

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO.426 OF 2026 (EDN-RES)

BETWEEN:

MS.HRUTHVIKA BALACHANDRA RAJU,
D/O.MR.BALACHANDRA RAJU,
AGED ABOUT 18 YEARS,
R/AT NO.5, LAKSHMI KANTHA NILAYA,
2ND CROSS, CHIKKAMRANAHALLI,
DOLLARS COLONY, RMV II STAGE,
BENGALURU-560 094.

....PETITIONER

(BY SRI ABHISHEK MALIPATIL, ADVOCATE)

AND:

1. KARNATAKA EXAMINATIONS AUTHORITY (KEA),
REP. BY ITS EXECUTIVE DIRECTOR,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM, BENGALURU-560 012.
2. THE STATE OF KARNATAKA,
DEPARTMENT OF MEDICAL EDUCATION,
VIDHANA SOUDHA, BENGALURU-560 001,
REP. BY ITS PRINCIPAL SECRETARY.
3. NATIONAL MEDICAL COMMISSION (NMC),
REP. BY ITS SECRETARY,
POCKET-14, SECTOR-8, DWARKA PHASE-I,
NEW DELHI- 110 077.
4. THE OXFORD MEDICAL COLLEGE,
HOSPITAL AND RESEARCH CENTRE,
REP. BY ITS DEAN/PRINCIPAL,
YADAVANAHALLI, ATTIBELE HOBLI,
ANEKAL TALUK, BENGALURU-562 107.
5. MEDICAL COUNSELLING COMMITTEE,
DIRECTORATE GENERAL OF HEALTH SCIENCES,

MINISTRY OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF INDIA, NO.354,
NIRMAN BHAVAN, DELHI-110 011
REP. BY ITS DIRECTOR

...RESPONDENTS

(BY SRI N.K.RAMESH, ADVOCATE FOR R1;
SMT.MAMATHA SHETTY., AGA FOR R2;
SRI H.R.SHOWRI, ADVOCATE FOR R3;
SMT.PAVITHRA S.G., ADVCOATE FOR R4;
SRI H.SHANTHI BHUSHAN, DSGJ FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION DIRECTING RESPONDENT NO.1 KARNATAKA EXAMINATIONS AUTHORITY TO ACCEPT THE SURRENDER OF THE MBBS SEAT ALLOTTED TO THE PETITIONER IN KEA ROUND-4 (STRAY VACANCY ROUND) FOR THE ACADEMIC YEAR 2025-26 AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS COMING ON FOR 'PRONOUNCEMENT OF ORDER' THIS DAY, **JAYANT BANERJI J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE T.M.NADAF

CAV ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

The instant petition has been filed seeking the following reliefs:

- i. Issue a writ of Mandamus or any other appropriate writ, order or direction directing Respondent No.1 Karnataka Examinations Authority to accept the surrender of the MBBS seat allotted to the Petitioner in KEA Round-4 (Stray Vacancy Round) for the academic year 2025-26;
- ii. Declare that the surrender of the MBBS seat by the Petitioner, having been sought within the same

counselling cycle and before finalization of admissions, is valid and binding, and that the said seat shall be treated as not consumed and liable to be re-allotted in accordance with law;

- iii. Declare that the provisions relating to forfeiture of fees and absolute bar on surrender are inapplicable to the Petitioner's case, as the counselling process had not attained finality at the relevant point of time;
- iv. Direct Respondent No.1 and the Respondent No.4 to refund and/or adjust all refundable fees paid by the Petitioner, including tuition fee and any other amounts, in accordance with KEA rules and guidelines, within a stipulated time-frame;
- v. Direct Respondent No.4 - The Oxford Medical College Hospital and Research Centre, Bengaluru, to return all original educational documents of the Petitioner forthwith, without insisting upon any penalty, No Objection Certificate, or undertaking;
- vi. Declare that the Petitioner shall not be disqualified, debarred, or rendered ineligible to appear for NEET-UG 2026 or to participate in MBBS counselling conducted by KEA or any other competent authority for the subsequent academic year, on the ground of the present allotment or surrender;
- vii. Declare that the action and inaction of Respondent No.1 in refusing to accept the Petitioner's surrender while accepting surrender of other similarly placed

candidates is arbitrary, discriminatory and violative of Article 14 of the Constitution of India;

- viii. Pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case, including costs, in the interest of justice and equity.

