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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15206/2024 & CM APPL. 63803/2024**

JATIN

.....Petitioner

Through: Mr.Ankit singh and Mr.Vijay Rajput,
Advocates.

versus

MEDICAL COUNSELLING COMMITTEE AND ORS

.....Respondents

Through: Mr.Rajesh Mishra, Ms.Anita and
Ms.Arpita, Advocates for R-1 & 2.
Mr.Sanjay Khanna SC with
Ms.Pragya Bhushan, Mr.Karandeep
Singh, Mr.Tarandeep Singh,
Advocates for R-3/NTA.
Ms.Anita Sahani, Advocate for R-6.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **28.10.2024**

CM APPL. 63804/2024 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 15206/2024 & CM APPL. 63803/2024

3. The instant writ petition has been filed seeking the following reliefs:-

“a.) issue a writ in the nature of mandamus or any other appropriate writ directing Respondent No. 1 & 2 to allow the petitioner to withdraw his admission from Respondent No. 4: Government Medical College, Kannauj, Uttar Pradesh and issue relieving certificate and original documents of the petitioner subject to acceptance by



Respondent No. 5: NDMC Medical College at Hindu Rao Hospital, Delhi and Respondent No. 6: Guru Gobin Singh Indraprastha University, Delhi; and/or;

b.) Issue a writ in the nature of mandamus or any other appropriate writ directing Respondent No. 1 to open the web portal i.e. "intramcc.nic.in" for allowing Respondent No. 4 to upload the relieving certificate of the petitioner; and/or;

c.) issue a writ in the nature of mandamus or any other appropriate writ directing Respondent No. 5 and 6 to accept the allotment of petitioner in Respondent No. 5 institute i.e. NDMC, Medical College at Hindu Rao Hospital, Delhi and grant admission to petitioner in terms of the provisional allotment letter dated 22.10.2024; and/ or;

d.) Issue a writ in the nature of mandamus or any other appropriate writ directing Respondent No. 4 to transfer/ cancel/ alienate the bond of Petitioner to Respondent No. 5 in case of withdrawal of admission from Respondent No. 4; and/ or;

e.) In the alternative, Issue a writ in the nature of mandamus or any other appropriate writ directing Respondent No. 5 to refund the fee deposited by the petitioner to the tune of INR. 96,000 j -; and/ or;

f.) Allow the present writ petition with exemplary cost."

4. Learned counsel for the petitioner submits that the petitioner had qualified the NEET UG 2024-25 examination for admission in MBBS Course and scored 14504 as an all India rank. Thereafter, the petitioner participated in the counselling sessions conducted by respondent No.1- Medical Counselling Committee (MCC) on the basis of his NEET UG score. In the second round, the petitioner was allotted respondent No.4- Government Medical College, Kannauj and subsequently, respondent No.5- NDMC Medical College at Hindu Rao Hospital was allotted to him in the third round. Following the allotment, the petitioner had duly paid the provisional fee and was also allotted a provisional allotment letter by respondent No.5- College but due to non-release of original documents on



part of respondent No.4- College and negation of resignation through online mode by respondent- MCC, the petitioner was unable to submit the said documents. It is submitted by the learned counsel of the petitioner that due to the aforesaid, the petitioner has been forced to select a college which is lower in all India rank despite being allotted a college having much higher all India rank.

5. Learned counsel appearing on behalf of the petitioner while placing reliance on an order passed by this Court in W.P.(C) 7255/2019 titled ***Dr. Shidore Shital Mahatardeo v. National Board Of Examination (NBE)*** and another connected matter, submits that under almost similar circumstances, this Court has directed the respondents therein, to issue original documents.

6. The facts of the case would clearly indicate that the principle prayer is against respondent No.4- College. The said College is located in Kannauj, Uttar Pradesh and thus, admittedly situates outside the territorial jurisdiction of this Court. The main grievance in the instant petition evidently relates to the non-release of original documents on part of respondent No.4- College, and without the release of original documents, the respondent-MCC may not be able to proceed with the process of admission in respondent No.5- College.

