

ITEM NO.14

Court 4 (Video Conferencing)

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No.13218/2021

(Arising out of impugned final judgment and order dated 16-08-2019 in WPC No.4472/2018 15-12-2020 in RP No.132/2019 passed by the Gauhati High Court)

THE STATE OF ASSAM & ORS.

Petitioner(s)

VERSUS

VICKY KUMAR PATEL

Respondent(s)

(With appln.(s) for I.R. and IA No.91262/2021-CONDONATION OF DELAY IN FILING and IA No.91264/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH S.L.P. (C) No.11963/2021 (XIV)  
(FOR I.R.)

Date : 19-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)     Mr. Maninder Singh, Sr. Adv.  
                              Mr. Nalin Kohli, Sr. AAG  
                              Mr. Shuvodeep Roy, AOR  
                              Mr. Prabhas Bajaj, Adv.  
                              Mr. Ankit Roy, Adv.

**For Respondent(s)**

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

- 1 Mr Maninder Singh, learned senior counsel appearing on behalf of the petitioners submits that:
  - (i) The issue in these proceedings pertains to whether it is open to the State of Assam to provide a higher qualification, namely, (a) that a candidate should have obtained 60% marks in Physics, Chemistry and Biology at the qualifying examination and (b) the candidate should have passed the qualifying examination in one and the same attempt;
  - (ii) The judgment of the Constitution Bench in ***Modern Medical College and Research Centre vs State of Madhya Pradesh*** (2016) 7 SCC 353 and judgments thereafter, would indicate that it is open to the State to provide a higher qualification;
  - (iii) The amendment by the insertion of Section 10D and Regulation 33(mb) would not preclude the State from laying down a higher and additional qualification; and
  - (iv) The advertisement which was issued for the NEET examination as well as the information bulletin would indicate that it is open to the State to provide its own condition of eligibility and merit.
- 2 Issue notice, returnable in eight weeks.
- 3 Dasti, in addition, is permitted.
- 4 Mr Maninder Singh, learned senior counsel states that the reliefs which have been granted to the respondent-students are not questioned.

- 5 On the request of the learned counsel permission is granted to implead the National Medical Commission and the Union of India as respondents to the proceedings.
- 6 Issue notice to the newly added respondents.
- 7 Dasti, in addition, is permitted.

(CHETAN KUMAR)  
A.R. -cum- P.S.

(SAROJ KUMARI GAUR)  
COURT MASTER