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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 1088/2024, CM APPL. 64351/2024 (Interim Relief) &
CM APPL. 64353/2024 (Addl. Document)

JATIN

.....Appellant

Through: Mr. Mukesh Kumar, Mr. Ankit
Singh and Mr. Vijay Rajput,
Advs.

versus

**MEDICAL COUNSELLING COMMITTEE AND
ORS**

.....Respondents

Through: Mr. Niraj Kumar, Sr. Central
Govt. Counsel with Mr.
Chaitanya Kumar, Advs. for R-
1 and R-2/UOI.
Ms. Anita Sahani, Adv. for R-
6/GGSIPU.
Mr. Sanjay Khanna, SC, Ms.
Pragya Bhushan, Mr.
Karandeep Singh and Mr.
Tarandeep Singh, Advs. for
National Testing Agency.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **13.11.2024**
CM APPL. 64352/2024 (Ex.)

Allowed, subject to all just exceptions.

The application shall stand disposed of.

LPA 1088/2024, CM APPL. 64351/2024 (Interim Relief), CM
APPL. 64353/2024 (Addl. Document)

1. The present Letters Patent Appeal is directed against the
judgement rendered by the learned Single Judge on 28 October 2024.



The learned Single Judge has essentially taken the position that the territorial jurisdiction of this High Court has been wrongly invoked.

2. Quite apart from the above, we take note of the reliefs which were claimed in the writ petition and which read as follows:-

- 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.”

3. As is manifest from the above, the petitioner had essentially sought permission to withdraw from the allocation of a seat made in his favour in Government Medical College, Kannauj, Uttar Pradesh and sought permission to seek admission to NDMC Medical College at Hindu Rao Hospital.



4. Pursuant to the liberty accorded, Mr. Kumar, learned counsel representing the Director General of Health Services, has placed for our consideration a Status Report where the following significant disclosures were made:-

“1. The MCC/DGHS is conducting Counselling for 15% AIQ, 100% Deemed Universities, Central Universities (Delhi University, AMU & BHU including Institutional/ Domicile Quota), 100% ESIC, AFMC (only Registration Part) & I.P University (VMMC & SJH AND ABVIMS & RML & ESIC Dental, Delhi (15% AIQ + 85% Institutional Quota) 100% AIIMS & 100% JIPMER.

2. That the role of MCC of DGHS is limited to allotment of seats to the participating candidates, as per their merit and choice, which starts only after receiving the list/data/Information of successful candidates from National Testing Agency i.e. the NEET (UG) examination conducting body.

3. It is pertinent to mention here that the petitioner is a successful candidate of NEET(UG)-2024 and has an All India Rank of 14504.

4. As per the records available with undersigned office, the petitioner participated in Round-1 of the counselling and was allotted ASMC, Hardoi. However, the candidate did not report to the allotted college.

5. In the Round-2 of counselling, which started from 06.09.2024, the candidate (petitioner herein) was allotted Government Medical College, Kannauj and the candidate duly Reported' to the said college.

6. In reference to the above, it is hereby mentioned that as per the counselling scheme, the candidates who have joined their allotted seat in Round-2 have the option of resigning from their seats only with the option of 'Exit with Forfeiture' within the stipulated time.

7. In the instant case, the option of resigning was made available by the undersigned office vide notice dated 26.09.2024, wherein it was clearly mentioned that the candidates who wish to resign can do so before 5.00 PM of 01 October, 2024. Therefore, the candidate (petitioner herein) was well aware of the fact that after 01 October 2024, no resignation will be allowed.

Also, another notice dated 04.10.2024 was issued by the undersigned office allowing the candidates to resign from their Round-1 and Round-2 seats from 04:00 PM of 04.10.2024 upto



06:00 P.M of 06.10.2024.

8. It is pertinent to mention here that the undersigned office in due compliance of the court directions as passed by Hon'ble Supreme Court of India in Contempt Petition(c) no.289 of 2022 "Subhankar Pattanayak vs K Ramesh Reddy & Ors." has to share data of the joined candidates up to Round-2 and further rounds with other state counselling authorities in order to ensure that no seat is blocked by a candidate both in state and AIQ Quota Counselling.

9. Therefore, **after the stipulated time (i.e., 01st October, 2024 as per notice dated 26.09.2024 and 06.10.2024 as per the notice dated 04.10.2024)**, the resignation was not allowed and the portal for the same was closed.

10. Furthermore, it is submitted that the letter from Respondent-4 (i.e., Government Medical College, Kannauj) was sent to the undersigned office on 21.10.2024 and by that time Round-3 of AIQ Counselling was about to conclude. As of now, the final result of Stray vacancy Round of NEET UG Counselling has been published on 30.10.2024 and reporting has been commenced and hence if the candidate is allowed to resign the aforementioned seat, it will get vacant for the year.

11. It is also hereby mentioned that as per the counselling scheme, no new seats are added in Stray Vacancy Round. Therefore, if the candidate is allowed resignation from the seat, the same will not be included in the Stray vacancy Seat matrix and the seat will be wasted for the whole year."

5. As is manifest from the above, the petitioner already holds an all-India quota seat in Government Medical College, Kannauj. He had admittedly participated in the first and the second round of counselling and it was pursuant to the latter that he came to be allocated the medical college at Kannauj, Uttar Pradesh.

6. The respondents further disclose that as per the notice dated 26 September 2024, candidates were enabled to submit resignations on or before 01 October 2024. By way of a subsequent notice dated 04 October 2024, the action to resign from a seat allocated during the first and second rounds of counselling was extended up to 06 October 2024. It is conceded before us that no such resignation was submitted.



We are also informed that the final result of the stray vacancy round counselling was published on 30 October 2024 and that presently no new seats are available.

7. In view of the aforesaid, we find ourselves unable to accede to the request made by the petitioner for the portal to be opened and for that transition being made. The appeal consequently fails and shall stand dismissed.

8. The Status Report which was placed for our perusal may be included on a digital record.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 13, 2024/DR