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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****BEFORE****HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**+ **W.P.(C) 10856/2023**

Between: -

DR. NITHYA NAIR

D/O: SHRI. P G SASIDHARAN NAIR

RESIDENT OF: L-493, POCKET L,

SARITA VIHAR, NEW DELHI -110076

AND ORS.**.....PETITIONERS***(Through: Mr. Arjun Mitra and Ms. Jaskaran Kaur,
Advocates.)***AND****UNION OF INDIA**

THROUGH SECRETARY

MINISTRY OF DEFENCE

SENA BHAWAN, NEW DELHI

AND ORS.**.... RESPONDENTS***(Through: Mr. Rajesh Kumar, Sr. Panel Counsel
alongwith Ms. Manpreet Kaur Bhasin, G.P with Ms.
Ramneet Kaur, Advocate for respondent Nos. 1 and 2**Mr. Ankur Chhibber, Mr. H.S. Tiwari, Mr. Anshuman
Mehrotra, Mr. Nikunj Arora, Mr. Arjun Panwar, Ms.
Samriddhi Bhatt and Ms. Amrit Koul, Advocates for
respondent Nos. 3 to 106.)*

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J U D G M E N T

1. The petitioners *vide* the instant writ petition are aggrieved by the publication of merit list by respondent no.2 i.e. Director General, Armed Forces Medical Services (*hereinafter referred to as 'AFMS'*) with respect to Priority III candidates for the counselling process conducted by the said respondent. The petitioners are also praying for directions to respondent no.2 to prepare a fresh merit list, strictly in accordance with the merit of the candidates by including the petitioners herein, in terms of their respective All India Rank (*hereinafter referred to as 'AIR'*) and to conduct a fresh round of counselling for Priority III candidates.

2. The facts of the instant case would indicate that the petitioners are medical doctors working in different government departments/organisations. All the petitioners had secured requisite AIR in the NEET- PG 2023 examination and are desirous of getting higher medical educational qualifications. Respondent no.2 conducted counselling for Post Graduate medical courses in various participating armed forces institutes under different priority categories.

3. On 26.07.2023, a public notice was published inviting applications for the Post Graduate medical courses by respondent no.2 and all the petitioners applied for their consideration for the same on the basis of their merit. According to the petitioners, on 10.08.2023, the merit list for Priority III candidates was published where none of the petitioners were included, instead, various candidates with lower

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rank than those of the petitioners were included. The petitioners, therefore, made representations to respondent no.2 through their

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Since their grievance remained unresolved, therefore, being left with no other option, they approached this court to ventilate their grievance.

4. This matter was taken up for hearing on 16.08.2023 and the respondents were directed to take instructions and to file the counter affidavit. Since the counter affidavit was not filed, therefore, on 21.08.2023, this court stayed further allotment against any of the PG seats and also admissions against the already allotted seats.

5. On 24.08.2023, the matter was further considered and the following directions were issued:-

"9. Having considered the submissions made by learned counsel appearing on behalf of the parties, it is seen that this matter requires further consideration. It is an admitted position that less meritorious candidates have been selected for admission and the rejection of the petitioners" candidature is primarily on technical grounds. All sponsorship certificates do contain the signature of the Competent Authority and a rubber stamp of the said authority is also affixed. The certificates are admittedly in the prescribed format. What is missing is only the Office seal. The genuineness of the certificate is not doubted. The sponsoring authorities are Government authorities.

10. During the course of hearing, the respondents suggested to offer 41 seats available in different streams to the petitioners without prejudice to the rights and contentions made in the pleading if the petitioners are willing to opt for the same. The petitioners, however, are insistent on better seats as per their merit. They are reluctant to opt for these seats, as they are less important streams.

11. At this stage, without commenting anything on the merits of the submissions made by the respective parties, the order dated 21.08.2023 passed by this court is modified to the extent that the available 41 seats be offered to the petitioners by 25.08.2023, as per their merit.

12. The petitioners would be at liberty to avail the seats on the basis of their merit.

13. In case, the petitioners opt for any of the seats being offered to them, let the allotment be made subject to outcome of the instant petition.

14. In case, the petitioners opt for any of the offered seats, let the concerned sponsoring department to also immediately respond to the request to be made by the petitioners for issuance of the sponsorship certificate.

15. Let the seal in a round shape be affixed by the concerned sponsoring department, as insisted by the respondents.

16. Needless to state that the admissions to be made by the respondents henceforth will remain subject to the outcome of the instant writ petition. All candidates shall be specifically informed about the order being passed by this court.

17. In case, the petitioners succeed in establishing that their candidature is wrongly rejected, the necessary arrangements for their accommodation will have to be made by the respondents.

18. List this matter on 01.09.2023.

19. Copy of this order be given dasti under signatures of the Court Master."

6. In pursuance of the above directions, two candidates opted for the seats offered by respondent no.2, however, the remaining candidates contested the instant writ petition.

7. The parties, thereafter, completed their pleadings and they were heard at length.

8. The case of the petitioners is that, for availing the seat under Priority III, the medical officers are to be sponsored by Para-Military/ other Government of India organisations.

9. In the instant case, all the petitioners are sponsored by Government of India organisations. The candidates were also required to have a sponsorship certificate mentioning the subjects for sponsorship, duly counter-signed by the sponsoring authority in the respective Ministry of Government of India in which the individual is employed.

10. The learned counsel for the petitioners, therefore, submits that as per Clause 20(f)(xiv) of the Information Bulletin, sponsorship certificates are required to be submitted as per the format placed at Appendix 'A'. He submits that the sponsorship certificates with

however, to the utter surprise of the petitioners, their names were not included in the merit list which was published on 10.08.2023.

11. Learned counsel appearing on behalf of the petitioners pointed out that the private respondents, who have been arrayed as parties in the instant writ petition are less meritorious than the petitioners and the candidature of the petitioners has been rejected solely on the ground that the sponsorship certificate submitted by some of the petitioners did not contain an office seal. He, therefore, submits that the sponsorship certificates are as per Appendix 'A' which is the prescribed format and putting of the office seal is not in the hands of the petitioners.

12. Learned counsel submits that all the petitioners have been given the sponsorship certificate by their respective employers. The employers in case of all the petitioners are Government Departments and if the office seal is not affixed, no fault lies on the part of the petitioners, therefore, they should not suffer because of the lapse on the part of the sponsoring department. Furthermore, the putting of an office seal is not so sacrosanct consideration so as to supersede the merit of the candidates. Once the petitioners are meritorious and are entitled to allotment of a seat under the respective categories, they should not be ousted only on technical grounds.

13. While pointing out past practices of the respondents, learned counsel appearing on behalf of the petitioners submits that sufficient time was given to the respective candidates whose sponsorship certificates were not available or were defective. But in the instant case, no such opportunity was given and decision was taken hastily.

The decision of exclusion of the petitioners is arbitrary and illegal. He

also pointed out from the relevant clauses of the Information

i.e. Clauses 5, 6, 7, 8, 12, 16 and 20(f) that the sponsorship certificate is required at the stage of counselling. However, in the instant case, the doors for the petitioners have been shut at the stage of the preparation of the merit list itself.

14. Learned counsel appearing on behalf of the petitioners further submitted that the preparation of the merit list has to be done strictly based on merit and the verification of documents is an activity which takes place at the stage of counselling. He then contended that even otherwise, sufficient time should have been provided to them to allow the petitioners to seek rectification of the deficiency from their respective Government ministry and submit the sponsorship certificate.

15. While specifically pointing out the case of one of the candidates i.e., petitioner no.4, he submitted that the reason for rejection is the absence of signatures of the sponsoring authority. However, the petitioner no.4 had submitted two sponsorship certificates through email within the time slot available for furnishing of the said certificate. The first certificate which he had sent by an email was unsigned. However, immediately a second certificate was sent which was duly signed by the sponsoring authority.

