

ಮಾನ್ಯ ವಿಧಾನ ಪರಿಷತ್ ಸದಸ್ಯರಾದ ಶ್ರೀ ಐವನ್ ಡಿ ಸೋಜಾ (ವಿಧಾನ ಸಭೆಯಿಂದ ಚುನಾಯಿತರಾದವರು) ಇವರು ನಿಯಮ 72ರಡಿ ಪ್ರಸ್ತಾಪಿಸಿರುವ ಸೂಚನೆಗೆ ಮಾನ್ಯ ವೈದ್ಯಕೀಯ ಶಿಕ್ಷಣ ಮತ್ತು ಕೌಶಲ್ಯಾಭಿವೃದ್ಧಿ ಉದ್ಯಮಶೀಲತೆ ಹಾಗೂ ಜೀವನೋಪಾಯ ಸಚಿವರ ಹೇಳಿಕೆ.

ವಿಷಯ:

ನೀಟ್ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಉಂಟಾದ ಅವ್ಯವಹಾರ ಮತ್ತು ಪ್ರಶ್ನೆ ಪತ್ರಿಕೆ ಸೂರಿಕೆ ಬಗ್ಗೆ ತನಿಖೆ ನಡೆಯುತ್ತಿದ್ದು, ವೈದ್ಯಕೀಯ ವಿದ್ಯಾರ್ಥಿಗಳ ಭವಿಷ್ಯ ಮೇಲೆ ಉಂಟಾಗಿರುವ ಪರಿಣಾಮ ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರದ ನೀಟ್ ಪರೀಕ್ಷೆಯಿಂದ ಹೊರಬರಬೇಕೆಂಬ ನಿರ್ಣಯದ ಬಗ್ಗೆ ಮಾನ್ಯ ವೈದ್ಯಕೀಯ ಶಿಕ್ಷಣ ಸಚಿವರ ಗಮನ ಸೆಳೆಯಲು ಬಯಸುತ್ತೇನೆ.

ಉತ್ತರ:

ಭಾರತದ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ (The Gazette of India: Extraordinary) ಭಾರತೀಯ ವೈದ್ಯಕೀಯ ಮಂಡಳಿ (Medical Council of India (MCI) ಅಧಿಸೂಚನೆ ದಿನಾಂಕ: 21 ನೇ ಡಿಸೆಂಬರ್ 2010 ರಲ್ಲಿ ಪದವಿ ವೈದ್ಯಕೀಯ ಶಿಕ್ಷಣದ ನಿಯಮಗಳು (ತಿದ್ದುಪಡಿ) 2010 (ಭಾಗ II) ನ್ನು ಹೊರಡಿಸಿದ್ದು, ಎಂಬಿಬಿಎಸ್ ಕೋರ್ಸ್ ಪ್ರವೇಶಕ್ಕಾಗಿ ರಾಷ್ಟ್ರೀಯ ಅರ್ಹತೆ ಮತ್ತು ಪ್ರವೇಶ ಪರೀಕ್ಷೆಯನ್ನು ಸೇರಿಸಲಾಗಿದೆ (ಅನುಬಂಧ-1)

ಭಾರತೀಯ ವೈದ್ಯಕೀಯ ಮಂಡಳಿ ಅಧಿಸೂಚನೆ ದಿನಾಂಕ 15 ನೇ ಫೆಬ್ರವರಿ 2022 ರಲ್ಲಿ ನೀಟ್ ಪರೀಕ್ಷೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಎಂಸಿಐ ಅಧಿಸೂಚನೆಗೆ ತಿದ್ದುಪಡಿ ಮಾಡಲಾಗಿದೆ (ಅನುಬಂಧ-2)

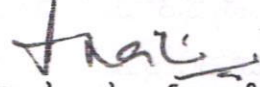
ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ರಿವಿವ್ಯೂ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 2159-2168 of 2013 ಮತ್ತು ಸಂಬಂಧಿತ ವಿಷಯಗಳಲ್ಲಿ ಮರುಪರಿಶೀಲನಾ ಅರ್ಜಿ ಹಾಗೂ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ WP No: 261 of 2016 ರಲ್ಲಿ NEET ನಡವಲು MCI ಅಧಿಸೂಚನೆಯನ್ನು ಜಾರಿಗೊಳಿಸಲು ಆದೇಶ ಮಾಡಿರುತ್ತದೆ. (ಅನುಬಂಧ 3 ಮತ್ತು 4)

ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶದ ಪ್ರಕಾರ 2017 ರಿಂದ NEET ಅನ್ನು ಜಾರಿಗೆ ತರಲಾಗಿರುತ್ತದೆ, ಇದಕ್ಕೂ ಮೊದಲು, ಸರ್ಕಾರಿ ಕೋಟಾದ ಸೀಟುಗಳಿಗೆ ಕರ್ನಾಟಕ ಪರೀಕ್ಷಾ ಪ್ರಾಧಿಕಾರ (ಕೆಇಎ) ನಡೆಸುತ್ತಿದ್ದ ಸಾಮಾನ್ಯ ಪ್ರವೇಶ ಪರೀಕ್ಷಾ ಮತ್ತು ಮ್ಯಾನೇಜ್‌ಮೆಂಟ್ ಕೋಟಾ ಸೀಟುಗಳಿಗೆ ಖಾಸಗಿ ವೃತ್ತಿಪರ ಕಾಲೇಜುಗಳ ಒಕ್ಕೂಟ ನಡೆಸುತ್ತಿದ್ದ ಕಾಮೆಡ್-ಕೆ ಪರೀಕ್ಷೆಯ ಆಧಾರದ ಮೇಲೆ ಕೌನ್ಸಿಲಿಂಗ್ ನಡೆಸಲಾಗುತ್ತಿತ್ತು. (ಅನುಬಂಧ -5)

NEET ಪರೀಕ್ಷೆಯ ಆಧಾರದ ಮೇಲೆ ಕೇಂದ್ರೀಕೃತ ಕೌನ್ಸಿಲಿಂಗ್ ಅನ್ನು ಕರ್ನಾಟಕ ಪರೀಕ್ಷಾ ಪ್ರಾಧಿಕಾರವು ನಡೆಸುತ್ತಿದ್ದು, NRI/ಆಡಳಿತ ಮಂಡಳಿ ಸೀಟುಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಎಲ್ಲಾ ವರ್ಗದ ಸೀಟುಗಳನ್ನು ಪ್ರಾಧಿಕಾರದಿಂದಲೇ ಹಂಚಿಕೆ ಮಾಡಲಾಗುತ್ತಿದೆ.

ರಾಷ್ಟ್ರೀಯ ಮಟ್ಟದಲ್ಲಿ NEET ವ್ಯವಸ್ಥೆಯನ್ನು ಕೈಬಿಡಲು ಹಾಗೂ ನೀಟ್ ಪರೀಕ್ಷೆಗಳನ್ನು ರದ್ದುಪಡಿಸುವ ಕುರಿತು ವಿದ್ಯಾರ್ಥಿಗಳ ಹಾಗೂ ಜನಾಭಿಪ್ರಾಯ ಪಡೆಯಲು ಉದ್ದೇಶಿಸಲಾಗಿದೆ.

ಸಂಖ್ಯೆ:ಎಂಇಡಿ 83 ಆರ್‌ಜಿಯು 2024



(ಡಾ:ಶರಣ ಪ್ರಕಾಶ ಆರ್. ಪಾಟೀಲ)

ಮಾನ್ಯ ವೈದ್ಯಕೀಯ ಶಿಕ್ಷಣ ಮತ್ತು ಕೌಶಲ್ಯಾಭಿವೃದ್ಧಿ,
ಉದ್ಯಮಶೀಲತೆ ಹಾಗೂ ಜೀವನೋಪಾಯ ಸಚಿವರು



भारत का राजपत्र The Gazette of India

असाधारण

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PART III—Section 4

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भारतीय आयुर्विज्ञान परिषद्

अधिसूचना

नई दिल्ली, 21 दिसम्बर, 2010

सं. भा.आ.प.-31(1)/2010/मेडि/ 49068- भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 33 द्वारा प्रदत्त शक्तियों का इस्तेमाल करते हुए, "स्नातक चिकित्सा शिक्षा विनियमावली, 1997" में पुनः संशोधन करने हेतु भारतीय आयुर्विज्ञान परिषद्, केन्द्रीय सरकार के पूर्व अनुमोदन से एतद्वारा निम्नलिखित विनियम बनाती है, नामतः -

