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WP Nos.13592 and 13978 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 04.07.2022

PRONOUNCED ON : 15.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. Nos.13592 and 13978 of 2022

and

WMP Nos.12805, 12808 and 13232, 13586 of 2022

Dr. Chennamsetty Teja

... Petitioner in WP No.13592 of 2022

Dr.S.Gunasekaran

... Petitioner in WP No.13978 of 2022

Vs.

1. Union of India,
Rep. By Director General of Health Service,
Ministry of Health and Family Welfare,
Government of India,
New Delhi – 695 121.

2. Medical Counselling Committee (MCC)
Ministry of Health and Family Welfare,
Govt. of India,
New Delhi – 110 011.

3. The Principal,
Christian Medical College,
Vellore,
Tamil Nadu.

... Respondents in WP No.13592 of 2022



WP Nos.13592 and 13978 of 2022

1. The Under Secretary to Government,
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhawan, New Delhi.

2. The Director General of Health service,
Ministry of Health and Family Welfare
Government of India,
Nirman Bhawan, New Delhi.

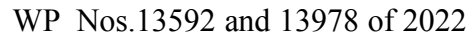
3. The Medical Counselling Committee (MCC)
The Director General of Health Service,
Ministry of Health and Family Welfare,
Government of India,
Nirman Bhawan, New Delhi.

4. The Registrar,
Christian Medical College (CMC),
Vellore,
Tamil Nadu.

... Respondents in WP No.13978 of 2022

Prayer in W.P. No.13592 of 2022: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the 2nd respondent namely the Medical Counselling Committee (MCC) to include the resigned seat i.e. DM Clinical Haematology – CMC Vellore resulting on account of petitioner's resignation on 14.05.2022 and to conduct the mop-up counselling for the above said seat in NEET-SS for the academic year 2021-2022, enabling eligible candidate to opt the said course.

Prayer in W.P. No.13978 of 2022: Writ Petition filed under Article 226



In W.P. No.13592 of 2022

: Mr.J.R.K. Bhavanantham

: Ms.A. Anuradha,
CGSC

: M/s.Ramasubramanaim &
Associates

In W.P. No.13978 of 2022

: Mr.G.Sankaran
for Mr.B.Balavijayan

: Ms.A. Anuradha,
CGSC

: M/s.S. Ramasubramaniam &
Associates

: Mr.ARL. Sundaresan,
Senior Counsel
for Mr. Jayesh Gaurav

COMMON ORDER



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2. The issues that arise for consideration in these writ petitions are as follows :-

a) Whether a selected candidate, who has resigned after the second round of counselling can claim for whatever reason that he has not violated the scheme of counselling notified by the Medical Counselling Committee is eligible to get waiver of the bond conditions.

b) Whether a candidate who has been unsuccessful to get a seat in the NEET counselling has locus standi to seek for a special round of counselling to enable him or her to fill up the seats which has fallen vacant on account of the resignation of the successful candidates (petitioners herein) after the second round of counselling.

3. Both these writ petitions have been filed by the candidates, who have been allotted Super Speciality seats in Medical Colleges having been



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declared successful through NEET counselling, but they have resigned their seats due to certain reasons after the second round of counselling.

4. The Brief facts leading to the filing of W.P. No.13978 of 2022 :

a) The petitioner has completed his M.B.B.S. course in the year 2008 and he completed his P.G. in General Medicine from Chindhar Government Medical College in the year 2017.

b) He appeared for the NEET PG Super Speciality Examination in the year 2021.

c) The 3rd respondent published the counselling Scheme of All India Quota for NEET – Super Speciality (DM/MCh. and DNBSS).

d) He was allotted with M.D.(Endocrinology) seat in the 1st Round of the counselling in the 4th respondent institution / Christian Medical College (CMC), Vellore and he paid the prescribed fee of Rs.2,06,725/- through online transfer and submitted his original certificates and executed a Bond in favour of the 4th respondent institution.

e) He gave his consent to participate in the 2nd Round of counselling for any upgradation of seats.

f) He claims that due to his family situation, he did not join the 4th



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respondent / institution.

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g) He resigned his seat in M.D. (Endocrinology) with the 4th respondent institution /CMC through his letter dated 26.04.2022. He claims that since he has resigned, the M.D. (Endocrinology) seat allotted to him is considered to be a vacant seat.

h) The second Round of counselling results was scheduled to be declared as per the counselling scheme on 26.04.2022. Therefore, according to the petitioner, having tendered his resignation before the declaration of the results for the second Round of counselling, he cannot be made liable to compensate the 4th respondent institution as the resigned seat could have been filled up in the MOP-UP Round of counselling, which was scheduled after the second Round of counselling.

i) According to the petitioner when he applied for NEET counselling, in the web site question 37(c) and its answer in the counselling scheme read as follows :-

“Question 37(c) mentioned in the counselling Scheme

Q. No.37, Who are eligible for “Exit with Forfeiture” option

c) Round I candidate who has not been upgraded in Round II may resign his seat allotted in Round – I, within two days of Round – 2 results announcement.



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j. He claims that based on the aforesaid answer given to Question 37, the petitioner having resigned the seat even before declaration of the results for second Round of counselling cannot be made liable under the Bond executed in favour of the 4th respondent institution/CMC as his resigned seat could have been filled during the Mop-up Round of counselling scheduled to be held after the 2nd Round counselling results.

k. According to the petitioner there was changes made between the first Round of counselling and the second Round of counselling and Question No.37(c) extracted supra was removed without any notice to the candidates.

l. The petitioner claims that he has got an opportunity to participate in the entrance examination for PG Super Speciality course in AIIMS, which is scheduled to be held on 10.06.2022, but since his original certificates are with the 4th respondent institution /CMC, he is unable to participate in the above mentioned entrance examination.

5. The Brief facts leading to the filing of W.P. No.13592 of 2022.

a. The petitioner in this writ petition obtained M.B.B.S. Degree from Dr.NTR University of Health Sciences (A.P) on 01.06.2015.

b. He obtained M.D. Degree (General Medicine) on 08.10.2020



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from Dr.NTR University of Health Sciences (A.P.) on 08.10.2020.

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c. He applied for NEET – Super Speciality course DM- Clinical Haematology and Endocrinology for the year 2021-2022 and secured Rank No.14 in All India Merit List for the Super Speciality Course of Clinical Haematology.

d. He attended the online counselling after payment of Non-Refundable Registration fee of Rs.5,000/- and refundable security deposit fee of Rs.2,00,000/- for filling the Super Speciality Seats conducted by the Medical Counselling Committee(MCC) and exercised his choices for Round-1 of NEET – Super Speciality (DM/M.Ch/DNB-SS) counselling 2021-22.

e. He was allotted DM Clinical Haematology course in the 3rd respondent institution on 08.04.2022 and paid the 3rd respondent college fees of Rs.2,06,726/- and has also executed the security bond as required by the 3rd respondent.

f. According to the petitioner due to fracture of his right foot and he also becoming mentally depressed on witnessing the struggling of patients with blood cancer for their life, he was unable to cope up with such stress and decided to submit his resignation from the DM – Clinical Haematology course allotted to him on 25.04.2022.



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g. He sent an e-mail to the 2nd respondent on 9.05.2022 requesting them to accept his surrender of the seat DM - Clinical Haematology in NEET SS 2021 and allow the same for allotment to a suitable candidate in further round of counselling.

h) He claims to have sent an e-mail to the 2nd respondent once again on 11.05.2022 to add the seat of DM – Clinical Haematology in the MOP UP round of counselling. He also claims that one more reminder was sent on 12.05.2022 to the 2nd respondent requesting them to add the seat of DM - Clinical Haematology in the MOP-up Round of counselling.

i) According to the petitioner, the 2nd respondent issued notice for MOP up Round of counselling along with online MOP-up schedule on 13.05.2022.

j) The petitioner claims that he submitted his written resignation to the seat of DM -Clinical Haematology to the 3rd respondent / CMC Vellore.

k) The petitioner claims that one more remainder was sent on 15.05.2022 to the 2nd respondent requesting them to add the DM -Clinical Haematology seat allotted to the petitioner in the Mop-up Round of counselling.



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l) According to the petitioner despite the reminders, the 2nd respondent on 17.5.2022 in its Mop-up Round of counselling listed only two seats in Clinical Haematology as vacant and the seat resigned by the petitioner was not added in the list and the counselling was closed on 25.05.2022.

m) According to the petitioner, if his resigned seat was filled up during the Mop-up Round of counselling, the seat would not have gone waste. According to him, only due to the fault of the 2nd respondent in not including his resigned seat in the Mop-up Round of counselling held on 17.05.2022, he is put to loss as the 3rd respondent institution has refused to return the original certificates of the petitioner without paying the bond amount.

n) The petitioner claims that there are several candidates, who are interested in joining the resigned seats of the petitioner including Dr.Gaurav, Ojha, who has intimated the 2nd respondent on 20.05.2022 about his inclination to join the vacant seat due to the petitioner's resignation. According to the petitioner, even now a special counselling can be conducted to fill up his resigned seat.