16. Learned counsel appearing on behalf of the petitioners has taken a categorical stand that with respect to at least three candidates i.e., petitioner no.10, namely Dr Vidya Sagar, petitioner no.13, namely Dr. K Hemanth Kumar and petitioner no.15, namely Dr. Venkatesh G, the sponsorship certificates of all three petitioners were duly signed and the office seal was also affixed by the concerned office. It is, therefore, contended that the action of respondent no.2 is without

application of mind and the same is arbitrary and illegal and deserves to be set aside.

17. He has placed reliance on a decision of the Hon'ble Supreme Court in the case of '*Board of Governors in Supersession of Medical Council of India vs Dr. Priyambada Sharma & Ors*'¹ and the decision of this court in the cases of '*Dr. Shidore Shital Mhatardeo vs National Board of Examination*'² and '*Dr. Deepika Veerwal vs Union of India & Ors*'³.

18. Learned counsel appearing on behalf of the petitioners further submitted that since the Hon'ble Supreme Court has extended the deadline for concluding the Post Graduate medical courses admission for the Academic Session 2023-24 up till 10.10.2023, therefore, there is no obstacle in directing the re-counselling. He also submitted that in any case, the admissions have been directed by this court to remain subject to the outcome of the instant writ petition.

19. Learned counsel appearing on behalf of respondent no.1 has filed the counter affidavit on behalf of the said respondent. According to him, it is a mandatory requirement to submit the sponsorship certificate mentioning the subjects for sponsorship, duly countersigned by the sponsoring authority in the respective Ministry of the Government of India in which the individual is employed. The mandatory requirement including the format of the sponsorship certificate includes *inter alia* the requirement of a rubber stamp of the sponsoring authority as well as an office seal which is apparently mentioned in the prescribed format.

20. It is also submitted on behalf of respondent no.1 that 75 applications were received within the stipulated time and the same were scrutinized for correctness and that out of those 75 applications, 42 applications for Priority-III were found to be correct and 33 candidates were found to be ineligible. It is the contention of the respondent no.1 that the counselling for eligible Priority-III candidates was carried out on 11.08.2023 and 38 seats as per the choice and *inter se* merit of the candidates were allotted to them.

21. After the conclusion of Priority-III counselling, the counselling for Priority-IV candidates i.e., Ex-Short Service Commissioned AFMS Officers released from service after completion of the contractual period, was carried out on 11.08.2023 and a total of 65 seats were allotted to Priority-IV candidates as per their *inter-se* merit.

22. With respect to Priority-V candidates, the counselling for the same has been kept in abeyance awaiting the outcome of the instant writ petition.

23. Learned counsel appearing on behalf of respondent no.1, therefore, submits that the decision of rejection of the candidature of the petitioners, at the threshold, is strictly in accordance with the scheme of the Information Bulletin. He explained that the veracity of the sponsorship certificates is to be examined at the stage of the preparation of the merit list, so as to restrict the counselling for the candidates who are eligible for the allotment of a seat. He has also submitted that once a procedure has been laid down and a format is prescribed, any candidature opposed to format, cannot be considered by the respondents as the same would amount to an arbitrary exercise at their hand.

24. Reliance has been placed by the learned counsel on behalf of respondent no.1 on a decision of the Hon'ble Supreme Court in the case of '**Karnataka State Seeds Development Corporation Limited and Anr. vs H.L. Kaveri and Ors.**⁴' to substantiate his argument that the conditions stipulated in the advertisement are mandatory and will have to be adhered to by the employer.

25. Reliance has also been placed on behalf of respondent no.1 on a decision of the High Court of Punjab & Haryana in the case of '**Amardeep Singh Sahota vs State of Punjab**⁵', to submit that the prospectus issued by the Department is binding on all concerned and any direction contrary to the prospectus would not be sustainable in the eyes of law.

26. Respondent nos.3 to 106 have also filed their common counter affidavit opposing the submissions made on behalf of the petitioners.

