



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 9170 OF 2026 (EDN-RES)

BETWEEN:

MAHENDRA MRITYUNJAY HUGAR,
S/O MRITYUNJAY MAHALINGAPPA HUGAR,
AGED ABOUT 30 YEARS,
R/AT H NO. 1124, TQ GOKAK,
MAHANTESH NAGAR,
GHATAPRABHA R S, BELAGAVI,
KARNATAKA-591 306.

CURRENTLY RESIDING AT,
B802, 7TH FLOOR,
RAMANNA JYOTHI APARTMENT,
GORGUNTAPALYA,
BANGALORE-560 022.

...PETITIONER

(BY SRI.AKSHAY RAMACHANDRA HUDDAR, ADVOCATE)

AND:

1. KARNATAKA EXAMINATION AUTHORITY,
18TH CROSS, SAMPIGE ROAD,
MALLESHWARAM,
BANGALORE-560 012.

Digitally
signed by
KAVYA G
Location:
High Court
of
Karnataka



2. AKASH INSTITUTE OF MEDICAL
SCIENCES AND RESEARCH CENTRE,
PRASANNAHALLI MAIN ROAD,
NEAR KEMPEGOWDA INTERNATIONAL AIRPORT,
DEVANAHALLI, BANGALORE-562 110.

...RESPONDENTS

(BY SRI.N.K.RAMESH., ADVOCATE FOR R1;
SRI.BIPIN HEGDE., ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A) ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENT NO.1 TO PERMIT THE PETITIONER TO PARTICIPATE IN THE ONGOING COUNSELLING PROCESS FOR POSTGRADUATE MEDICAL ADMISSIONS I.E., THE 5TH ROUND OF COUNSELLING WHICH IS SCHEDULED TO HELD IN UPCOMING WEEK I.E., THIRD WEEK OR 4TH WEEK OF MARCH 2026 AND TO CONSIDER THE PETITIONER FOR ALLOTMENT OF A SEAT IN ACCORDANCE WITH HIS MERIT. (B) ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENT NO.1 TO RETURN OF ALL THE ORIGINAL DOCUMENTS RETAINED BY RESPONDENT NO.1 BY WAIVING OFF THE PENALTY LEVIED, ONLY IN THE CASE WHERE THE ADMISSION PROCEDURE IS COMPLETED AND NO SUBSEQUENT COUNSELLING ROUNDS ARE HELD (C) PASS SUCH OTHER INTERIM ORDER OR DIRECTION.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

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

Since Sri. N.K. Ramesh, learned counsel for respondent No.1 and Sri. Bipin Hegde, learned counsel appearing for respondent No.2 respectively, who have accepted notice and have received and acknowledged receipt of a copy of the petition with all its annexures, the steps are not required to be taken for issuance of notice by the learned counsel for the petitioner even this stage of the proceedings.

2. It is noted that when the matter was called-out initially, the learned counsel for the petitioner was present and after the aforesaid order was passed, he requested the Court to pass-over the matter so that his Senior could appear. The matter was called out in the second round before the midday recess. But, no one appeared for the petition. The matter was then posted after the recess and even now no one appears for



the petitioner. Therefore, the matter is being taken up for consideration.

3. This petition has been filed seeking the following reliefs:-

A. Issue a writ of Mandamus directing Respondent No.1 to permit the petitioner to participate in the ongoing counselling process for postgraduate medical admissions i.e., the 5th round of counselling which is scheduled to held in upcoming week i.e., third week or 5th week of March, 2026 and to consider the petitioner for allotment of a seat in accordance with his merit.

B. Issue a Writ of Mandamus directing Respondent No.1 to return of all the original documents retained by Respondent No.1 by waiving off the penalty levied, only in the case where the admission procedure is completed and no subsequent counselling rounds are held.

C. Pass such other interim order or direction as this Hon'ble Court deems fit in the interest of justice and equity.

4. It is informed by Sri. N.K. Ramesh, the learned counsel appearing for the KEA-Respondent No.1 that, since the



5th round of counselling has already been completed and the counselling process has come to an end pursuant to orders passed by this Court in a previous petition, the Prayer-A has become infructuous.