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6) An impleading petition in WMP. No.13586 of 2022 has also been filed by Dr.Gaurav Ojha seeking to implead himself as party respondent in WP No.13592 of 2022. He claims that he is one of the NEET-Super Speciality qualified candidate and is willing to get allotted in the resigned seat of the petitioner in W.P. No.13592 of 2022. In such circumstances, he has filed the impleading application.

7) The contention of the official respondents are as follows :-

a) The point that the petitioner in W.P. No.13978 of 2022 is relying upon is not incorporated in the Super Speciality Counselling Scheme 2021. According to them, when the Super Speciality Counselling 2021 web site was under reconstruction work, the earlier Question No.37 and the answer relied upon by the petitioner was visible. But it was later corrected by the respondent on 20.04.2022 (i.e. before commencement of Round 2 of counselling, when the same was also notified. Therefore according to the respondents, the Counselling scheme as notified on 20.04.2022 is alone applicable to the petitioner in W.P. No.13978 of 2022.

b. Question Nos.37 and 38 and its answers as per the counselling scheme notified on 20.04.2022 reads as follows :



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“Q No.37 : Who are eligible for “Exit with Forfeiture” option?

Ans : a) Candidate who has been allotted a seat in Round – 1 but does not report at the college may exit with Forfeiture. (i.e. The refundable security fee will not be refunded in such a case)

b. Candidate who has been allotted a seat in Round -2 but does not report at the college may exit with forfeiture (i.e., The refundable security fee will not be refunded in such a case)”.

Q No.38 : Can a candidate resign from Round – II once he joins the allotted college?

Ans : No”

c. According to the respondents, Question Nos.37 and 38 have to be read conjointly and it is clear from a conjoint reading that the candidate cannot resign from Round 2 once he has joined the allotted college.

d. According to the respondents, the respective petitioners in W.P. No.13978 of 2022 and W.P. No.13592 of 2022 have joined the Christian Medical College (CMC), Vellore, as per their allotment. The Medical Counselling Committee (MCC) records also disclose that the petitioners therein have reported before the allotted college and have joined it.

e. The respondents have also stated that till 30.04.2022, no



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communication was received by them with regard to the resignation from the seat by the respective petitioners.

f. The complete counselling process is made through online mode and the option of resignation (only in UG/PG course) is provided through online mode. Since, no option of online resignation is given in Super Speciality Counselling as per the software through which the counselling is conducted, the seat resigned by the respective petitioners cannot be carried forward to the Mop-up Round. Further inclusion of the seat allegedly resigned by the respective petitioners at the time of Mop-up Round will be detrimental to the interest of the candidates who have participated in Round 1 and 2 as they are debarred from participating in the Mop-up Round.

g. The execution or imposition of bond service / stipend is not within the jurisdiction of these respondents. The same has also been mentioned in the information bulletin published in the official website of MCC, DGHS.

h. Question No.23 of the counselling scheme reads as follows :-

“Q. No.23 : What about condition of stipend /fee structure



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/ course duration / bond amount / rendering of service in rural/tribal area / other conditionality ?

Ans : stipend /fee structure / course duration / bond amount / rendering of service in rural / tribal area / other conditions etc., may vary from state to state and Institute to Institute. Some seats may be approved / permitted but not yet recognised by MCI/NBE. The allotment made through online allotment process will be firm and final as per Hon'ble Supreme Court's Directions. Therefore, the candidates should well examine these points before opting for a seat at a medical college. The Medical Counselling Committee (MCC) shall neither be responsible nor shall entertain any case on above grounds, if any. The information received from various participating Medical Colleges / Institute has been made available on Ministry of Health & Family Welfare / MCC website (under the Medical Counselling – Super Specialty Counselling – Information about college, fee, bond information etc.) candidates are advised to visit the website of college / Institution to check the information. In case they require any additional information, they can contact the college / institution on telephone / email before opting for choices”.

i) Being aware of the aforementioned conditions, the respective



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petitioners cannot find fault with the respondents for not including their resigned seats in the Mop-up counselling.