27. The private respondents, largely, have reiterated in their counter affidavit the averments made by respondent no.2 and additionally, reliance is placed upon the State Emblem of India (Prohibition of Improper Use) Act, 2005 (*hereinafter referred to as 'Act of 2005'*) to indicate that a seal was not found as per the Act of 2005 and the Regulations made thereunder; and therefore, the official respondents have rightly rejected the cases of those candidates who had the sponsorship certificate with improper seal.

28. Reliance has been placed on behalf of the private respondents on a decision of the Hon'ble Supreme Court in the case of '**Maharshi Dayanand University vs Surjeet Kaur**⁶', to contend that neither the courts nor any Tribunal has the competence to issue any direction

contrary to the law and to act in contravention of the statutory provisions. The High Courts under Article 226 of the Constitution of India are required to enforce the rule of law and not to pass orders or directions contrary to what has been enjoined by law.

29. Reliance has also been placed on behalf of the private respondents on a decision of the Hon'ble Supreme Court in the case of '*Alapati Jyotsana and Ors. vs Union of India and Ors.*'⁷, to submit that when the counselling is over, the Hon'ble Supreme Court had refused to pass any direction for re-conducting the counselling.

30. Respondent nos.3 to 106 have also placed reliance on a decision of the Division Bench of this court in the case of '*Varun Kumar Agarwal vs Union of India & Ors.*'⁸ to substantiate his contention that the prospectus has certain sanctity to be adhered to. Reliance has also been placed on behalf of the said respondents on the decision in the case of '*Priyanka Chaudhary and Ors. vs National Board of Examination*'⁹, to substantiate his submission, wherein, this court has placed reliance on a decision of the Hon'ble Supreme Court in the case of '*Arvind Kumar Kankane vs State of U.P. and Ors.*'¹⁰.

31. In addition, reliance has also been placed on behalf of the said respondents on a decision of the High Court of Madras in the case of '*Dr.Sandeep P.S. vs Government of India, Rep. By its Secretary to Government and Others*'¹¹, to indicate that the prospectus is a vital document which governs the admission procedure.

32. In rejoinder submissions, the learned counsel appearing on behalf of the petitioners pointed out that there is no nexus between the

⁷ (2020) 5 SCC 320

⁸ 2011 SCC OnLine Del 1133

⁹ 2016 SCC OnLine Del 5691

¹⁰ (2001) 8 SCC 355

¹¹ 2020 SCC OnLine Madras 1263

reason of rejection and the sanctity of the counselling process and the official respondents have miserably failed to justify their action of allowing the candidates to submit a No Objection Certificate (NOC) after the declaration of the merit list with respect to Priority-IV. He then contended that if a candidate with respect to Priority-IV is allowed to submit the NOC once the merit list is prepared, there remains no reason to deny the same benefit to the petitioners.

33. He also submitted that the action of the official respondents of rejection of the candidature, at the threshold, is contrary to the past practices. He has pointed out from *Annexures P-10* and *P-11* that in the year 2022, the candidates were allowed to furnish proper sponsorship certificates even after the counselling was conducted. He specifically referred to candidates, namely Md. Hussain D Page, Anil Kumar and Shaligram Choudhary, who had not submitted the sponsorship certificates, however, their names were included in the counselling in the year 2022.

34. I have heard the learned counsel appearing on behalf of the parties and perused the record.

35. It is discernible from the Information Bulletin issued in the month of July, 2023 that AFMS conducts Post Graduate training, primarily for the doctors of the AFMS in order to fulfil the specialist requirements. Surplus seats, if any, are offered to sponsored candidates of Friendly Foreign Countries, Para-Military/ other Government of India organisations, ex-servicemen (Ex-SSC AMC Officers) and civilian doctors.

36. The petitioners herein belong to the category of other Government of India organisations. As per Clause 16(c) of the Information Bulletin, the candidates applying under the said category,

are required to furnish the sponsorship certificate mentioning the subjects for sponsorship, duly countersigned by the sponsoring authority in the respective Ministry of Government of India in which the individual is employed.