5. As far as prayer-B is concerned, it appears from perusal of the petition that, the petitioner was qualified for the NEET-PG for the year 2025 and applied for counselling to the KEA, as per the brochure published by the KEA. It is stated that the petitioner secured an all India rank of 211653 and became eligible to participate in the counselling process of Postgraduate Medical courses. In the 3rd round of counselling on 26.02.2026, the petitioner was allotted a Postgraduate medical seat in the discipline of Obstetrics and Gynaecology at the Respondent No.2- College, which is a private medical institution. It is stated that, to ascertain the fee structure applicable for the said course, the petitioner approached the institution and also for completing the admission formalities. It is stated that as per the guidelines of the KEA, the first year fee is to be paid to the Respondent No. 1 in the form of Demand Draft. However, the Respondent No.2- Institution insisted for



payment of tuition fee over and above the payment due to Respondent No.1 for subsequent academic years, at the time of admission itself, which amounted to a sum of Rs.18,00,000/- by cash. The institution further informed the petitioner that they are not willing to pay the monthly stipend of Rs.60,000/- during the postgraduate training period. A copy of the fee receipt payable to the KEA is stated to be enclosed as Annexure-E. It is stated that the institution cannot insist an advance payment of future academic year which has not commenced. Further, the refusal by respondent no. 2 to pay the stipend is contrary to the established regulatory norms governing medical education and the petitioner personally approached the office of the KEA on 02.03.2026 to bring to their notice the irregularities and informed the authority about the exorbitant fee demand and the refusal to pay stipend by the institution. However, it is alleged that the officials of the KEA refused to take the request letter of the petitioner. He then moved for withdrawal from the allotted seat with a request for return of his original documents submitted during the counselling process. It is submitted that subsequent to the 4th round of counselling, there are seats available with the



Respondent No.1 and if the petitioner is permitted to the 5th round of counselling, no inconvenience would be caused either to the students or to the KEA. Thus this petition is filed.

6. Learned counsel for the KEA states that Annexure-E is simply a challan that was downloaded by the petitioner, which reflected that a sum of Rs.90,14,250/- was liable to be paid by the petitioner for purpose of getting admission to the Respondent No.2-Institution. It is stated that after downloading this Challan Form, no amount whatsoever has been paid by the petitioner. It is further stated that as per Sub-clause (11) of Clause-12 of the E-information Bulletin-I at Page-85 of the writ petition issued by the KEA for applying online verification of original documents and conduct of centralised counselling for admission to Postgraduate Medical Dental Courses for the year 2025 clearly specifies that any cancellation or surrender of seats after the Mop-up round shall be made in person only to the Director, Directorate of Medical Education, Karnataka, with a penalty of Rs.18,00,000/- in case of Medical Clinical Degree or Diploma Courses and further they will be ineligible for further rounds of admission including names list admission. It is also



stated that a notification dated 28.11.2025 was issued by the KEA in respect of PG NEET-2025 admission, in which it is provided that a penalty of Rs.18,00,000/- plus forfeiture of course fee paid in respect of a clinical seat would be payable after the candidate cancels the seat after 3rd round (Mop-up) seat allotment before commencement of 4th round (stray round). Further, the candidate would be ineligible to participate in further rounds of counselling and would also not be eligible to participate in PG counselling for further 3 years. It is submitted by the learned counsel that the original documents shall be returned by the KEA to the petitioner on his paying the dues of penalty. It is nowhere reflected in the petition that the fee has actually been paid after downloading the challan from the website of the KEA, which challan is enclosed as Annexure-E to this petition.

7. It is stated that the 5th round of counselling has already come to an end and the entire process of counselling stands concluded for PG NEET-2025.

8. Learned counsel appearing for the Respondent No.2 states that the Respondent No.2-Institution has suffered a loss



due to that seat becoming vacant with no payment of fee made by the candidate.

9. As far as the allegation made by the Respondent No.2-Institution is concerned, it is noted that apart from the so-called representations being filed before the KEA, no cogent evidence has been submitted to demonstrate that any claim was made by the Respondent No.2- Institution, from the petitioner.

10. Therefore, under the facts and circumstances of the case, we do not find any good ground to entertain this petition. The petition is therefore dismissed.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE