



HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON’BLE CHIEF JUSTICE MR. G. NARENDAR
AND
THE HON’BLE JUSTICE MR. SUBHASH UPADHYAY
Writ Petition (M/B) No. 860 of 2025
4th November, 2025

Dr. Anchal Bhatnagar -----Petitioner
Versus
H.N.B. Uttarakhand Medical Education
University and others
-----Respondents

With
Writ Petition (M/B) No. 907 of 2025

Dr. Anubha -----Petitioner
Versus
H.N.B. Uttarakhand Medical Education
University and others
-----Respondents

Presence:-
Mr. Naman Kamboj, learned counsel for the petitioner through
Video Conferencing in WPMB No. 860 of 2025.
Mr. Susheel Kumar, learned counsel holding brief of Mr. Garuav
Singh, learned counsel for the appellant in WPMB No. 907 of 2025
Mr. Shailendra Nautiyal, learned counsel for the respondent no.2.
Mr. Manoj Kumar, learned Standing Counsel for the Union of
India.

JUDGEMENT : (per Mr. Subhash Upadhyay, J.)

As both the Writ Petitions involve similar
question of facts and law hence, the same are being
decided by the common Judgment.



2. The petitioners have filed the present Writ Petitions with the following identical prayers:

- (a) *Issue a writ, order or direction in the nature of mandamus thereby directing the respondents, particularly, respondent nos. 1, 2 & 4 to give admission to the petitioner against the vacant medical seat for Master of Dental Surgery (MDS) in Periodontolgoy Department in Seema Dental College & Hospital (respondent no.4) in accordance to the result of the Stray Round for Uttarakhand State Centralized Counseling conducted by respondent no.2 for academic Sessions 20025-26; or alternately,*
- (b) *Issue a writ, order or direction in the nature of madams thereby directing the respondents, particularly, respondent no. 1 to 3 to conduct one more special/stray round of Uttarakhand State Centralized Counseling to fill up vacant medical seats of Master of Dental Surgery (MDS) for Academic Year 2025-26 from the waiting list candidates of the Stray Round for Uttarakhand State Centralized Counseling already conducted by respondent no.2.*

3. The case of the petitioners, in a nutshell, is that they have appeared in the NEET PG MDS Examination 2025 for admission to the Academic Sessions 2025-26 and applied for the Uttarakhand State Centralized counseling conducted by the



respondent no.2. The grievance of the petitioners is that *stray around* of the Uttarakhand MDS counseling started on 26.08.2025 and ended on 08.09.2025 and due to non-joining of candidates in the merit list the seats remained vacant, however, the respondents have not offered the said seats to the petitioners. Counsel for the petitioners submits that seats were vacant due to non-joining of candidates and petitioners were next in the merit, as such, directions may be issued to the respondents to accept the candidatures of the petitioners and they may be provided admission in MDS course.

4. *Per Contra*, learned counsel for the respondent no.2 on instructions submits that the last date for admission was 08.09.2025 and as per the instructions issued by the Dental Council of India on 02.09.2025 no admission can be provided after the cutoff date and every institute has to upload the details of the admission given and the respondent no. 4, i.e., Seema Dental College & Hospital & Hospital has specified that no such admission was done after the cutoff date i.e. after 08.09.2025.



5. We have heard learned counsel for the parties. The issue with regard to admission through NEET PG MDS Examination and the time schedule to be adhered, is not *res integra*.

6. The Hon'ble Apex Court in the case of ***Mridul Dhar (Minor) and another vs. Union of India and others***, reported in **(2005) 2 SCC 65**, has issued directions that the time schedule for grant of admissions is to be *ad herered*. There were certain Writ Petitions filed before the Hon'ble Apex Court for the academic session 2025-26. In *Writ Petition (Civil) No. 456 of 2025, Aditi & others vs. National Board of Examination in Medical Sciences & others*, the Hon'ble Supreme Court on 30.05.2025 passed the following Orders:

“Heard the learned counsel appearing for the parties.

2. Basically, two issues have been raised in the present petitions.

3. One is that the holding of the National Eligibility-cum-Entrance Test (Post Graduate) (NEET-PG) 2025 examination in two shifts would give rise to arbitrariness as it does not extend a level playing field to all the candidates, inasmuch as two question papers can never be of the same standard and level of difficulty. Last year, the NEET-PG examination was held in two shifts and the process of normalization was adopted in that scenario but the authorities concerned



had ample time to make arrangements to hold the NEET-PG examination in one shift at least this year.

