manjit Singh, AAG

Mr. Harikesh Singh, Adv. for

Mr. Kamal Mohan Gupta, Adv.

Ms. Shomila Bakshi, Adv. for

Ms. Kamini Jaiswal, Adv.

Ms. Niranjana Singh, Adv.

Mr. Ravindra K. Adsure, Adv.

Mr. T.Harish Kumar, Adv.

-2-

**Mr. Gaurav Sharma, Adv.
Mr. Sumeet Bhatia, Adv.
Mr. Abhinav Mukherji, Adv.for
Ms. Pratibha M. Singh, Adv.**

**Mr. Mohit Kumar Shah, Adv.for
Mr. Gopal Singh, Adv.**

**Mr. Riku Sarma, Adv.for
M/s. Corporate Law Group**

Mr. B.B.Singh, Adv.

Ms. Hemantika Wahi, Adv.

Mr. Tara Chandra Sharma, Adv.

Ms. A.Subhashini, Adv.

Mr. A.P.Mayee, Adv.

Mr. V.G.Pragasam, Adv.

**Dr. Manish Singhvi, AAG
Mr. N.I.Suji, Adv.for
Mr. Milind Kumar, Adv.**

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

The Writ Petition is disposed of in terms of the signed order.

**(Parveen Kr. Chawla)
Court Master**

**(Indu Satija)
Court Master**

[Reportable Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION(C) NO. 216 OF 2009

REPORTABLE

Smitha Nath

..Petitioner

versus

Union of India & Others

..Respondents

ORDER

The Application for impleadment is allowed.

Heard learned counsel for the parties.

On 13.1.2009, exam was conducted by AIIMS for 50% post graduate medical seats for all government/municipal colleges in India (except for the government medical Colleges in the States of Andhra Pradesh and Jammu and Kashmir). The First Round of Counseling for these seats ended on 16.3.2009, which was conducted by Director General of Health Services (DGHS). Thereafter, the States and Uts commenced their first round of counseling which was to be completed by 10.4.2009.

However, most States did not complete their first round of counseling in time. The 2nd Round of All India Counseling by DGHS was conducted between 22.4.2009 and 8.5.2009. This, however, was

incomplete since all the States/UTs did not report the correct number of All India

-2-

Vacant Seats after the first round of State counseling in time.

We have persued the Order dated 2.5.2008 passed by this Court in the case of Dr.Amit Gupta and Others vs. Union of India and Others in I.A. No.17 of 2008 in W.P.(C) No.157 of 2005, where in similar circumstances this Court had directed an extended 2nd Round of All India Counseling to fill up those seats which could not be included in the Original 2nd Round of counseling.

In such circumstances, we direct that an extended 2nd Round of Counseling be conducted to fill up the seats which could not be filled up in the Original 2nd round of counseling due to incomplete information furnished by the States at the time when the 2nd Round of Counseling was conducted. All the States and UTs shall abide by the following schedule for the extended 2nd Round of counseling.

<i>Date</i>	<i>Particulars</i>
27 th May, 2009	Counseling Schedule to be notified by DGHS
28 th May, 2009	All States must report updated number of vacancies resulting from non-joining, resigning and surrender of seats in All India Quota to the DGHS by 5 p.m. on 29 th May, 2009.
30 th May, 2009	Total number of vacancies to be notified by DGHS

<i>Date</i>	<i>Particulars</i>
31 st May, 2009 to 08 th June, 2009	Extended 2 nd round of counseling to be conducted by DGHS at Delhi Centre
13 th June, 2009	Students to join allotted college within 5 days of allotment (i.e.) last date for students to join allotted college is 13 th June, 2009.
14 th June, 2009	Vacant All India Quota seats may be deemed to be surrendered to the States on 14 th June, 2009
20 th June, 2009	Final deadline for students to join allotted course. Before this date all States should complete their 2 nd Round of counseling.

We further direct that Counseling will be only in the Delhi Centre.

This order will be placed on the websites immediately. Copy of this order shall be given to all the parties today itself.

The Writ Petition is disposed of in the above terms.

.....J.
[MARKANDEY KATJU]

**NEW DELHI;
MAY 26, 2009.**

.....J.
[DEEPAK VERMA]