2. Petitioner is NEET-UG 2025 qualified candidate, aspiring to pursue Medical or Dental Course through the counselling conducted by respondent No.1- KEA¹. Petitioner submitted an online application to KEA and all the original documents were verified. In the first round of counselling conducted by KEA, the petitioner was allotted a BDS seat under the NRI quota at M.S.Ramaiah Dental College, Bengaluru. The petitioner reported to the said institution pursuant to the allotment and paid the prescribed fees.

3. However after completion of the second round of counselling and upon announcement of the third round of counselling, the petitioner noticed that several MBBS seats under the Management Quota had remained vacant and that additional MBBS seats were also introduced for consideration in the third round which were not available at the time when the petitioner had exercised her options and frozen the BDS seat.

¹ Karnataka Examinations Authority

4. To explore the possibility of securing an MBBS seat without prematurely surrendering the BDS seat already allotted, the petitioner submitted representations dated 08.10.2025 and 28.10.2025 to the KEA seeking permission to participate in the third round of counselling while retaining the existing BDS seat as a 'fall-back' option. The petitioner was not permitted to participate in the third round of counselling. Thereafter she was specifically informed by the officials of the KEA that if she surrendered the BDS seat, she would be permitted to participate in the final round of counselling for MBBS seat. On the basis of such assurance, with a *bona-fide* intention to pursue MBBS, the petitioner voluntarily surrendered the BDS seat allotted to her. KEA accordingly issued a seat cancellation/endorsement dated 28.10.2025 cancelling the BDS (NRI quota) seat allotted to the petitioner as aforesaid bearing seat cancellation No.1673 and recording refund particulars. The endorsement however contains a condition that the petitioner would not be eligible to participate in any further rounds of KEA counselling for the BDS course.

5. Due to a stay order passed by this Court in separate proceedings, the third round was not conducted as per the original schedule. It was conducted by the KEA belatedly only

after completion of all rounds of counselling by the MCC² (Respondent No.5 herein) at the all India level.

6. Thereafter, KEA issued notifications dated 12.12.2025 and 15.12.2025 notifying the conduct of online stray vacancy round of counselling for UG NEET-2025 for vacant Medical and Dental seats. Pursuant thereto the option entry and allotment process for a stray vacancy round was conducted as per the schedule. The petitioner was permitted to participate only in the stray vacancy round for MBBS seat. She was allotted an MBBS seat on 17.12.2025 in respondent No.4-College under 'OTH' (Other/Management Quota) category. An admission order dated 17.12.2025 was issued by the KEA stipulating that if a candidate wish to surrender, cancel or leave the seat allotted by KEA, it must be effected only before KEA by surrendering the original admission order. Mere non-reporting to the allotted Institution shall not be construed as surrender of the seat. It was also clarified that surrender at the Institution level is impermissible and failure to surrender before KEA may amount to blocking of seats.

7. The petitioner paid the prescribed fees as per the directions of the KEA which is stated to be a sum of

² Medical Counselling Committee

₹10,04,650/- towards KEA counselling/tuition fee on 16.08.2025 and a further sum of ₹42,00,000/- towards tuition fee to KEA by a Demand Draft dated 21.12.2025.

8. The MCC issued a notice dated 17.12.2025 announcing the conduct of a Special Stray Vacancy Round of UG counselling 2025, in view of the fact that several MBBS seats had remained vacant due to non-joining/non-reporting of candidates even after completion of the stray vacancy round. It was notified that the special stray vacancy round would be conducted in online mode for vacant MBBS seats and the said round would be conducted jointly for MBBS, BDS and B.Sc (Nursing) courses to ensure that precious medical seats do not go waste. A detailed counselling schedule was also notified which was to continue upto 10.01.2026.