8. Heard Mr.J.R.K. Bhavanantham, learned counsel for the petitioner in W.P. No.13592 of 2022; Mr.G. Sankaran, learned Senior counsel for the petitioner in W.P. No.13978 of 2022; Mr.ARL.Sundaresan, learned Senior counsel for the impleading petitioner in W.M.P. No.13586 of 2022; Ms.A.Anuradha, learned Central Government Standing Counsel for the respondents 1 to 3 in W.P. No.13978 of 2022 and for the respondent in W.P. No.13592 of 2022 and M/s.Ramasubramaniam and Associates for the 4th respondent in W.P. No.13978 of 2022 and 3rd respondent for W.P. No.13592 of 2022.

9. The learned counsels appearing for the respective petitioners reiterated the contents of the affidavit filed in support of the respective Writ petitions. Similarly, the learned Central Government Standing Counsel also reiterated the contents of the counter affidavit filed in both the writ petitions and would submit that the respondents are not at fault for not including the resigned seats of the respective petitioners in the Mop-up counselling and further would submit that since the admission



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process is over and the Hon'ble Supreme Court has fixed the dead line, the question of conducting a special counselling for filling up the vacant seats at this stage will not arise.

Discussion :-

10. Admittedly in both the cases, viz., in W.P. Nos.13592 of 2022 and 13978 of 2022, the respective petitioner's resigned the respective seats only after the Round - II counselling. In W.P. No.13978 of 2022, the petitioner claims that he submitted his resignation on 26.04.2022, a day before the declaration of the Round-II counselling results i.e., on 27.04.2022.

11. In W.P. No.13592 of 2022, according to the petitioner, he submitted his resignation on 09.05.2022. i.e., after the declaration of results of the second round of counselling.

12. In both the cases, the respective petitioners have joined Christian Medical College as per their allotted seats by paying the security deposit and the initial fees. The petitioner in W.P. No.13978 of 2022 has given the reason that due to his family situation, he had to



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resign his allotted seat and the petitioner in W.P. No.13592 of 2022 has given the reason that due to mental depression on account of witnessing lot of blood cancer patients, he had to resign the allotted seat.

13. The respective petitioners have found fault with the respondents for not filling up the resigned seats through the Mop-up counselling conducted by them subsequent to their resignations.

14. Whether the respondents can be faulted with, is a question that arises for consideration in these writ petitions.

15. A categorical stand has been taken by the respondents by relying upon Question Nos.37 and 38 and the corresponding answers of the counselling scheme that once a candidate resigns his seat after Round- II counselling, the said resigned seats cannot be filled up later as it has become a waste, since the dead line fixed for filling up those resigned seats had already come to an end.

16. The Hon'ble Supreme Court in the case of ***Education Promotion Society for India and Another vs. Union of India and***



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others reported in **(2019) 7 SCC 38** has held that strict adherence to time schedule for admission to Post Graduate Medical courses is imperative and extension of the time schedule is impermissible. The Hon'ble Supreme Court followed the decisions rendered earlier by the Hon'ble Supreme Court in i) ***Mridul Dhar Vs. Union of India reported in (2005) 2 SCC 65***; ii) ***Priya Gupta Vs. State of Chhattisgarh reported in (2012) 7 SCC 433*** and iii) ***Ashish Ranjan Vs. Union of India reported in 2016 11 SCC 225*** and held that merely because the seats are lying vacant is not a ground to grant extension and grant further opportunity to fill up the vacant seats. The Hon'ble Supreme Court held that the schedule must be followed and if they permit violation of schedule and grant extension, it shall be opening a pandora's box and the whole purpose of fixing a time schedule and laying down a regime which strictly adheres to the time schedule will be defeated.

17. The Hon'ble Supreme Court further observed that in the schedule prescribed, there are three rounds of counselling, the first round, the second round and the mop-up round. The mop-up round was to be completed by 31-5-2019 and if some seats remain vacant even after the



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mop-up round it cannot be helped. Extension cannot be granted just because some seats are lying vacant without there being any other justification.

18. In the case on hand also, two seats are lying vacant due to the resignation of the respective petitioners but the two rounds of counselling and the Mop-up counselling have already been completed and seats were filled up based on the counselling. The admission for the respective Super Speciality courses have also been completed and the students have also joined the respective courses and the classes have also commenced. Therefore, calling for a special counselling to fill up the resigned seats of the respective petitioners at this stage is not permissible and will be in violation of the Hon'ble Supreme Court's decision referred to supra.

19. Question No.37 and Question No.38 and its answers under the counselling scheme reads as follows :-

“Q No.37 : Who are eligible for “Exit with Forfeiture” option?

