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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 13.09.2019

+ LPA 594/2019

MULAYAM SINGH YADAV MEDICAL COLLEGE AND
HOSPITAL & ANR

..... Appellants

Through: Mr. Deepak Agarwal, Mr. Abhay
Kumar Tayal, Mr. Nishant Prateek & Mr. Akash
Gupta, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Jasmeet Singh, CGSC for R-1
Mr.T.Singhdev, Adv. for R-2 & R-3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

J U D G M E N T

: **D.N. PATEL, CHIEF JUSTICE (Oral)**

C.Ms.No.41011/2019 & 41013/2019 (exemptions)

Allowed, subject to all just exceptions.

LPA No.594/2019

1. These appellants are the original petitioners whose writ petition being W.P.(C) 7159/2019 was dismissed by the learned Single Judge *vide* judgment and order dated 29th August, 2019 (Annexure P-1 to the memo of this LPA) and hence the original petitioners have preferred the present Letters Patent Appeal.

2. Counsel appearing for the appellants submitted that the appellants are seeking renewal of permission for admission of second batch of students in

the MBBS Course for the Academic Year 2019-2020 in their medical college. First batch of students were granted admission last year.

3. Having heard the counsel for appellants (original petitioners) and counsel for respondents, it appears that these appellants were in search of renewal of permission to admit the students in second batch of MBBS Course for the Academic Year 2019-2020. It further appears from the facts of the case that earlier inspections were carried out by the respondent Nos.2 and 3 at the premises of the appellant No.1 (original petitioner No.1) wherein deficiencies were found which resulted in detailed communication between respondents and the appellants. There are two communications; one is dated 1st May, 2019 (Annexure P-12) and another is dated 1^{8th} May, 2019 (Annexure P-14 to the memo of this LPA).

4. Learned counsel appearing for the appellants further submitted that as per the appellants there were no deficiencies left out to be complied. The appellant sent a communication dated 6th May, 2019 (Annexure P-13) to consider request for renewal of permission to admit the students in second batch of MBBS Course for the Academic Year 2019-2020. Personal hearing was given by the respondent Nos.2 and 3 to the appellants on 7th May, 2019 and thereafter final order was passed on 18th May, 2019 (Annexure P-14 to the memo of this LPA). It appears from the facts of the case that as per respondent Nos.2 and 3 there are several deficiencies which were to be complied with by these appellants for grant of renewal of permission to admit the students in the second batch in the MBBS Course for the Academic Year 2019-2020. Counsel for the appellants has relied upon the notification issued by the respondents dated 25th June, 2019 (Annexure P-19 to the memo of this LPA) whereby it is submitted that if there is any

deficiency in the requirements prescribed in the minimum Standard Requirement Regulation then pro-rata students can be allowed to be admitted.

5. It is submitted by the counsel for respondent Nos.2 and 3 that as per the time schedule propounded by the Hon'ble Supreme Court in ***Ashish Ranjan and Ors. v. Union of India and Ors.*** in (2016) 11 SCC 225 specially in para 2 at page No.227 and another time bound schedule given in the very same paragraph at page 228 prescribed that the last date for the issuance of the Letter of Permission by the respondent No.1 is 31st May, 2019. As this date has already gone, no relief as prayed for can be granted in this writ petition. This aspect of the matter has been properly appreciated by the learned Single Judge and hence this appeal may not be entertained by this Court. Similarly, it is further submitted by the counsel for respondents that as per the aforesaid decision, the time limit to give admission to the students in the MBBS Course is 31st August, 2019. This date has also gone by now and hence also the prayer as prayed for in the writ petition cannot be granted. This aspect of the matter has also been appreciated by the learned Single Judge while deciding W.P.(C) 7195/2019 *vide* judgment and order dated 29th August, 2019, hence this appeal may not be entertained by this Court.