9. The KEA issued an independent notification dated 16.12.2025 notifying conduct of online second stray vacancy round of counselling for medical seats 2025. Yet another notification dated 23.12.2025 was again issued by the KEA for the same purpose. In view of the developments, the petitioner sent a representation dated 24.12.2025 to the KEA seeking acceptance of surrender of MBBS seats allotted to her in KEA

round four as well as for inclusion of the said seat in the ensuing special/round five stray vacancy counselling, non-forfeiture and refund of refundable fees. Also sought was return of original documents and confirmation that such surrender would not operate as a bar for NEET- UG 2026.

10. The KEA issued an updated notification of 26.12.2025 in which it was stated that the Principal of SDM Medical College, Dharwad had informed KEA that one candidate had withdrawn a seat at the institution level and on that basis requested KEA to include the seat in the special stray vacancy round of counselling scheduled on 29.12.2025. Acting on the said request, KEA accepted the withdrawal and included the SDM Medical College seat for allotment, notwithstanding the fact that the concerned candidate had not surrendered the seat before KEA.

11. It is submitted that no reply was sent in respect of the petitioner's representation despite the petitioner having personally met KEA officials on 24.12.2025 and repeatedly remaining present at the KEA office on several subsequent days. It is stated that the KEA proceeded to complete the allotment process of the special stray vacancy round without

accepting the petitioner's surrender and without including the MBBS seat allotted to the petitioner for re-counselling, thereby foreclosing the possibility of the seat being allotted to otherwise to another eligible candidate and rendering the petitioner remediless.

12. The petitioner addressed an email dated 03.01.2026 to respondent No.4-College, forwarding the earlier representations and correspondence addressed to KEA reiterating that the request for acceptance of surrender was pending consideration before KEA.

13. In response, respondent No.4 issued a reply dated 05.01.2026 addressed to KEA stating that the petitioner had reported and completed the admission formalities, that the request for cancellation had been forwarded to KEA for seeking clarification from KEA as to whether cancellation was permissible and, if so, requesting that a replacement candidate be allotted at the earliest.

14. Yet another detailed representation dated 06.01.2026 was made to the KEA. However, the KEA failed to issue any written reply or decision.

15. It is the contention of learned Counsel for the petitioner that the action and inaction of KEA is arbitrary and discriminatory. On the one hand it accepted the withdrawal of another candidate from SDM Medical College, Dharwad on 26.12.2025 and immediately included that seat in the special stray vacancy counselling. While, on the other hand, detailed representation dated 24.12.2025 moved by the petitioner was not responded to at all. It is stated that the notification of the KEA dated 26.12.2025 itself demonstrated that surrender of seats was permitted during the counselling process and included the surrendered seats in the special stray vacancy round. It is submitted that the petitioner's surrender request was made within the same counselling year and before finalisation of the counselling, which is outside the disqualification clause. The seat could have been reallocated. It is submitted that the embargo in the participation in the subsequent years in counselling would operate only where a candidate consumes or blocks a seat for the academic year, which was not the case in the case of the petitioner.

16. The KEA has filed its statement of objections. The allotment of BDS seat to the petitioner, which was subsequently cancelled, is admitted. It is also admitted that

a stray vacancy round was conducted to fill up the remaining unfilled seats in which the petitioner was allowed to participate. She entered 31 options for the available seats and as per her ranking and priority options entered on 15.12.2025 she was allotted a seat in respondent No.4-College. The petitioner had accepted the seat by downloading the admission order and paid the prescribed fee and joined the allotted college. Her name was also sent by the KEA to the MCC on 17.12.2025 along with a list of already admitted students. It is stated that with this process the entire admission process of the petitioner to the adopted college was completed; that under the circumstances there is no provision to surrender the seat after completion of the admission process and therefore she is not entitled for refund of the fee or for granting any undue relaxation of norms.