Ans : a) Candidate who has been allotted a seat in Round – 1 but does not report at the college may exit with Forfeiture. (i.e. The refundable security fee will not be refunded in such a case)



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b. Candidate who has been allotted a seat in Round -2 but does not report at the college may exit with forfeiture (i.e., The refundable security fee will not be refunded in such a case)".

Q No.38 : Can a candidate resign from Round – II once he joins the allotted college?

Ans : No"

20. Admittedly, the aforementioned questions and answers were notified in the web site on 20.04.2022 prior to the date of the second round of counselling. Having been inclined earlier to participate in the second round of counselling for the purpose of seeking upgradation of their respective allotted seats, the respective petitioners ought to have been alert in noticing the changes made to Question No.37 and Question No.38 and its answers. Admittedly in both the cases, the respective petitioners have submitted their resignation only after the second round of counselling. In W.P. No.13978 of 2022, the petitioner has submitted his resignation, even according to him only on 26.04.2022, i.e., one day before the declaration of results for the Round - II counselling. In W.P. No.13592 of 2022, the petitioner has resigned even according to him only on 09.05.2022 after the declaration of the results for the Round -II



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counselling. In both the cases, the respective petitioners have paid the security deposit amount and the initial fees to Christian Medical College where they have been allotted the seats. It has been made clear in the answer to Question No.38 in the counselling scheme that once a candidate joins the allotted college, he cannot resign from Round-II counselling when he has opted for the same. In both the cases, the respective petitioners have opted for Round -II counselling after joining the allotted college after the allotment order is issued subsequent to the Round - I counselling and therefore, they are debarred from resigning their respective seats, as seen from the answer to the Question No.38 of the counselling scheme. Only in cases, where a candidate who has been allotted a seat in Round No.1 but does not report at the College is entitled to exit with the forfeiture option. i.e., refundable security fee will not be refunded but his resignation is accepted and his resignation will be filled up in the Round -II counselling. In both the cases, as observed earlier, they do not fall under the said category. Hence, the respective petitioner's cannot find fault with the respondents for not filling up their resigned seat in the Mop-up round of counselling conducted by them.

21. Mop-up Rounds are the last rounds of NEET counselling where the seats remaining at the end of all counselling rounds (if any) are



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allocated to the candidates on the basis of their ranks and NEET scorecards. In the Mop-up Round of counselling, those candidates, who are not allotted seats in Round Nos.1 and 2 and those who were out of counselling process for not reporting on the allotted seats are allowed to apply in the Mop-up counselling round. Therefore, plum seats gets already filled up in the Rounds 1 and 2 counselling and the left out seats of lesser demand are alone available in the Mop-up Round of counselling. The respective petitioners were allotted seats in the first Round of Counselling itself, since they are one amongst the highest mark scorers. The Super Speciality courses allotted to the respective petitioners would have naturally been a high demand seat. Candidates who have already been allotted in the first round of counselling and have secured admission may have been desirous of getting the resigned seats of the respective petitioners but since they were not aware of the same, they may not be in a position to get allotment of the seats secured by the respective petitioners in place of the allotted seats, as they may not have applied for upgradation as generally only seats which are lesser in demand are put up for counselling in the Mop-Up Round. Therefore, the seats resigned by the respective petitioners cannot be carried forward to the Mop-up Round of counselling and if allowed it will be detrimental to the interest of the



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candidates who have participated in Round No.I and II and joined college after allotment, as they are debarred from participating in the Mop-Up round.

22. The Hon'ble Supreme Court in the case of ***Dr. Astha Goel and others vs. Medical Counselling Committee and Others reported in 2022 SCC Online SC 735*** held that stray round of counselling to fill up vacant seats is impermissible. In the aforesaid decision, it was urged and prayed to direct the respondents to conduct a Special Stray Round of counselling as a one-time measure and as a special case. The Hon'ble Supreme Court rejected the said request by following the decision in ***Education Promotion Society's*** case referred to supra holding that when the Medical Counselling Committee and the Union of India have to adhere to the time-schedule for completing the admission process and when the current admission of NEET-PG-2021 is already behind time schedule, the decision of the Union Government and the Medical Counselling Committee not to have Special Stray Round of counselling is in the interest of Medical Education and Public Health.



23. The relevant paragraphs of the aforesaid decision are extracted

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23. Applying the law laid down by this Court in the aforesaid two decisions to the facts of the case on hand and when the Medical Counselling Committee and the Union of India have to adhere to the time schedule for completing the admission process and when the current admission of NEET-PG-2021 is already behind time schedule and ever after conducting eight to nine rounds of counselling, still some seats, which are mainly non-clinical courses seats have remained vacant and thereafter when a conscious decision is taken by the Union Government/the Medical Counselling Committee, not to conduct a further Special Stray Round of counselling, it cannot be said that the same is arbitrary. The decision of the Union Government and the Medical Counselling Committee not to have Special Stray Round of counselling is in the interest of Medical Education and Public Health. There cannot be any compromise with the merits and/or quality of Medical Education, which may ultimately affect the Public Health.

24. The process of admission and that too in the medical education cannot be endless. It must end at a particular point of time. The time schedule has to be adhered to, otherwise, ultimately, it may affect the medical education and the public health.

25. Apart from the fact that after closure of the last round of counselling on 07.05.2022, the entire software mechanism has been closed and the security deposit is refunded to the eligible candidates, it is to be noted that the admission process for NEET-PG-2022 has already begun, the results for the NEET-PG-2022 has been announced on 01.06.2022 and as per the time schedule, the counselling process is going to start in July, 2022. Therefore, if one additional Special Stray Round of counselling is conducted now, as prayed, in that case, it may affect the admission process for NEET-PG-2022.

26. At the cost of repetition, it is observed and held that even after eight to nine rounds of counselling, out of 40,000 seats, 1456 seats have remained vacant, out of which approximately, more than 1100 seats are non-clinical seats, which every year remain vacant, of which the judicial notice has been taken by this Court in the case of *Education Promotion Society for India* (supra)

27. In view of the above and for the reasons stated above, the petitioners are not entitled to any relief of writ of Mandamus directing the respondents to conduct a Special Stray Round of counselling for filling up the remaining vacant seats of NEET-PG-2021. Granting of such relief now may affect the medical education and ultimately the public health as observed hereinabove.



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24. Therefore, it is clear when the respective petitioners have submitted their respective resignations after the dead line fixed in the counselling scheme, they cannot find fault with the respondents for not filling up their resigned seats as the respondents have only adhered to the time schedule which has to be strictly followed as held by the Hon'ble Supreme Court and being Super Speciality medical education seats, where highest standards are to be maintained, the request for the special round of counselling at this stage will not arise. This Court does not therefore find any merit in both these writ petitions.

25. In the decision relied upon by the learned counsel for the petitioner in W.P. No.13592 of 2022 in the case of ***S. Krishna Sradha Vs. The State of Andhra Pradesh and Others reported in 2019 SCC Online SC 1609*** that was a case involving a meritorious MBBS student, who was denied admission in MBBS course illegally for no fault of his and had approached the court at the earliest point of time. In that decision, the Hon'ble Supreme court held that under exceptional circumstances, if the court finds that there is no fault attributable to the candidate and the candidate has pursued his/her legal right expeditiously



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without any delay and there is fault only on the part of the authorities and/or there is apparent breach of rules and regulations as well as related principles in the process of grant of admission which would violate the right of equality and equal treatment to the competing candidates and if the time schedule prescribed - 30th September, is over, to do complete justice, the Court under exceptional circumstances and in rarest of rare cases permit the admission in the same year by directing increase of seats, however, it should not be more than one or two seats and such admissions will have to be ordered within a reasonable time. In the aforementioned decision, it pertains to M.B.B.S. seat and not to a Super Speciality course seat. Further, in the aforementioned decision for no fault of the candidate therein, who was a meritorious candidate, he was denied the seat illegally by the authorities concerned and it is a rarest of rare case. But it is not so in the case on hand, where the respective petitioners had admittedly resigned their respective seats only after the second Round of counselling and only after joining the college by paying the security deposit and the initial fees. Therefore, the decision relied upon by the learned counsel for the petitioner in WP No. 13978 of 2022 referred to supra will not be applicable to the facts of the instant case.



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No.13586 of 2022 has no locus-standi to intervene in this writ petition and therefore, this petition does not also deserve any merit.

27. In the result both the writ petitions are dismissed and WMP No.13586 of 2022 in WP No.13592 of 2022 is also dismissed. Consequently, connected miscellaneous petitions are closed.

15.07.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
1.The Director General of Health Service,
Union of India,
Ministry of Health and Family Welfare,
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New Delhi – 695 121.

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Vellore,
Tamil Nadu.



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WP Nos.13592 and 13978 of 2022

ABDUL QUDDHOSE, J.

vsi2

Pre-Delivery Common Order in
W.P. Nos.13592 and 13978 of 2022

15.07.2022