1. (i) इन विनियमों को "स्नातक चिकित्सा शिक्षा विनियमावली (संशोधन), 2010 (भाग - II)" कहा जाए।

(ii) ये विनियम सरकारी राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. "स्नातक चिकित्सा शिक्षा विनियमावली, 1997" में निम्नलिखित परिवर्धन/संशोधन/विलोप/प्रतिस्थापन दर्शाए जाएंगे:

3. "स्नातक चिकित्सा शिक्षा विनियमावली, 1997" के शीर्षक "चिकित्सा पाठ्यक्रम में दाखिला-पात्रता संबंधी मापदण्ड" के अंतर्गत अध्याय II, खण्ड 4 में उपखण्ड 1 के पश्चात् निम्नलिखित जोड़ा जाएगा:

"1 क. उसने अध्याय II के खण्ड 5 में यथा विनिर्धारित राष्ट्रीय पात्रता व प्रवेश परीक्षा में न्यूनतम अंक प्राप्त कर लिए हैं।"

4. "स्नातक चिकित्सा शिक्षा विनियमावली, 1997" के अध्याय II, खण्ड 4(2) में " उसने निम्नलिखित अर्हता परीक्षा उत्तीर्ण कर ली है" शब्दों से पहले निम्नलिखित जोड़ा जाएगा :
- "राष्ट्रीय पात्रता व प्रवेश परीक्षा में बैठने का पात्र होने के लिए,"
5. (i) अध्याय II में टिप्पणी भाग के पैरा 2, खण्ड 4 में " एम.बी. बी.एस. पाठ्यक्रम में दाखिले के लिए गणित में प्राप्त अंकों पर विचार नहीं किया जाएगा" वाक्य का विलोप किया जाएगा।
- (ii) अध्याय II में "छात्रों का चयन" शीर्षक के अंतर्गत खण्ड 5 में उप-खण्ड (1) से (4) का विलोप किया जाएगा।
6. अध्याय II में " एम.बी.बी.एस. पाठ्यक्रम में चयन की प्रक्रिया निम्नलिखित होगी" शीर्षक के अंतर्गत खण्ड-5, उप- खण्ड-5 को निम्नलिखित रूप में प्रतिस्थापित किया जाएगा:

I. प्रत्येक अकादमिक वर्ष में एक एकल पात्रता व प्रवेश परीक्षा अर्थात् एम. बी. बी.एस. पाठ्यक्रम में दाखिले के लिए "राष्ट्रीय पात्रता व प्रवेश परीक्षा" होगी। राष्ट्रीय पात्रता व प्रवेश परीक्षा का समग्र पर्यवेक्षण, निर्देशन और नियंत्रण भारतीय आयुर्विज्ञान परिषद् द्वारा किया जाएगा। तथापि, केन्द्रीय सरकार के पूर्व अनुमोदन से भारतीय आयुर्विज्ञान परिषद्, "एम.बी.बी.एस. पाठ्यक्रम में दाखिले के लिये राष्ट्रीय पात्रता व प्रवेश परीक्षा" आयोजित करने के लिए संगठन (नों) का चयन करेगी।

II. किसी अकादमिक वर्ष विशेष के लिये एम.बी.बी.एस. पाठ्यक्रम में दाखिले के हेतु पात्र होने के लिये अभ्यर्थी के लिये यह आवश्यक होगा कि वह उक्त अकादमिक वर्ष के लिए आयोजित की गई राष्ट्रीय पात्रता व प्रवेश परीक्षा के प्रत्येक प्रश्नपत्र में न्यूनतम 50% (पचास प्रतिशत) अंक प्राप्त करे। जबकि अनुसूचित जातियों, अनुसूचित जन जातियों और अन्य पिछड़े वर्गों से सम्बन्धित अभ्यर्थियों के मामले में, राष्ट्रीय पात्रता व प्रवेश परीक्षा के प्रत्येक प्रश्नपत्र में न्यूनतम 40%(चालीस प्रतिशत) अंक प्राप्त करना आवश्यक होगा और निचले अंकों की गतिक विकलांगता वाले अभ्यर्थियों के मामले में, राष्ट्रीय पात्रता व प्रवेश परीक्षा के प्रत्येक प्रश्नपत्र में न्यूनतम 45% (पैंतालीस प्रतिशत) अंक प्राप्त करना आवश्यक होगा।