17. As regards the Special Stray Vacancy Round of Counselling in respect of vacancies in three medical colleges, it is stated by the KEA that the petitioner is trying to take advantage of this opportunity to contend that the counselling process had not attained finality and the process is a continuing one. It is stated that each round of counselling is a separate round and fresh option entry was permitted to those students who are eligible to participate in the stray vacancy round.

18. As regards the vacant seat arising in the SDM College, it is stated by the KEA that one student who was admitted in the second round had **withdrawn** from the course on medical ground. Therefore the request was made for filling up the seat. Accordingly, the KEA included that seat of SDM College as all the seats available in all colleges had to be filled up only through a single counselling agency in terms of Regulation 12 of the Graduate Medical Education Regulation, 2023 within the stipulated last date for admission. Since the vacancy had arisen before the last date for admission stipulated by MCC which was 10.01.2026, the KEA conducted the Special Stray Vacancy Round of counselling on 29.12.2025 for 8 vacant seats in 3 medical colleges and allotted all the vacant seats to eligible students on 29.12.2025. Thereafter, KEA did not conduct any counselling. It is stated that the vacancy that arose in SDM College is not a case of surrender by a candidate, but it is a case of abandonment of the course by a candidate after taking admission.

19. It is stated that the petitioner's request dated 24.12.2025 for **surrender** of the seat was not considered as she had completed the admission process and her name was included in the list of completed admission on 17.12.2025.

Having participated in the counselling and having selected a seat of her choice, it is stated that the petitioner cannot seek surrender of the seat at this juncture. Had she not participated in the counselling, any other eligible interested student would have taken the seat allotted to the petitioner. It is stated that if such an indulgence is granted, it would create a precedent where students, after completion of the admission process, start surrendering the seats and seek a fresh round of counselling which would result in unsettling the entire settled counselling process for admission to professional courses.

20. A statement of objections has also been filed on behalf of the Respondent No. 2 in which it is stated that the Respondent No. 2 is a formal party. The Department of medical education, through the directorate of medical education, only draws up and prepares a seat matrix every year for counselling and admission to MBBS seats in the state. This information is conveyed to the KEA which, in turn and on its own, carries out the process of counselling and admission to MBBS seats.

21. A perusal of the record reflects that the additional bulletin, which is enclosed as Annexure A to the petition, containing the Instructions and Guidelines to apply online,

verification pertaining to UGNEET – 2025 admission to Medical, Dental, Ayurveda, Unani and Homeopathy courses for the year 2025 was published by Respondent No.1-KEA. As reflected in the preamble to the bulletin, KEA was inviting applications online from the eligible candidates who have qualified UGNEET 2025, for admission to Medical/Dental courses in Government Medical and Dental Colleges, Government quota seats in Private and Minority Medical and Dental colleges and all seats in Private Medical and Dental Colleges (KPCF, KRLMPCA, AMPCK) located in the State of Karnataka for the academic year 2025 – 26. It is mentioned therein that centralised counselling for the seats to be notified by the Karnataka State government, in Government, KPCF, KRLMPCA, AMPCK institutions, the admissions would be as per the Karnataka Selection of Candidates for Admission to Government Seats in Professional Educational Institutions Rules, 2006³, as amended from time to time and as per the guidelines of MCI/DCI/Ministry of Health and Family Welfare/Government of India/Medical Education, Karnataka/Director Medical Education, Karnataka/Entrance Test Committee.

³ Karnataka Rules 2006

22. There is a disclaimer stating that the details and instructions contained in this information booklet (bulletin) are subject to the rules and government orders. In case of any discrepancy, the rules shall prevail and the decision of NMC/MCC/DCI/Government/Competent Authority/Universities/Karnataka Examinations Authority/Entrance Test Committee shall be final.