6. In view of the aforesaid decision rendered by the Hon'ble Supreme Court and as per the observations in paras 2 and 3, the relevant time limit reads as under:

***“TIME SCHEDULE FOR RECEIPT OF APPLICATIONS
FOR INCREASE OF ADMISSION CAPACITY IN MBBS
COURSE/RENEWAL OF PERMISSION FOR INCREASE OF***

**SEATS AND PROCESSING OF THE APPLICATIONS BY
THE CENTRAL GOVERNMENT AND THE MEDICAL
COUNCIL OF INDIA**

<i>Sl. Nos.</i>	<i>Stage of processing</i>	<i>Last date</i>
1.	<i>Receipt of applications by the Central Government.</i>	<i>Between 15th June to 7th July (both days inclusive) of any year</i>
2.	<i>Forwarding application by the Central Government to the Medical Council of India.</i>	<i>By 15th July</i>
3.	<i>Technical scrutiny, assessment and recommendations of letter of permission by the Medical Council of India.</i>	<i>By 15th December</i>
4.	<i>Receipt of reply/compliance from the applicant by the Central Government and for personal hearing thereto, if any, and forwarding of compliance by the Central Government to the Medical Council of India.</i>	<i>Two months from receipt of recommendation from MCI but not beyond 31st January.</i>
5.	<i>Final recommendations for the letter of permission by the Medical Council of India.</i>	<i>By 30th April</i>
6.	<i>Issue of letter of permission by the Central Government.</i>	<i>By 31st May</i>

Note 1. – In case of renewal of permission, the applicants shall submit the application to the Medical Council of India by 15th July.

**TIME SCHEDULE FOR COMPLETION OF THE
ADMISSION PROCESS FOR FIRST MBBS COURSE**

<i>Sl. Nos.</i>	<i>Schedule for admission</i>	<i>Seats to be filled up by the Central Government through the All India Entrance Examination</i>	<i>Seats to be filled up by the State Government/Institution</i>
<i>1.</i>	<i>Conduct of entrance examination</i>	<i>Between 1st to 7th May</i>	<i>Between 10th to 17th May</i>
<i>2.</i>	<i>Declaration of the result of the qualifying exam/entrance exam</i>	<i>By 1st June</i>	<i>By 1st June</i>
<i>3.</i>	<i>1st round of counselling/admission</i>	<i>To be over by 25th June</i>	<i>Between 6th July to 15th July</i>
<i>4.</i>	<i>Last date for joining the allotted college and the course.</i>	<i>By 5th July</i>	<i>By 22nd July</i>
<i>5.</i>	<i>2nd round of counselling/admission for vacancies.</i>	<i>Between 23rd July to 30th July</i>	<i>Between 10th to 22nd August</i>
<i>6.</i>	<i>Last date of joining for the 2nd round of counselling/admission</i>	<i>By 9th August</i>	<i>By 28th August</i>
<i>7.</i>	<i>Commencement of academic session/term</i>	<i>1st of August</i>	<i>1st of August</i>
<i>8.</i>	<i>Last date up to which students can be admitted/joined against vacancies arising due to any reason</i>		<i>By 31st August</i>

Note 1. – All India quota seats remaining vacant after last date for joining i.e. 9th August will be deemed to be converted into State quota.

2. Institute/college/courses permitted after 31st May 2019 will not be considered for admission/allotment of seats for current academic year.

3. In any circumstances, last date of admission/joining will not be extended after 31st August.”

9. In view of the aforesaid time limit prescribed in the decision rendered by the Hon'ble Supreme Court, the prayer as prayed by the appellants in the appeal cannot be granted. The date of 31st May, 2019 has already passed and hence no renewal of the permission to admit second batch of students in the MBBS Course for the Academic Year 2019-2020 can be granted now. Similarly, 31st August, 2019 has already passed and no student can be admitted in the second batch of MBBS Course with these appellants medical college. Hence, we see no reason to entertain this appeal.

10. We are not going into the details of the notification dated 25th June, 2019 (Annexure P-19 to the memo of this LPA) and the so called compliance as alleged by these appellants stated in their communication dated 6th May, 2019 (Annexure P-13 to the memo of this LPA). These issues are kept open. Thus, in view of the aforesaid time limit prescribed by the Hon'ble Supreme Court, no relief as prayed for by these appellants can be granted for seeking permission and giving admission to the second batch of students in the MBBS Course for the Academic Year 2019-2020.

11. With the aforesaid observations, this Letters Patent Appeal is dismissed.

CM APPLs.41012/2019 & 41014/2019

12. In view of the order passed in LPA 594/2019, these applications are also dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 13, 2019
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