बशर्त कि जब पर्याप्त संख्या में सम्बन्धित श्रेणियों के अभ्यर्थी एम.बी.बी.एस. पाठ्यक्रम में दाखिले के लिये किसी अकादमिक वर्ष में, राष्ट्रीय पात्रता व प्रवेश परीक्षा में यथा विनिर्धारित न्यूनतम अंक प्राप्त करने में विफल

रहते हैं तो भारतीय आयुर्विज्ञान परिषद् के परामर्श से केन्द्रीय सरकार अपने विवेक पर, संबंधित श्रेणियों के अभ्यर्थियों के लिए, एम.बी.बी.एस. पाठ्यक्रम में दाखिले हेतु अपेक्षित न्यूनतम अंक कम कर सकती है और केन्द्रीय सरकार द्वारा इस प्रकार कम किए गए अंक केवल उसी वर्ष के लिए लागू होंगे।

- III. राज्य/संघ राज्य में वर्तमान में लागू नियमों के अनुसार ही मेडिकल कॉलेजों में सम्बन्धित श्रेणियों की सीटों का आरक्षण होगा। राष्ट्रीय पात्रता व प्रवेश परीक्षा में प्राप्त किए गए अंकों के आधार पर पात्र अभ्यर्थियों की एक अखिल भारतीय मेरिट सूची और राज्य वार मेरिट सूची तैयार की जाएगी और केवल उक्त सूचियों में से ही अभ्यर्थियों को एम.बी.बी.एस. पाठ्यक्रम में दाखिला दिया जाएगा।
- IV. ऊपर खण्ड (ii) में यथा विनिर्धारित न्यूनतम पात्रता अंक प्राप्त करने में विफल रहने वाले किसी भी अभ्यर्थी को उक्त अकादमिक वर्ष में एम.बी.बी.एस. पाठ्यक्रम में दाखिला नहीं दिया जाएगा।
- V. संबंधित श्रेणियों के अंदर एम.बी.बी.एस. पाठ्यक्रम में किए जाने वाले सभी दाखिले, अनन्य रूप से राष्ट्रीय पात्रता व प्रवेश परीक्षा में प्राप्त किए गए अंकों पर आधारित होंगे।

डॉ. पी. प्रसन्नाराज, अपर सचिव

[विज्ञापन-III/4/100/10-असा.]

पाद टिप्पणी:- प्रधान विनियमावली नामतः स्नातक चिकित्सा शिक्षा विनियमावली, 1997 को भारत के राजपत्र के भाग III, खण्ड (4) में भारतीय आयुर्विज्ञान परिषद् की दिनांक 4 मार्च, 1997 की अधिसूचना के अंतर्गत प्रकाशित किया गया था और भारतीय आयुर्विज्ञान परिषद् की दिनांक 29.05.1999, 02.07.2002, 30.09.2003, 16.10.2003, 01.03.2004, 20.10.2008, 15.12.2008, 22.12.2008, 25.03.2009 और 19.04.2010 की अधिसूचना के अंतर्गत संशोधित किया गया था।

MEDICAL COUNCIL OF INDIA

NOTIFICATION

New Delhi, the 21st December, 2010 .

No. MCI-31(1)/2010-Med./49068- In exercise of the powers conferred by Section 33 of the Indian Medical Council Act, 1956(102 of 1956), the Medical Council of India with the previous approval of the Central Government hereby makes the following regulations to further amend the "Regulations on Graduate Medical Education, 1997", namely: -

1. (i) These Regulations may be called the "Regulations on Graduate Medical Education (Amendment), 2010 (Part-II)."
- (ii) They shall come into force on the date of their publication in the Official Gazette.
2. In the Regulations on Graduate Medical Education, 1997, the following additions / modifications / deletions / substitutions, shall be as indicated therein:-
3. In Chapter II, Clause 4 under the heading "Admission to the Medical Course – Eligibility Criteria" of Graduate Medical Education Regulations, 1997 , the following shall be added after sub-clause 1: -