23. The important information provided in the bulletin states that a candidate may have option to select medical/engineering etc, seat in other boards. In case such candidate wishes to confirm the seat selected from other boards then such candidate who has also been allotted a seat through KEA has to surrender the seat allotted by KEA before the last date fixed for modifying of options of 2nd round of seat allotment, failing which it may amount to blocking of seat and KEA may initiate action/proceedings against such candidates. It was also stated that if a candidate decides to surrender the seat, he/she has to surrender the seat only to KEA in writing.

24. The online application form of the petitioner has been filed. She has applied as NRI-Ward. In the letter dated 8.10.2025 the petitioner wrote to the Executive Director of the

KEA that after she had frozen the BDS seat under the NRI quota in the First Round, KEA announced the addition of new MBBS seats just before Round 2. She requested permission to participate in the Round 3 counselling to explore the available options and to allow her to retain her existing BDS seat as a fallback until a new allotment is confirmed.

25. Annexure D to the petition is the Seat Cancellation Order of the petitioner in which it appears that the seat in allotted course of BDS-NRI was cancelled by the KEA on 28.10.2025. It was stated that action would be taken to refund the amount, if any. Annexure E1 is a notification dated 12.12.2025 of the KEA intimating that the date for entering the options of the online Stray Vacancy Round of seat allotment for admission to UG Medical and Dental seats for the year 2025 had been extended till 10.00 AM on 13.12.2025. Annexure E2 is a notification of KEA dated 15.12.2025 stating that the date was extended till 11.00 AM on 15.12.2025 to enter the options for the online Stray Vacancy Round of seat allotment for admission to UG Medical and Dental seats for the year 2025, and that the provisional result of the Stray Vacancy Round would be 16.12.2025 after 11.00 AM. The schedule of further

procedure to be taken by the candidates who had been allotted seats after the final result was specified.

26. By means of an admission order dated 17.12.2025 issued by the KEA, the petitioner was admitted to the Respondent no.4-College. It reflected that the course fee paid by the petitioner was ₹36,11,950/-. It is mentioned therein that in case the candidate wishes to surrender/cancel/leave the selection from KEA because she has other opportunities for educational/professional courses, then such candidate has to surrender the seat allotted by KEA to KEA only by surrendering that admission order, failing which it could amount to blocking of seat and the Government may initiate both civil and criminal action against such candidate and parents as the seat is a subsidized Government Quota seat and there are other equally meritorious students in the merit queue who should have secured that seat. Merely not reporting to allotted college should not be presumed by the candidate that she had surrendered the seat to KEA. Fee collected by KEA would be transferred to concerned college after final admission process. In case the allotted college/ institution demanded over and above the fee fixed by the State Government, the candidate could approach the fee Regulatory Committee.

27. On 17.12.2025, a notice was issued by the MCC with regard to UG counselling 2025 that some MBBS seats were still lying vacant due to non-joining/non-reporting after the completion of stray vacancy round of UG counselling 2025. The competent authority had decided to conduct a special stray vacancy round for the vacant MBBS seats in the online mode so that the precious medical seats do not go waste. The rule position for the special stray vacancy round was stated to be, inter alia, that candidates who are not holding any seat in earlier rounds of all India quota and state quota were eligible to participate. Hence, candidates who are holding any seat in earlier rounds of all India quota and state quota irrespective of the course allotted are not eligible to participate. The list of candidates allotted seats in the special stray vacancy round would be shared with state counselling authorities and such candidates would be debarred from taking admission in special stray vacancy round of state counselling.

28. The schedule for admission was accordingly published, in which the round 5 of counselling, both for All India quota and State Counselling, was from 01.01.2026 to 03.01.2026. The last date of joining was 10.01.2026.