37. For the sake of clarity, Clause 16(c) of the Information Bulletin reads as under:-

“16. Admissions for PG studies are strictly governed by Govt of India, Ministry of Defence letter No F/PC-851 0/DGAFMS/DG-1/345/2013/D(Med) dated 6th March, 2013. The admission and training is controlled by the Office of the DGAFMS in accordance with prevalent rules. The priority for admission of candidates is as follows:-

....

.....

*(c) Priority-III -Medical Officers sponsored by Para Military Organization/ other Govt. of India organization. Sponsorship certificate mentioning the subjects for sponsorship, **duly countersigned by the sponsoring authority in respective ministry of Govt of India in which the individual is employed,** is mandatory requirement for the candidate to be considered for counseling.”*

38. The sponsorship certificate is a mandatory requirement for a candidate to be considered for counselling.

39. A perusal of Clause 20 of the Information Bulletin which provides the methodology for applying would indicate that the list of certificates to be submitted in original by the selected candidates at the college on the day of admission includes *inter alia* the sponsorship certificate (as per format placed at Appendix 'A'). For the sake of clarity Clause 20(f)(xiv) is reproduced as under:-

“20. The following methodology will be adopted by candidates:-

.....

.....

(f) List of certificates to be submitted in original by the selected candidates at the college on the day of admission:-

.....

.....

.....

(xiv) **Priority III candidates** (Para-Military Officers/other Govt of India Org): Subject-specific sponsorship certificate (as per format placed at Appx 'A') issued by the respective Para-Military/ other Govt of India organization duly signed by the Competent Authority in the respective ministry of Govt of India in which the individual is permanently employed. This has to be produced at the time of counseling without which candidate shall not be allowed to attend the counseling. During counseling, eligible candidates will be considered eligible for only those subjects, which are mentioned in their sponsorship certificate duly signed by competent authority in the respective ministry of Govt of India in which the individual is permanently employed. Ink signed copy of the sponsorship certificate will be required to be deposited at the time of admission to the respective AFMS Institution.”

40. Appendix ‘A’, which is the prescribed format for the sponsorship certificate, requires *inter alia* signatures of the sponsoring authority, name, designation, rubber stamp of sponsoring authority and also office seal. For the sake of clarity, Appendix ‘A’ is reproduced as under:-

“Appx 'A'

(Refer para 21 (f)(xiv) of Info Bulletin)

**FORMAT OF SPONSORSHIP CERTIFICATE TO BE SUBMITTED
BY PARAMILITARY/GOVT OF INDIA SPONSORED CANDIDATES
(PRIORITY-III)**

1. I certify that Dr. _____ (Full name) is being sponsored by the Department of _____, Ministry of _____ for training at AFMS PG Institutions, leading to the award of MD/MS (as applicable) for the academic year 2023-2026 in the following subjects as required by the sponsoring organization:-

(a) _____ (b) _____
(c) _____ (d) _____
(e) _____ (f) _____

2. That Dr. _____ is a bonafide permanent employee of _____ (name of the Paramilitary Organization/Department of Golf Ministry etc.). His/Her personal number as per records is _____ and his/ her address as per records is _____

3. That candidate being sponsored, if eligible for counseling, will only opt for above subjects (as mentioned in para 1 above) during AFMS PG counseling.
4. That he/she after receiving the training in the AFMS institution will be suitably employed by the sponsoring authority in the speciality in which training is being provided in Armed Forces Medical Services institution.
5. No financial implications in the form of emoluments/stipend etc. will devolve upon your institution during the entire period of the course.
6. That the candidate if allotted a seat during AFMS PG counselling will be sponsored full time for the entire duration of the course.

Date: _____
Place: _____

(Signature of sponsoring
authority)

Name _____
Designation _____

Office Seal

**Rubber Stamp of sponsoring
authority**

NOTE:-

- (i) Addition or alteration in the above certificate is NOT allowed.
- (ii) The above certificate will be signed by the Competent Authority in the respective ministry of Govt of India in which the individual is permanently employed.
- (iii) Subject/Discipline must be specified in the sponsorship certificate failing which the candidature will not be considered under the sponsored category.”

