

**OFFICE OF THE COMMISSIONER
MEDICAL EDUCATION DEPARTMENT
MADHYA PRADESH ; BHOPAL**

Bhopal, dated 26/09/2016

// NOTICE //

In compliance with the Hon'ble High Court order in W.P.No. 14496/2016, 14618/2016, 14959/2016 & 15555/2016 dated 26/09/2016, the allotment of seats in Private Medical & Dental Colleges will be given to M.P. domicile candidates.



26/9/16
**Commissioner
Medical Education Deptt.
M.P. Bhopal**

WP-14496-2016

(KU. RUDRIKA PUSHPRAJ BHATELE Vs THE STATE OF MADHYA PRADESH)

26-09-2016

Shri T. S. Ruprah, learned Senior Counsel, Shri Shailesh Tiwari, Shri Vipin Yadav, Shri Aditya Sanghi with Shri Harpreet Ruprah counsel for petitioners.

Shri Deepak Awasthy, learned Govt. Advocate for the State.

With the consent of the learned counsel for the parties and looking to the urgency in the matter, the matters are heard finally.

In these petitions the petitioners have challenged the constitutional validity of Regulation-6 of the Madhya Pradesh Sahayata Na Paane Waale Niji Chikitsa Mahavidyalayon Evam Chikitsa Mahavidyalayon Mein M.B.B.S Tatha B.D.S Pathyakram Mein Pravesh Ki Patrata, Pravesh Ki Reeti Evam Sthanon Ke Aarakshan (Jismein Videsh Mein Rah Rahe Bharatiya Nagrikikon Va Anivasi Bharatiya Abhyardhiyoin Ke Liyea Sthanon Ka Aarakshan Sammillit Hai) Ke Liye Viniyam, 2016 (hereinafter referred to as the Regulation of 2016), which excludes applicability of the requirement of domicile/permanent residence in respect of general category MBBS and BDS seats available for admission in private Medical and Dental Colleges in the State of M.P. While most of the judgment is dictated in the Court, it is observed that it would take time to type and finalize the

judgment and to make it available to the parties, however as the counseling for the allotment of Colleges is going on and has to be completed by **30th September 2016** in view of the directions issued by the Supreme Court, therefore, we propose to record and pronounce our conclusions in the Court itself and issue the necessary directions to the respondents.

We are of the considered opinion that Regulation-6 of the Regulations of 2016, as far as it excludes the applicability of the requirement of domicile/permanent residence in respect of the General Category candidates seeking admission to M.B.B.S and B.D.S courses in Private Medical and Dental Colleges, is ultra vires as it violates the equality clause under Article 14 of the Constitution of India and amounts to denial of equality of opportunity in view of the law laid down by the Supreme Court in various decisions and the fact that the State of M.P. is the only State which has done so thereby denying the students of M.P. a level playing field and for the detailed reasons mentioned by us in the judgment.

The respondent/State is directed to apply the criteria of permanent residence/domicile as provided under Regulation-6 of the Regulations of 2016 to students seeking admission in private Medical and Dental Colleges in the same manner as it has been made applicable to General Category students who have been granted admission to Government Medical Colleges.

The State Government is further directed to take

necessary steps to ensure that students who are eligible in accordance with the domicile/permanent residence criteria prescribed in the Rules are duly permitted to participate in the counseling and are allotted colleges in the counseling in accordance with the merit-list that has been prepared in the NEET Examination and to complete the said process before the cut-off date and to take all other necessary steps in that regard.

On the request of the learned Govt. Advocate for the respondent/State, it is clarified that in case any difficulty arises in implementing this order, the State would be at liberty to mention it before us and on its doing so, we shall take it up in case any clarification is required to be made by this Court.

Detailed reasons for the conclusion recorded by us are recorded separately.

C.C by 2.30 P.M today.

(RAVI SHANKAR JHA)
JUDGE

(C V SIRPURKAR)
JUDGE

mms