"1 A. He/She has obtained a minimum of marks in National Eligibility-cum-Entrance Test as prescribed in Clause 5 of Chapter II."
4. In Chapter II, Clause 4 (2) of Graduate Medical Education Regulations, 1997 , the following shall be added before words "He/She has passed qualifying examination as under:"

"In order to be eligible to take National Eligibility-cum-Entrance Test,"
- 5.(i) In Chapter II, Clause 4, para 2 of the Note section, the sentence "Marks obtained in Mathematics are not to be considered for admission to MBBS Course." shall be deleted.
- (ii) In Chapter II, Clause 5 under the heading "Selection of Students", sub-clause (1) to (4) shall be deleted.
6. In Chapter II, Clause 5, sub-clause - 5, under the Heading "Procedure for selection to MBBS Course shall be as follows" shall be substituted as under: -
 - i. There shall be a single eligibility cum entrance examination namely 'National Eligibility-cum-Entrance Test for admission to MBBS course' in each academic year. The overall superintendence, direction and control of National Eligibility-cum-Entrance Test shall vest with Medical Council of India. However, Medical Council of India with the previous approval of the Central Government shall select organization/s to conduct 'National Eligibility-cum-Entrance Test for admission to MBBS course.
 - ii. In order to be eligible for admission to MBBS course for a particular academic year, it shall be necessary for a candidate to obtain minimum of 50% (Fifty Percent) marks in each paper of National Eligibility-cum-Entrance Test held for the said academic year. However, in respect of

candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, the minimum percentage marks shall be 40% (Forty Percent) in each paper and in respect of candidates with locomotory disability of lower limbs, the minimum percentage marks shall be 45% (Forty-Five Percent) in each paper of National Eligibility-cum-Entrance Test :

Provided when sufficient number of candidates belonging to respective categories fail to secure minimum marks as prescribed in National Eligibility-cum-Entrance Test in any academic year for admission to MBBS Course, the Central Government in consultation with Medical Council of India may, at its discretion, lower the minimum marks required for admission to MBBS Course for candidates belonging to respective categories and marks so lowered by the Central Government shall be applicable for the said year only.

- III. The reservation of seats in medical colleges for respective categories shall be as per applicable laws prevailing in States/ Union Territories. An all India merit list as well as State-wise merit list of the eligible candidates shall be prepared on the basis of the marks obtained in National Eligibility-cum-Entrance Test and candidates shall be admitted to MBBS course from the said lists only.
- IV. No Candidate who has failed to obtain the minimum eligibility marks as prescribed in Sub Clause (ii) above shall be admitted to MBBS Course in the said academic year.
- V. All admissions to MBBS course within the respective categories shall be based solely on marks obtained in the National Eligibility-cum-Entrance Test."

Dr. P. PRASANNARAJ, Addl. Secy.

[ADVT-III/4/100/10/Exty.]

Foot Note : The Principal Regulations namely, "Regulations on Graduate Medical Education, 1997" were published in Part - III, Section (4) of the Gazette of India vide Medical Council of India Notification dated the 4th March, 1997 and amended vide Council notification dated 29.05.1999, 02.07.2002, 30.09.2003, 16.10.2003, 01.03.2004, 20.10.2008, 15.12.2008, 22.12.2008, 25.03.2009 & 19.04.2010.

4906 GI/10-2

MEDICAL COUNCIL OF INDIA
NOTIFICATION
New Delhi, the 15th February, 2012

62092005-2 (12)

F.No.MCI-31(1)/2010-Med/62051 - In exercise of the powers conferred by Section 33 of the Indian Medical Council Act, 1956 (102 of 1956), the Medical Council of India with previous approval of the Central Government hereby makes the following regulations to further amend the "Regulations on Graduate Medical Education, 1997", namely :-

1. (i) These Regulations may be called the "Regulations on Graduate Medical Education (Amendment), 2012 (Part -1)".

(ii) They shall come into force from the date of their publication in the Official Gazette.

2. Regulations on Graduate Medical Education (Amendment), 2010 (Part II), *vide* notification No.MCI 31(1)/2010-Med/49068, dated 21st December, 2010 published on 27th December, 2010, shall be applicable from the academic year commencing from 2013-2014.

3. In the "Regulations on Graduate Medical Education, 1997", the following additions/modifications/deletions/substitutions, shall be as indicated therein :-

4. In Chapter II, clause 5, sub-clause II, under the heading "Procedure for selection to MBBS course shall be as follows", as amended *vide* notification No.MCI-31(1)/2010-Med/49068, dated 21st December, 2010, shall be substituted as under :

"II. In order to be eligible for admission to MBBS Course for a particular academic year, it shall be necessary for a candidate to obtain minimum of marks at 50th percentile in 'National Eligibility-cum-Entrance Test (NEET) to MBBS course' held for the said academic year. However, in respect of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, the minimum marks shall be at 40th percentile. In respect of candidates with locomotory disability of lower limbs in terms of Clause 4(3) above, the minimum marks shall be at 45th percentile. The percentile shall be determined on the basis of highest marks secured in the All India common merit list in 'National Eligibility-cum- Entrance Test (NEET) to MBBS course' :

Provided when sufficient number of candidates in the respective categories fail to secure minimum marks as prescribed in National Eligibility-cum-Entrance Test held for any academic year for admission to MBBS Course, the Central Government in consultation with Medical Council of India may at its discretion lower the minimum marks required for admission to MBBS Course for candidates belonging to respective categories and marks so lowered by the Central Government shall be applicable for the said academic year only".

In Chapter II, clause 5, sub clause II, under the heading "Procedure for selection to MBBS course shall be as follows", as amended *vide* notification No.MCI-31(1)/2010-Med/49068, dated 21st December, 2010, shall be added as under:

"VI. To be eligible for admission to MBBS course, a candidate must have passed in the subjects of Physics, Chemistry, Biology/Bio-technology and English individually and must have obtained a minimum of 50 % marks taken together in Physics, Chemistry and Biology/Bio-technology at the qualifying examination as mentioned in clause (2) of Regulation 4 and in addition must have come in the merit list of 'Nationality Eligibility-cum-Entrance Test' for admission to MBBS course. In respect of candidates belonging to Scheduled Castes, Scheduled Tribes or Other Backward Classes, the minimum marks obtained in Physics, Chemistry and Biology/Bio-technology taken together in qualifying examination shall be 40 % instead of 50 %. In respect of candidates with locomotory disability of lower limbs in terms of Clause 4(3) above, the minimum marks in qualifying examination in Physics, Chemistry and Biology/Bio-technology taken together in qualifying examination shall be 45 % instead of 50 % :

Provided that a candidate who has appeared in the qualifying examination the result of which has not been declared, he/she may be provisionally permitted to take up the National Eligibility-cum-Entrance Test and in case of selection for admission to the MBBS course, he/she shall not be admitted to that course until he fulfils the eligibility criteria under Regulation 4.

VII. The Central Board of Secondary Education shall be the organization to conduct 'Nationality Eligibility-cum-Entrance Test' for admission to MBBS course."

Sd/- Dr. Sangeeta Sharma, Secretary

*Foot Note : The Principal Regulations namely, "Regulations on Graduate Medical Education, 1997" were published in Part III, Section (4) of the Gazette of India vide Medical Council of India Notification dated the 4th March, 1997 and amended vide Council notification dated 29.05.1999, 02-07-2002, 30-09-2003, 16-10-2003, 01-03-2004, 20-10-2008, 15-12-2008, 22-12-2008, 25-03-2009, 19-04-2010 and 27-12-2010.

6002003-43

16

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (C) NOS. 2159-2268 OF 2013

AND

REVIEW PETITION (C) NOS. 2048-2157 OF 2013

IN

TRANSFERRED CASE (C) NOS. 98-105, 107-108, 110-139,
142, 144-145 OF 2012 & 1-5, 7-25, 28-49, 53, 58-73,
75-76 & 107-108 OF 2013

MEDICAL COUNCIL OF INDIA

... PETITIONER(S)

VS.

CHRISTIAN MEDICAL COLLEGE VELLORE & ORS.

... RESPONDENT(S)

WITH

R.P. (C) NO. 1956 OF 2013 IN T.C. (C) NO. 101 OF 2012

O R D E R

These review petitions have been filed against the judgment of this Court dated 18th July, 2013 passed in Christian Medical College Vellore & Ors. Vs. Union of India & Ors. reported in (2014) 2 SCC 305. The review petitions were placed before a Three-Judge Bench and notices were issued on 23rd October, 2013 and thereafter, it was brought to the notice of the Bench that Civil Appeal No. 4060/2009 and connected matters involving an identical issue, had been referred to a Five-Judge Bench. Accordingly, on 21st January, 2016, these review petitions were ordered to be heard by a Five-Judge Bench.

On 21st January, 2016, notice was ordered to be served through substituted service and in pursuance of the said order, necessary publication was made in two newspapers and proof thereof was filed on 15th February, 2016. Thereafter, we have heard the matters.

Civil Appeal No.4060/2009 and its connected matters have been heard and order has been reserved on 16th March, 2016.

We have heard the counsel on either side at great length and also considered the various judgments cited by them, which include judgments cited by the non-applicants on the scope of review in Kamlesh Verma vs. Mayawati and Others (2013) 8 SCC 320, Union of India vs. Namit Sharma (2013) 10 SCC 359 and Sheonandan Paswan vs. State of Bihar and others (1987) 1 SCC 288.

After giving our thoughtful and due consideration, we are of the view that the judgment delivered in Christian Medical College (supra) needs reconsideration. We do not propose to state reasons in detail at this stage so as to see that it may not prejudicially affect the hearing of the matters. For this purpose we have kept in mind the following observations appearing in the Constitution Bench judgment of this Court in Sheonandan Paswan (supra) as under:

(16)

".... If the Review Bench of the apex court were required to give reasons, the Review Bench would have to discuss the case fully and elaborately and expose what according to it constitutes an error in the reasoning of the Original Bench and this would inevitably result in pre-judgment of the case and prejudice its re-hearing. A reasoned order allowing a review petition and setting aside the order sought to be reviewed would, even before the re-hearing of the case, dictate the direction of the re-hearing and such direction, whether of binding or of persuasive value, would conceivably in most cases adversely affect the losing party at the re-hearing of the case. We are therefore of the view that the Review Bench in the present case could not be faulted for not giving reasons for allowing the Review Petition and directing re-hearing of the appeal. It is significant to note that all the three Judges of the Review Bench were unanimous in taking the view that "any decision of the facts and circumstances which ... constitutes errors apparent on the face of record and my reasons for the findings that these facts and circumstances constitute errors apparent on the face of record resulting in the success of the review petition, may have the possibility of prejudicing the appeal which as a result of my decision has to be re-heard...."

Suffice it is to mention that the majority view has not taken into consideration some binding precedents and more particularly, we find that there was no discussion among the members of the Bench before pronouncement of the judgment.

We, therefore, allow these review petitions and recall the judgment dated 18th July, 2013 and direct that the matters be heard afresh. The review petitions stand disposed of as allowed.

.....J.
[ANIL R. DAVE]

.....J.
[A.K. SIKRI]

.....J.
[R.K. AGRAWAL]

.....J.
[ADARSH KUMAR GOEL]

.....J.
[R. BANUMATHI]

New Delhi;
April 11, 2016.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.261 OF 2016

SANKALP CHARITABLE TRUST AND ANR. ... PETITIONER(S)

VS.

UNION OF INDIA AND ORS. ... RESPONDENT(S)

O R D E R

The following prayer has been made in this petition :

"a) Issue a Writ of Mandamus or any other writ, order or direction in the nature of Mandamus directing the Respondents to conduct the National Eligibility cum Entrance Test (NEET) for admission to MBBS Course throughout the country for academic session 2016-17;

(b) Issue or pass any writ, direction or order, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

When the matter was heard on 27th April, 2016, the following order was passed by this Court :

"Taken on board.

The learned counsel for the petitioner has assured this Court that he will remove the office objections by tomorrow. At his request, Respondent No.4 is deleted from the array of parties. All the three respondents are represented by their respective counsel and they have assured this Court that they are ready and willing to hold NEET examination for admission to MBBS and BDS courses for the

academic year 2016-17.

As the counsel representing CBSE would like to take necessary instructions, hearing is adjourned for tomorrow. Proposed schedule of the examination to be held, shall be submitted in the Court tomorrow.

