

ITEM NOS.1+2+3

Court 6 (Video Conferencing)

SECTION IX

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

ITEM NO.1:

Petition(s) for Special Leave to Appeal (C) No(s).15737/2019

(Arising out of impugned final judgment and order dated 27-06-2019 in PIL No.175/2018 passed by the High Court Of Judicature At Bombay)

JAISHRI LAXMANRAO PATIL

Petitioner(s)

VERSUS

THE CHIEF MINISTER AND ORS. & ANR.

Respondent(s)

(With applns for exemption from filing c/c of the impugned judgment exemption from filing O.T., intervention/impleadment, permission, clarification /direction, early hearing, exemption from filing affidavit, exemption from paying court fee, permission to file additional documents/facts/annexures)

WITH

SLP(C) No.15701/2019 (IX)

With applns for exemption from filing c/c of the impugned judgment exemption from filing O.T., intervention/impleadment, exemption from filing O.T., Stay application)

SLP(C) No.16550/2019 (IX)

(With applns for exemption from filing c/c of the impugned judgment, clarification/direction, exemption from filing O.T.)

SLP(C) No. 15991/2019 (IX)

(With applns for exemption from filing c/c of the impugned judgment, exemption from filing O.T.)

SLP(C) No.15946/2019 (IX)

(With applns for exemption from filing c/c of the impugned judgment, application for stay, intervention/impleadment, exemption from filing affidavit)

SLP(C) No.16650/2019 (IX)

(With applns for exemption from filing c/c of the impugned judgment)

Diary No(s).25447/2019 (IX)

(With applns for exemption from filing c/c of the impugned judgment)

SLP(C) No.19743/2019 (IX)
(With applns for exemption from filing c/c of the impugned judgment)

SLP(C) No.19742/2019 (IX)
(With applns for exemption from filing c/c of the impugned judgment)

SLP(C) No.18845/2019 (IX)
(With applns for exemption from filing c/c of the impugned judgment)

SLP(C) No.8593/2020 (IX)
(With applns for exemption from filing c/c of the impugned judgment)

W.P.(C) No.504/2020 (X)
(with applns. for appropriate orders/directions, intervention, intervention/impleadment)

WITH

Item No.2:
Diary No(S).10939/2020

Item No.3:
Diary No.11102/2020

Date : 27-07-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For the parties

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Mr. Bhagwan Gavali, Adv.

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Mr. Siddharth Bhatnagar, Sr. Adv.
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Mr. Shaswat Singh, Adv

Mr. Vipin Nair, AOR

Mr. Raj Singh Rana, AOR
Mr. Krishna Kumar Singh, AOR

Mr. Siddhartha Chowdhury, AOR

Dr. Gunratan Sadavarte, Adv.
Mr. Pankaj Kumar Singh Adv.
Mr. Pawan Kumar Shukla Adv.
Mr. Raj Singh Rana, Adv.

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Mr. Nicholas Chaudhary, Adv.
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Mr. Yadav Narender Singh, AOR

Ms. Swati Vaibhav, AOR

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

These Special Leave Petitions have been filed against the judgment of the Bombay High Court dated 27.06.2019 in PIL No.175 of 2019 etc. While issuing notice on 12.07.2019 this Court directed action taken pursuant to the judgment of the High Court shall be subject to the result of the Special Leave Petitions. It was made

clear that the judgment of the High Court and the reservations in question shall not have any retrospective effect.

Initially, we intended to hear the learned counsel for grant of interim relief. As this Court was reluctant to stay the judgment of the High Court on earlier occasions, we directed the matter to be listed today for final hearing. We requested the counsel appearing for both sides to give their written notes of submissions and be prepared to argue the matters finally.

At the outset, Mr. Mukul Rohatgi, learned senior counsel appearing for the State of Maharashtra submitted that as per the Government Resolution which was passed by the State of Maharashtra on 04.05.2020, except Public Health Department and Department of Medical Education and Research, all the other Departments shall not undertake any type of fresh recruitment process. He submitted that it is difficult to proceed with the hearing of the case as the officers of the State Government have not been able to effectively assist their counsel in preparing for the hearing. The other counsel appearing for the respondents have also submitted that the matters require to be heard after the Court commences physical hearing.

Mr. Arvind Datar, learned senior counsel appearing for the petitioners submitted that a statement was made by the State Government that 72,000 posts will be filled up. He also stated that the Public Service Commission has announced the results of the selections that commenced earlier and he apprehends that appointments may be made on the basis of the results announced by the Public Service Commission.

Mr. Shyam Divan, learned senior counsel appearing for the medical students made a fervent plea that the matters should not be adjourned, especially taking into account the fact that medical students of the general category would lose an academic year as the last date for admissions to the Post Graduate Medical Courses is 31.07.2020. Taking into consideration the importance of the issue, Mr. Shyam Divan submitted that the matters should not be adjourned as it was agreed on the last occasion that hearing would take place today.

Mr. Gopal Shankaranarayanan, learned senior counsel referred to the 102nd Constitutional Amendment and submitted that only a pure question of law has to be decided in these matters. He submitted that the matters can be heard through Virtual hearing without any difficulty.

Mr. Siddharth Bhatnagar, learned senior counsel

stated that once admissions are made to the PG Medical Courses, the situation would be irreversible and the students of the general category would lose a precious academic year.

Mr. Amit Anand Tiwari, learned counsel appearing for the petitioners argued that the last date for admission to PG Medical Courses should be deferred. Dr. Gunratan Sadavarte, learned counsel appearing for the petitioners submitted that at least for the under graduate medical admissions, the State Government should undertake not to follow reservation as provided in the impugned legislation.

An earnest effort was made by this Court to hear these matters in view of the importance of the issues involved. The learned counsel appearing for the respondents have raised objections to proceed with the virtual hearing due to the difficulties that they have put forth before this Court.

Mr. Mukul Rohatgi and Mr. P.S. Patwalia, learned senior counsel appearing on behalf of the State of Maharashtra submitted that no regular appointments shall be made in terms of the GR dated 04.05.2020 till 15.09.2020. The urgency shown for final hearing by the petitioners was due to the main grievance that the State Government is proceeding to fill up all the

vacant posts. As the State Government undertakes not to make any regular appointments in terms of the GR dated 04.05.2020 till 15.09.2020, the matters can be listed for hearing after four weeks by which time the situation caused due to the Pandemic may improve. As the PG medical admissions are at the final stage, we are not inclined to interfere with the admissions. Admissions to undergraduate medical courses without applying reservation as per the impugned legislation will be considered at the next date of hearing.

List IAs. filed for reference of the matters to the Constitution Bench, viz. IA No.66805 of 2020 and IA No.68321 of 2020 etc. on 25.08.2020.

The matters are directed to be listed on 01.09.2020 for further consideration.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master