41. In the instant case, except for the petitioner nos.10, 13 and 15, the sponsorship certificates of other petitioners do not contain the office seal.

42. A perusal of the counter affidavit of respondent no.1 indicates that out of 75 candidates, the candidature of 33 candidates was rejected, and out of 33 rejected candidates, the candidature of 31 candidates was rejected on the ground that the office seal was not found on the sponsorship certificate and the candidature of 2 candidates was rejected on account of non-signature of the sponsoring authority on the sponsorship certificate.

43. It is, thus, seen that almost half of the eligible candidates suffered a setback on account of almost the same reason. All the candidates have obtained their merit positions and have been admittedly sponsored by their respective Government Departments. The admissions against Post Graduate courses have to be made strictly on the basis of merit. It is, therefore, seen that the instant case depicts a miserable state of affairs where the meritorious candidates are being deprived of their consideration on merit without any substantial reason. However, the fact remains whether the candidates who do not have the sponsorship certificate with the office seal are entitled for the inclusion of their names in the merit list and whether the writ court must exercise its equitable jurisdiction to allow them for consideration on merits.

44. A perusal of Clause 16(c) of the Information Bulletin requires a sponsorship certificate which is mandatory for consideration of the candidature against Priority-III. There is only one sponsorship certificate that is prescribed in Appendix 'A' and the said format requires both, the rubber stamp of the Sponsoring Authority as well as the office seal.

45. For the preparation of a merit list before counselling, if the respondents have examined the correctness of sponsorship certificate in a prescribed format and have rejected the candidature of the candidate whose sponsorship certificate is deficient, in any manner, the same cannot be held to be arbitrary unless it is alleged to have been done maliciously. There are no allegations of *malafide* in the instant case.

46. In the instant case, a large number of candidates suffered the wrath of aforesaid strenuous scrutiny. The same would strengthen the

fact that the respondents have treated all the candidates uniformly with the same yardstick.

47. The strict rule of scrutiny has been applied, which cannot be held to be arbitrary. The same, undoubtedly, is a harsh one. The instructions in the Information Bulletin clearly require that a candidate must go through the Information Bulletin carefully before contacting the AFMS for any query. If the petitioners had any difficulty in obtaining the requisite certificate with the office seal, they ought to have immediately pointed out their grievance before submitting the same to the competent authority for appropriate relaxation.

48. In the instant case, what disentitles the petitioners is the fact that they had submitted the certificate ignoring the fact that their sponsorship certificates do not contain office seal. There is only one format i.e. Appendix 'A', which requires both, a rubber stamp and an office seal.

49. If the argument of the petitioners that the certificates were to be submitted at the admission stage is tested on the anvils of the facts of the present case, it would appear that the petitioners themselves submitted the certificates prior to the stage of admission. They should have raised their grievances at the relevant stage itself. Having obeyed the directions as they understood to be correct, they cannot challenge the same at the later stage.

50. The argument that in the earlier years relaxations were provided by the respondents cannot be the reason to extend the benefit to the petitioners as a matter of right in the present academic year also. There does not exist a legal right which inheres with the petitioners to claim a relaxation which was previously given. The same lies in the realm of

discretion which might have been applied or extended depending upon the facts prevalent in the earlier year.

51. It is, thus, seen that the candidates who do not have the sponsorship certificates with the requisite office seal, are not entitled for their consideration against Priority-III.

52. It is well established that judicial caution and restraint is required to be maintained when a bonafide decision of State is sought to be challenged. There might have been a possibility of taking a different view by respondent no.2 itself considering the rejection of large number of candidates on the same ground, however, the same cannot be done by a writ court, which is normally unaware of various intricacies and nuances of such a decision. The view of the decision making authority cannot be substituted by the court merely on the ground that a different view is possible. It would, therefore, be unwise to take a distinct position to unsettle the view adopted by the said authority.

53. With respect to petitioner nos.10, 13 and 15, their sponsorship certificates do contain office seal and despite that, their candidature has been rejected. There is no explanation furnished by the official respondents as to why the office seal affixed by the concerned government organisation is deficient in compliance with Appendix 'A'.

54. The private respondents tried to justify that the seal has to be in the round shape but interestingly, the same is not the stand taken by respondent no.1.

55. In any case, even if respondent no.1 has to contend that the office seal has to be in the round shape or otherwise, the same cannot be the reason to deny the benefit of the sponsorship certificate with

respect to these three candidates. It is up to the concerned Government Department/ Organisation to decide in which format they affix the seal. More so, neither the Appendix 'A' nor instructions in the Information Bulletin require an office seal to be affixed in a particular shape. If the concerned department has violated any government instruction regarding the shape of the seal, then appropriate steps have to be taken by the concerned department. However, the issue cannot come in the way of meritorious candidates, who otherwise are eligible for counselling.

56. It is, thus, seen that the rejection of three candidates for the purpose of including their names in the merit list, is wholly arbitrary and *ex-facie* illegal. Their exclusion is, therefore, set aside and necessary directions for their consideration will have to be passed.

57. With respect to petitioner no.4, even if both the communications are accepted, in none of the communications there is an office seal affixed in the sponsorship certificate. Therefore, petitioner no.4 is also similarly situated with candidates other than petitioner nos.10, 13 and 15.

58. Having considered the submissions and the issues involved in the instant writ petition, this court finds the less meritorious candidates than petitioner nos.10, 13 and 15 have been granted admission against MD/MS (Post Graduation) courses.

59. However, in the interest of justice, while not disturbing all the admissions already made by respondent no.2 in Priority-III, some workable directions need to be issued in larger interest of merit. Therefore, this court finds it appropriate to issue the following directions:-

(i) Two petitioners, who have opted for seats as per interim directions passed by this court, be allowed to continue their courses on their respective allotted seats as opted by them.

(ii) Petitioner nos.10, 13 and 15 shall be granted admission as per the priority of subjects and their merit for which the sponsoring authority had issued the sponsorship certificates to them.

(iii) In case the seats are not vacant in respective courses, the required number of candidates placed at the bottom of the merit list against respective MD/MS seats will have to be ousted. The ousted candidates be offered the remaining available seats, as stated during the course of arguments by respondent no.2. If in order to work out the directions, respondent no.2 has to conduct recounselling for Priority III or IV, let the same be done immediately, as the admissions of the candidates who may likely to be ousted were already made subject to the further directions to be passed by this court. The admitted candidates are parties to this writ petition and were fully aware of the pendency of the present case.

(iv) This court has held that the petitioners have no right to seek an opportunity for rectification of their sponsorship certificate. However, considering the fact that in the previous years the respondents had permitted the candidates to rectify the deficiencies in the respective sponsorship certificates, in the peculiar facts of the present case, the remaining petitioners shall be considered for allotment of vacant seats before offering a seat to any other candidate, subject to providing seven days' time to those petitioners for obtaining a fresh sponsorship certificate from their respective departments in the prescribed format.

(v) This court is also of the view that the respondents should formulate a clear and consistent policy regarding the stage at which

the sponsorship certificates are to be scrutinized and whether the candidates should be permitted to rectify their sponsorship certificate, if any technical defect is found. This would ensure uniformity, transparency and avoid unnecessary litigation. Let the respondents take a final view on the aforesaid aspect, well before the commencement of the next academic session and incorporate the same in the subsequent Information Bulletin.

(vi) Let all the steps be taken to complete the counselling and admission process within the stipulated time, as per the directions passed by the Hon'ble Supreme Court in MA 1732/2023 in WP (C) No. 76/2015 titled as '*Ashish Ranjan & Ors. vs Union Of India & Ors.*'

60. With the aforesaid observations, the instant petition stands disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

SEPTEMBER 11, 2023
nc/shs/ss