



W.P.No.35939 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35939 of 2025

and

W.M.P.Nos.40204 & 40207 of 2025

1. Dr.Ajitha
2. Dr.Preethi T.R
3. Dr.Navaneetham G. Petitioners

Vs

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

2. The National Medical Commission,
Rep. by its Secretary,
Pocket No.14, Sector-8,
Dwaraka,
New Delhi – 110 007.

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



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4. The Medical Counselling Committee,
Rep. by its Secretary,
Nirmal Bhavan, Rajpath Area,
Secretariat,
New Delhi – 110 002.

5. The Directorate of Medical Education,
Represented by
the Deputy Director of Medical Education,
Kilpauk, Chennai – 600 010.

6. The Selection Committee,
Represented by its Secretary,
Directorate of Medical Education,
No.162, Periyar E.V.R., High Road,
Chennai – 500 010.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents herein, to forthwith conduct an additional Mop-Up Counselling round for NEET SS 2024-2025, after including the unfilled Super Speciality seats, so as to ensure optimal seat utilization and to uphold the principles of fairness, transparency and equality in the admission process.

For Petitioner : Mr.P.H.Aravind Pandian
Senior Counsel
for Mr.Salai Varun and
Mr.Vikram Veerasamy

For R1, R3 & R4 : Mr.ARL.Sundaresan
Additional Solicitor General of India
Assisted by Mr.N.Sivaneshan
Central Government Standing Counsel



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For R2 : Mrs.V.Sudha
Senior Central Government Counsel

For R5 : Mr.K.Tippu Sultan
Government Advocate

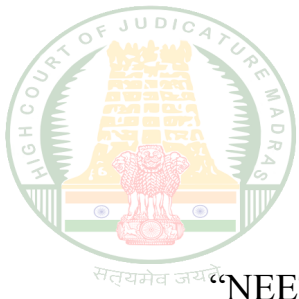
For R6 : Mrs.M.Sneha
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the third and fourth respondents to conduct an additional mop-up counselling for NEET-SS 2024-2025, after including the unfilled Super Specialty seats in Tamil Nadu NEET-SS 2024-2025, which are available with the fifth and sixth respondents.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. Out of the 5000 super specialty seats available in medical colleges across the country, about 600 seats were left vacant even after completion of two rounds of counselling under the National Eligibility-cum-Entrance Test-Super Specialty (hereinafter referred to as

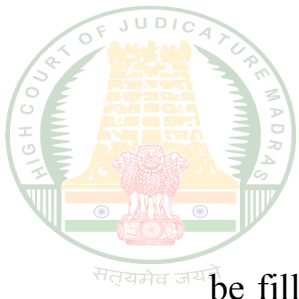


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“NEET-SS”). In order to fill up the vacant seats, the Medical Counselling Committee had announced that candidates who had secured zero percentile in NEET-SS 2024 candidates would also be eligible to participate in the counselling. Despite the reduction of the cut off, 600 seats continued to remain vacant. Hence, the present Writ Petition has been filed seeking a direction for conduct of an additional round of mop-up counselling so as to enable eligible candidates to secure admission and also fill in the valuable seats.

4. Insofar as the petitioners are concerned, they have completed their MBBS degree as well as their postgraduate degree in various specialities. The petitioners appeared for NEET-SS 2024 and are eligible to participate in the Super Specialty counselling conducted by the fourth respondent herein under the supervision of the third respondent. Though the petitioners were allotted seats in the initial rounds of counselling, the seats of their preference were opted for by other candidates. Subsequently, certain candidates who had initially opted for such seats resigned from the same and those seats remain unfilled. The said unfilled seats, in terms of the counselling rules, could



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be filled up through an additional mop-up round of counselling, thereby affording the petitioners and similarly placed candidates an opportunity to secure better prospects in subsequent rounds.

5. In the absence of mop-up round for NEET-SS seats, several high-value seats in Government and private institutions across the country will continue to remain vacant. It has been reported that, in the State of Tamil Nadu alone, about 40 super-specialty seats are lying vacant. The third and fourth respondents are entrusted with several roles and responsibilities, as per the official scheme and notifications, which include maintaining the official website, finalising counselling procedures and schedule and coordinating with the State and Union Territory authorities. They are also mandated to conduct counselling for super-specialty courses in the participating institutions across India, which approximately comprise 100 seats.

6. As per the notice dated 19.04.2025, the fourth respondent informed all concerned institutions regarding the opening of the intra Medical Counselling Committee portal for contribution of super



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specialty seats. Subsequently, a second round of super specialty counselling was also conducted and the final result was declared on 11.06.2025. As stated supra, several super specialty seats that were initially allotted to candidates came to be vacated on account of resignation, withdrawal, or non-joining and as such, those seats remained vacant and unutilized. Such seats could appropriately have been filled through an additional round of counselling or a mop-up process, whereby eligible and willing candidates could have been considered for allotment.

