



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 18TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT APPEAL NO. 100005 OF 2026 (EDN-RES)

BETWEEN:

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES,
R/BY ITS VICE CHANCELLOR,
4TH T BLOCK, JAYANAGAR,
BENGALURU - 560 041.
2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES,
R/BY ITS REGISTRAR, EVALUATION,
4TH T BLOCK, JAYANAGAR,
BENGALURU - 560 041.

... APPELLANTS

(BY SRI. BASAVARJ S.G., ADV. FOR
SRI. BANAKAR AVINASH UMESH, ADVOCATE)

AND:

1. ADARSH AJIT GOURAJ,
AGE: 24 YRS, OCC: IST YEAR MBBS STUDENT
S NIJALINGAPPA MEDICAL COLLEGE,
BAGALKOT, DIST: BAGALKOT - 587 101.
2. SOHAILAHAMED S/O. ABDUL RAZAK KORBO,
AGE: 23 YRS, OCC: IST YR MBBS STUDENT
S NIJALINGAPPA MEDICAL COLLEGE,
BAGALKOT, DIST: BAGALKOT - 587 101.

Digitally signed by
VISHAL
NINGAPPA
PATTHAL
Location: High
Court of
Karnataka,
Dharwad Bench,
Dharwad



**NC: 2026:KHC-D:2511-DB
WA No. 100005 of 2026**

3. PRAJWAAL S/O. DATTATRAY KULKARNI,
AGE: 23 YRS, OCC: 1ST YR MBBS STUDENT
S NIJALINGAPPA MEDICAL COLLEGE,
BAGALKOT, DIST: BAGALKOT – 587 101.
 4. SANMATI S/O. VEERABHADRAPPA ANGADI,
AGE: 22 YEARS, OCC: 1ST YR MBBS STUDENT
S NIJALINGAPPA MEDICAL COLLEGE,
BAGALKOT, DIST: BAGALKOT – 587 101.
 5. NATIONAL MEDICAL COMMISSION,
BY ITS SECRETARY,
POCKET 14, SECTOR 8, DWARAKA PHASE – I
NEW DELHI – 110 077.
 6. GOVERNMENT OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE, NIRMAL
BHAVAN, NEW DELHI – 110 011,
R/BY ITS SECRETARY.
 7. S NIJALINGAPPA MEDICAL COLLEGE
AND HANGAL SHRI KUMARESHWAR HOSPITAL
AND RESEARCH CENTRE, BAGALKOT – 587 102,
BY ITS DEAN/PRINCIPAL.
- ... RESPONDENTS
- (BY SRI. G.K. HIREGOUDAR, PGA FOR R1 TO R & R7;
SRI. ANOOP DESHPANDE, ADV. FOR R5;
SRI. M.B. KANAVI, CGSC FOR R6)

THIS WRIT APPEAL IS FILED U/S. 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET-ASIDE THE ORDER DATED 16.12.2025 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.106410/2025 ON I.A.NO.02/2025 AND ALLOW THE WRIT APPEAL BY REJECTING THE IMPUGNED ORDER, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

THIS WRIT APPEAL, COMING ON FOR PRELIMINARY HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

1. Aggrieved by the interim order passed in Writ Petition No.106410 of 2025, dated 16th December 2025, the respondent–University therein has preferred the present writ appeal.

2. Respondents No.1 to 4 herein are students who appeared for the NEET examination conducted in the year 2022 and were admitted to the MBBS course for the academic year 2022–23 in Respondent No. 7 – Medical College, which is affiliated with the appellant–University.

3. The petitioners were not permitted to write the backlog papers of the First Year MBBS course in the examination scheduled in September 2025 by the appellant–University on the ground that they had already exhausted the permissible number of attempts to which they were entitled to. Aggrieved by the same, the writ petition was filed.

4. Taking into consideration the balance of convenience and the irreparable damage that the students may suffer, the learned Single Judge permitted the students to appear for the examination. However, the writ petition could not be disposed of



before the commencement of the next academic year. Consequently, respondents No.1 to 4 filed I.A. No.2 of 2025 seeking a direction to the University to announce the results.

5. The learned Single Judge, again taking into consideration the interest of the students and the balance of convenience, passed the following order:

"This petition is filed seeking permission to appear for the exam in the 1st year MBBS course. The petitioners were permitted to appear for the exam subject to the result of the petition. It is submitted that result is not yet announced in view of the interim order granted earlier.

2. Learned counsel for the petitioners would submit that the result has to be announced and eligible petitioners should be permitted to take admission to the 2nd year MBBS course.

3. Learned counsel for the respondents would submit that the petitioners are not eligible to admission to the 2nd year MBBS course if 2019 Regulations are applied as the petitioners when admitted, were governed by the 2019 Regulations.

4. Learned counsel for the petitioners would urge that the respondent-University in W.P. No.8912/2024 and connected matters has raised a contention that 2023 Regulations are applicable even to the students who are admitted to the medical college when 2023 Regulations were not in force and 2023 Regulations supersede the 2019 Regulations.

5. This being the position, the Court is of the view that the result should be announced. Whether the petitioners are bound by 2023 Regulations or 2019 Regulations shall be decided after the results are announced.



6. In case the academic year commences before reopening of the Court, the petitioners are permitted to move the vacation Bench"

6. Aggrieved by the same, the present writ appeal is filed.

7. The case of the appellant is that, as per the regulations, respondents No.1 to 4 were not entitled to write the examination conducted in September 2025 and are not eligible to attend the Second Year MBBS course. It is submitted that the learned Single Judge passed the interim order in haste and without due consideration of the existing regulations. On the said ground, it is prayed that the interim order passed by the learned Single Judge be set aside.

8. The learned counsel appearing for Respondents No.1 to 4 and 7 submits that determining whether the students are entitled to write the examination, requires a detailed hearing and interpretation of the applicable Regulations. It is submitted that the interim order will not cause any prejudice to the appellant-University. He further submits that, in the event the students fail in the writ petition, they undertake not to claim any equity on



the strength of the interim order, irrespective of the result of the examination.

9. The *lis* pertains to the eligibility of respondents No.1 to 4 to appear in the examination conducted in September 2025 by the appellant – University, which requires detailed consideration. The very nature of the interim order makes it clear that it has been passed on the basis of the balance of convenience of the parties concerned.

10. If the students are not permitted to write the examination, or if the results are not declared and they are not allowed to attend the Second Year MBBS classes based on such results, then, in the event they succeed in the writ petition, the writ petition itself would become infructuous and they would suffer serious prejudice. On the other hand, no prejudice would be caused to the University if the interim order is made subject to the result of the writ petition.

11. Hence, in our opinion, if the interim order is made subject to the result of the writ petition with a condition that the students shall not claim any equity in the event they fail in the writ petition, the interest of all the parties concerned would be



safeguarded and it would be in the interest of justice. Hence,
the following:

ORDER

- (i) The interim order passed on I.A. No.2 of 2025 in Writ Petition No.106410 of 2025 dated 16th December 2025 is upheld.
- (ii) However, the said interim order is made subject to the result of Writ Petition No.106410 of 2025 and, if respondents No.1 to 4 (petitioners therein) fail in the writ petition, they shall not claim any equity based on the interim order.
- (iii) The writ appeal stands disposed of accordingly.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**