7. Taking into consideration the various aspects of the instant petition, the Court is of the opinion that the broad controversy arising herein, is squarely covered by the several orders passed by this Court concerning the dimension of territorial jurisdiction, which are summarised below:-



<u>Date of Order</u>	<u>Cause Title</u>	<u>Place where material Cause of Action arose</u>	<u>Respondent-Authority</u>
02.09.2024	W.P.(C) 12041/2024 <i>Smt. Manjira Devi Ayurveda Medical College And Hospital v. Uttrakhand University of Ayurveda & Ors.</i>	Uttrakhand	Uttrakhand University of Ayurveda
05.09.2024 Division Bench	LPA 894/2024 <i>Smt. Manjira Devi Ayurveda Medical College And Hospital v. Uttrakhand University of Ayurveda & Ors.</i>	Uttrakhand	Uttrakhand University of Ayurveda
18.09.2024	W.P.(C) 12049/2024 <i>Michael Builders and Developers Pvt. Ltd. v. National Medical Commission and Ors</i>	Tamil Nadu	The Indian Nursing Council
07.10.2024	W.P.(C) 14153/2024 <i>Aryans College of Education v. National Council For Teacher Education and Anr</i>	Punjab	National Council For Teacher Education
08.10.2024	W.P.(C) 14233/2024 <i>Shri Siddhi Vinayak Medical College and Hospital Sambhal, U.P. v. Union Of India and Anr</i>	Uttar Pradesh	National Medical Commission
14.10.2024	W.P.(C) 13570/2024 <i>Shinde Institute of Pharmacy and Research v. Pharmacy Council of India</i>	Maharashtra	Pharmacy council of India
14.10.2024	W.P.(C) 11627/2024 <i>Sun Private Iti v. Directorate General Of Training</i>	Madhya Pradesh	Directorate General Of Training
14.10.2024	W.P.(C) 12424/2024 <i>Sri Guru Nanak Dev Institute Of Pharmacy v. Pharmacy Council Of India</i>	Uttar Pradesh & Haryana	Pharmacy Council Of India
14.10.2024	W.P.(C) 13601/2024 <i>Dr. Yash Jain v. Union Of India & Ors</i>	Bihar	National Medical Commission
14.10.2024	W.P.(C) 13874/2024 <i>Laxmi Private Iti v. Directorate General Of Training</i>	Madhya Pradesh	Directorate General Of Training



15.10.2024	W.P.(C) 9525/2024 <i>St. John College Of Nursing And Paramedical V. Pharmacy Council Of India</i>	Uttar Pradesh	Pharmacy Council Of India
15.10.2024	W.P.(C) 13776/2024 <i>Pkg Medical College & Hospital v. Union Of India</i>	West Bengal	National Medical Commission
21.10.2024	W.P.(C) 9232/2024 <i>Aishwarya College Of It And Masnagement v. All India Council For Technical Education</i>	Rajasthan	All India Council for Technical Education
21.10.2024	W.P.(C) 12008/2024 <i>Smt. Gomti Smarak Vigyan Mahavidaylaya v. National Council For Teacher Education And Anr</i>	Uttar Pradesh	National Council for Teacher Education

7. A bare perusal of the aforementioned orders would manifest that mere *situs* of any authority, original or appellate, would not be a sole determinative factor in conferring jurisdiction upon a High Court. Merely because a facet of cause of action has taken place in the territorial jurisdiction of this Court, the Court is not obligated to adjudicate upon the same when the essential, material and integral cause of action lies elsewhere.

8. In the instant case, merely because the MCC's office which conducts the counselling at central level is situated in Delhi, the fact alone cannot be the determinative factor to entertain the instant writ petition before this Court. It is also pertinent to note here that the MCC is a central organisation which operates pan-India and the allotment of seats based on the NEET UG examinations is also a nationwide process. Therefore, this aspect alone cannot be the sole determining factor for invoking the jurisdiction of this Court.

9. In light of the doctrine of *forum non- conveniens* and the



aforementioned orders passed by this Court, the Court is not inclined to entertain the instant petition.

10. Accordingly, the instant petition stands dismissed along with the pending application with liberty to the petitioner to approach the jurisdictional High Court.

11. All rights and contentions of the parties are left open.

12. *Dasti.*

PURUSHAINDR KUMAR KAURAV, J

OCTOBER 28, 2024

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