4. *The other issue raised in the present petitions is with regard to disclosure of the answer sheets, question papers, etc., of the said examination.*

5. *At present, we are examining only the question of holding the examination in two shifts or in a single shift, as prayed for by the petitioners.*

6. *This Court, on 5th May, 2025, issued notice in the present petitions and required the respondents to file their response. Response has been filed and, primarily, two grounds have been taken in support of holding the examination in two shifts. First, that the number of candidates who would appear in the said examination are too large, making it difficult for the examining body to identify sufficient number of secure centres to hold the examination in one shift, and the second is that, if the examination is held in one shift, unscrupulous elements may get involved and there could be malpractices.*

7. *Further, another contention vehemently urged on behalf of the respondents is that even if the examining body makes an effort to identify more secure centres, it would take time which may result in delaying the holding of the examination as per schedule and the consequent process of counselling and admissions, etc., would also be delayed, which would not be in keeping with the timeline fixed by this Court for completion of the admission process.*

8. *This contention also deserves to be rejected as there is still enough time for the examining body to identify sufficient number of secure centres so as to hold the examination in one shift.*

9. *We find that the total number of candidates who have applied this year for the NEET-PG examination is 2,42,678. The examination will be held all over the country and not in one State. We are not ready to accept that in the entire country, considering the technological advancements we have achieved, the*



examining body cannot find sufficient number of centres to hold the examination in one shift. In this regard, we may also note that the examining body has collected hefty examination fees of ₹ ₹ 3,500/- from each general category candidate and 2,500 from each SC/ST/PWD category candidate and is, therefore, possessed of more than enough funds to commission sufficient number of centres so as to smoothly hold the examination in one shift.

10. *Holding the examination in two shifts would invariably enable arbitrariness and would not entail at-par evaluation of the comparative merit of the candidates who take the examinations. No two question papers can ever be said to be at an identical level of difficulty or ease. There is bound to be a variation. Normalization may be applied and adopted in exceptional circumstances but not in a routine manner year after year, especially when the number of candidates is not unduly large, as is the case presently.*

11. *The examination for this year is scheduled to be held on 15th June, 2025. Two weeks' time is still there for the examining body to identify more centres so as to hold the examination in one shift.*

12. *We, accordingly, direct the respondents to make necessary arrangements for holding the NEET-PG, 2025, examination in one shift, duly ensuring that complete transparency is maintained and secure centres are identified and commissioned.*

13. *The second issue raised in these petitions can be considered after the examination is held.*

14. *List on 14th July, 2025.*

15. *It would be open to the respondents to apply for extension of time in case they find that they are unable to identify the required number of secure centres."*

7. Later on by the subsequent order dated 06.06.2025, the following order was passed:



“IA No. 142418/2025

1. *The present application has been preferred by the respondent No.1-National Board of Examination in Medical Sciences seeking reschedulement of NEET PG 2025 examination on 3rd August, 2025, which according to the respondent No.1 is the earliest possible available date given by its technical partner i.e., M/s. Tata Consultancy Services Limited(for short, ‘TCS’)*
2. *A reference is made to various communications between the respondent No.1 and the TCS highlighting the preparatory paraphernalia needed for the conduct of examination.*
3. *Having gone through the papers annexed with the Interlocutory Application, we are satisfied that the prayer for extension of time to hold the examination by re-scheduling the date on 3rd August, 2025 is bona fide.*
4. *Accordingly, the time allowed by our order dated 30.05.2025 for holding the NEET PG 2025 examination is extended and the respondent No.1 is permitted to hold the examination on 3rd August, 2025.*
5. *However, it is made clear that no further extension shall be granted.*
6. *The present application is, accordingly, allowed.”*

8. In pursuance to the aforesaid orders passed by the Hon’ble Apex Court, the examinations were held and vide Public Circular dated 22.08.2025, the Dental Council of India has clarified that the last date of admission in MDS in Dental Institutions is 08.09.2025 and accordingly letters were sent to all Principals of MDS Colleges via email on 02.09.2025.

9. In view of the above, were are of the



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considered view that the prayer made by the petitioners for admission in MDS Course and to conduct one more stray around after the cutoff date, i.e., after 08.09.2025 cannot be granted.

10. The Writ Petitions fails and are hereby dismissed.

(G.NARENDAR, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 04.11.2025
Kaushal