The learned counsel shall also see that a responsible officer of the CBSE, who can take on the spot decision, remains present in the Court.

List the matter tomorrow, i.e., 28th April, 2016 at 12.00 p.m."

The matter has been thereafter heard today. It has been submitted by the learned counsel appearing for all the respondents that it is proposed to hold the examination in pursuance of Notifications dated 21st December, 2010 issued by the Medical Council of India and the Dental Council of India ('DCI' for short).

As per the said Notifications, a common entrance test, i.e., National Eligibility cum Entrance Test (NEET) shall be held.

It was further submitted, interalia, as follows :

"1. AIPMT 2016 to be held on 1st May, 2016 shall be phase I of NEET.

2. Phase II of NEET for the left out candidates shall be held on 24th July, 2016 by inviting applications with fee.

3. Combined result of both the Tests shall be declared on 17th August, 2016.

4. CBSE will provide All India Rank. Admitting Authorities will invite applications for Counselling and merit list shall be drawn based on All India Rank.

5. All associated with conduct of Exam including Central Govt., State Govt., institutions, Police etc. will extend all necessary support to CBSE and permit security measures like use of electronic and

(10)

communication devices Jammers etc. for timely and fair conduct of the NEET.

6. Any difficulty with regard to implementation of orders of this Court the stake holders may approach this Hon'ble Court."

The learned counsel have also given the details with regard to the time when the result would be declared and counselling would take place.

In view of the submissions made on behalf of the respondents, we record that NEET shall be held as stated by the respondents. We further clarify that notwithstanding any order passed by any Court earlier with regard to not holding NEET, this order shall operate. Therefore, no further order is required to be passed at this stage.

It may be mentioned here that some learned counsel representing those who are not parties to this petition have made submissions that in view of the judgment passed in Christian Medical College, Vellore & Ors. Vs. Union of India & Ors., reported in (2014) 2 SCC 305, it would not be proper to hold NEET and this order should not affect pending matters.

We do not agree with the first submission for the reason that the said judgment has already been recalled on 11th April, 2016 and therefore, the Notifications dated 21st December, 2010 are in operation as on today.

It may however be clarified that by this order hearing of the petitions which are pending before this Court will not be affected.

The petition be now listed in due course.

.....J.
[ANIL R. DAVE]

.....J.
[SHIVA KIRTI SINGH]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
28th April, 2016.



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾಯಿತು

ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A	ಬೆಂಗಳೂರು, ಶುಕ್ರವಾರ, ಡಿಸೆಂಬರ್ 6, 2006 (ಮಾರ್ಗಶಿರ 10, ಶಕ ವರ್ಷ 1929)	ನಂ. 1204
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Health and Family Welfare Secretariat

No. HFV-399 MPS-2005, Bangalore, dated 6th December, 2006

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 14 of the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984 (Karnataka Act 37 of 1984), the Government of Karnataka hereby makes the following rules, namely:

RULES

1. **Title, commencement and application.** - (1) These rules may be called the Karnataka Conduct of Entrance Test for selection and admission to Post Graduate Medical and Dental degree and Diploma courses Rules, 2006.

(2) They shall come into force from the date of their publication in the Official Gazette.

(3) They shall apply for selection of candidates for admission to the Post Graduate Medical and Dental degree and Diploma courses.

2. **Definitions.** In these rules, unless the context otherwise requires,

(a) "Autonomous institutions" means institutions established by the societies, owned, controlled by the State Government and registered under the Karnataka Societies Registration Act, 1960;

(b) "Committee" means the Entrance Test Committee constituted under rule 5;

(c) "Entrance Test" means the Entrance Test referred to in rule 3 for selection of candidates for admission to Government seats in Post Graduate Medical and Dental degree and Diploma courses;

(d) "Government" means the Government of Karnataka;

(e) "Government Medical or Dental College" means a college imparting education in Medicine or Dental Science in Post Graduate degree owned and managed by the Government or an autonomous institution of a society established by the Government;

(f) "Government Seats" means all the seats (excluding All India quota seats) in Post Graduate degree and Diploma courses in Medicine or Dental Science in Government Medical or Dental Colleges and include such number of seats available to the State Government in Private