29. The KEA by a notification dated 16.12.2025 informed about a 2nd stray vacancy round for medical seats – 2025. It was stated therein that after the seat allotment in the stray vacancy round the mentioned OTH category seats in 2 medical colleges remained unfilled. It was stated that candidates who had not been allotted any medical seat in any of the previous rounds and who were interested in the OTH category medical seats could appear on 17.12.2025 in person to KEA and produce all the original documents etc. Thereafter, such candidates would only be permitted to enter the options for those two colleges only and seat allotment results would be published on the same day. The college, category and fees were specified as follows:-

College	Category	Fees
M.V.J. Medical College and Research Hospital, NH-4, Dandupalya, Kolathur, Channasandra, Bangalore	OTH – 22 seats	₹40,11,950/-
Mahadevappa Rampure Medical College, Mahadevappa Rampure Marg, Kalaburgi	OTH – 04 seats	₹39,11,950/-

30. Thereafter, again on 23.12.2025, a notification was issued by the KEA regarding online special stray vacancy round for medical seats – 2025. It referred to the extension for the last date for admission to medical courses being made by the MCC and that the round would be conducted for the 07 OTH

vacant medical seats after allotment of seats in the stray vacancy round. It was reiterated that candidates who have not been allotted any medical seat in any of the previous rounds and who are interested in these OTH category medical seats could appear on 29.12.2025 in person to KEA and produce all the original documents et cetera. Such candidates would only be permitted to enter the options for the 2 noted colleges only and seat allotment results would be published on the same day.

The names of the colleges , etc. mentioned are as follows:

College	Category	Fees
M.V.J. Medical College and Research Hospital, NH-4, Dandupalya, Kolathur, Channasandra, Bangalore	OTH - 05 seats	₹40,11,950/-
Mahadevappa Rampure Medical College, Mahadevappa Rampure Marg, Kalaburgi	OTH - 02 seats	₹39,11,950/-

31. It is thereafter that the petitioner wrote to the KEA on 24.12.2025 seeking acceptance of surrender of MBBS seat allotted in Round 4 and inclusion of the seat in Round 5/ Special Stray vacancy counselling with request for non-forfeiture and refund of refundable fees.

32. It is pertinent to mention here that the last date for admission stipulated by MCC was 10.01.2026. The instant petition was filed on 08.01.2026, that is, just 2 days prior to the last date for admission stipulated by MCC. The stipulation in

the notice dated 17.12.2025 issued by the MCC as well and the notices issued by the KEA on 16.12.2025 and 23.12.2025 is that the round/s of counselling (2nd stray vacancy round/Special Stray vacancy round) would be available to only those candidates who have not been allotted any medical seats in any of the previous rounds. The petitioner was therefore ineligible to participate in the special stray vacancy, in view of the fact that she had already secured a seat by allotment under the NRI quota in the respondent no.4-College which she had joined on 17.12.2025.

33. Moreover, the petitioner is seeking to draw parity with the case of one candidate of SDM Medical College which finds a reference in a notification of the KEA dated 26.12.2025. As a matter of fact, it does not help the case of the petitioner at all. As is evident from the notification, the principal of SDM medical College had submitted a request to KEA that a candidate had withdrawn one seat allotted in the OTH category and request was made by the college to consider the said seat for seat allotment under the special stray vacancy round. Therefore, in this notification, the KEA added one seat of SDM College. It is not the case of the petitioner that the candidate

who had withdrawn the seat had participated in the special stray vacancy round conducted by the KEA.

34. As far as the contents of the admission order of the petitioner dated 17.12.2025 issued by the KEA is concerned, it is clear from a careful perusal of the same that the contents were general in nature and not specific to the petitioner. The reference made therein to the surrender of the admission order can only be where the bulletin/brochure of the KEA and the Karnataka Rules, 2006 permit such a surrender, which does not exist in the case of the petitioner.

35. Under the facts and circumstances the petitioner has failed to make out a case for interference in writ jurisdiction. The KEA as justifiably not considered the case of the petitioner for surrender of the allotted seat in the Respondent No. 4 – College.

36. This writ petition is therefore dismissed.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**