

प्रश्नोत्तर से संबंधित परिशिष्ट

वे. नं. 3/2017/1700  
परिशिष्ट तेईस

परिशिष्ट [21/7/2017]

प्रश्न सं. [क 1700]  
2009 (9) SCR 845

**MODERN DENTAL COLLEGE & RESEARCH CENTRE & ORS.**

**v.**

**STATE OF MADHYA PRADESH & ORS.**

**(Civil Appeal No. 4060 of 2009)**

**MAY 27, 2009**

**[MARKANDEY KATJU AND DEEPAK VERMA, JJ.]**

**ORDER**

The Impleadment and Intervention applications are allowed.

Leave granted.

Heard learned counsel for the parties.

Since this is a batch of several appeals involving common questions, we are taking the facts from Civil Appeal arising from Special Leave Petition No. 13111 of 2009.

This Appeal has been filed against the impugned judgment and order dated 15.05.2009 of the High Court of Madhya Pradesh at Jabalpur in Writ Petition No. 2732 of 2009.

In this case, we had earlier passed an order dated 21st May, 2009 but we are substituting that interim order by this interim order which we are passing now.

The appellants in these appeals are Private Unaided Medical and Dental Colleges or Association of such Colleges in the State of Madhya Pradesh.

The common question arises for consideration in this batch of appeals is "How far is it permissible under the Constitution for the State to control and regulate admission and fee in Private Unaided Professional Educational Institutions in the State of Madhya Pradesh".



be filled as provided under the Act and Rules, in the manner they were done earlier.

We make it clear that the aforesaid directions will for the time being only be applicable for this academic year i.e. 2009-10. We also make it clear that if there are an odd number of seats then it will be rounded off in favour of the private institutions. For example, if there are 25 seats, 12 will be filled up by the State Government and 13 will be filled up by the Association of Private Medical/Dental Colleges. In Specialities in P.G. courses also half the seats will be filled in by the State Government and half by the Association of Private Medical/Dental Colleges and any fraction will be rounded off in favour of the Association. In other words if in any discipline there are, say, 9 seats, then 5 will be filled in by the Association and remaining 4 will be by the State Government. Capitation fee is prohibited, both to the State Government as well as the private institutions, vide para 140 of *Inamdar's* case (supra). Both the State Government and the Association of Private Medical/Dental Colleges will separately hold single window examinations for the whole State (vide para 136 of *Inamdar's* case (supra)).

We make it clear that the solution we have arrived at may not be perfect, but we have tried to do our best to find out the best via media. Although this order is only for the academic year 2009-10, we recommend that it may also be considered for future sessions.

Six weeks' time is allowed for filing counter affidavit and four weeks thereafter for filing rejoinder.

List these appeals for final hearing in September, 2009. In the meantime, pleadings may be completed by the parties.