7. In fact, candidates who were allotted seats in the Institutes of National Importance were permitted to resign without forfeiture of their security deposit up to 5.00 p.m on 24.06.2025 subject to the condition that they would thereafter be barred from participating in further rounds of super specialty counselling. The super specialty counselling process in India is conducted in two streams, namely, the All India Counselling conducted by the fourth respondent on a national basis, and the State Counselling conducted by the fifth and sixth respondents herein for seats earmarked under the State quota. Any super

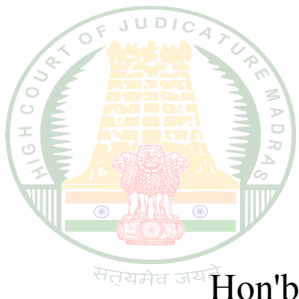


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specialty seats remaining unfilled under the State quota are required to be surrendered and transferred to the fourth respondent for inclusion in the All India Stray Vacancy Round, thereby enabling such seats to be filled by other eligible candidates from across the country, and ensuring that no seat is wasted.

8. The learned Senior Counsel appearing for the petitioners submitted that the Hon'ble Supreme Court of India has consistently emphasized the importance of optimum utilization of available medical education seats, and has recognized the necessity of mop-up or additional rounds of counselling to ensure that all vacant seats are duly filled. He also relied upon the order passed in ***Writ Petitions (Civil) No. 106, 264, 312 & 385 of 2023*** dated 13.04.2023 in the case of ***Kevin Joy and Ors Vs. The Government of India and Or***, wherein the Hon'ble Supreme Court of India dealt with the issue of 1003 precious super specialty seats getting wasted as nobody could be admitted for filling the said seats. It was further observed that the shortage of Super Specialty Doctors is likely to affect the smooth functioning of the petitioner institution and it also held that without being treated as a precedent, the



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Hon'ble Supreme Court of India directed the Medical Counselling Committee to recommend special mop-up round is required to be conducted for recommending the admission, it will be entitled to do so.

9. He also relied upon the letter addressed by the Hon'ble Health and Family Welfare Minister of the State of Tamil Nadu, wherein it was stated that as per the directions of the Hon'ble Supreme Court of India, 50% of Super Specialty seats in Government Medical Colleges in Tamil Nadu are reserved for in-service candidates. It was pointed out that 24 in-service seats still remain vacant. Due to change in counselling guidelines, including the third respondent's notification dated 21.06.2025 permitting upgradation in the stray round, the Selection Committee has received representations seeking an additional round of counselling to fill up these vacancies. Accordingly, by letter dated 28.07.2025, a request was made to permit the State Government to conduct an extended stray round of counselling for in-service candidates, so as to fill the 24 vacancies in Super Specialty courses and to complete the process on or before 05.08.2025.

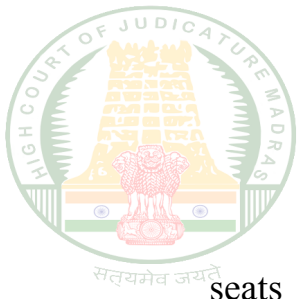


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10. On instructions, Mr.ARL.Sundaresan, learned Additional Solicitor General of India appearing for the respondents 1, 3 and 4 submitted that the Hon'ble Supreme Court of India has already approved the guidelines prescribing the time schedule for completion of the admission process in Postgraduate (Super Specialty) Medical Courses. Accordingly, the last date for admission of students against the vacancies is 31st of August and beyond that date no candidate can be permitted to join the PG (Super Specialty) Medical Course. In any circumstances, the last date for admission or joining shall not be extended beyond 31st August and all institutions shall also follow the schedule on letter and spirit. That apart, the present writ petition has been filed seeking a direction without even submitting any representation for consideration, and since at any event, the admission process cannot be extended beyond 31st August.

11. As rightly pointed out by the learned Senior Counsel for the petitioners, the non-conduct of a mop-up of counselling round for NEET-SS 2024-2025 has resulted in a large number of Super Specialty



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seats being left vacant, notwithstanding the availability of willing, eligible and meritorious candidates to fill them. The Hon'ble Supreme Court of India only has got jurisdiction under Article 142 of the Constitution of India to issue directions for the conduct of a stray mop-up round for admission to super specialty courses. That apart, the Hon'ble Supreme Court of India specifically held that such directions, when issued in exercise of its extraordinary powers under Article 142 of the Constitution of India, shall not be treated as a precedent. In the circumstances, the relief sought for in this petition cannot be granted and prayed for dismissal of the writ petition.

12. Mr.K.Tippu Sultan, learned Government Advocate appearing for the fifth respondent and Mrs.M.Sneha, learned Standing Counsel appearing for the sixth respondent submitted that, in the State of Tamil Nadu, if a mop-up counselling or any further round of counselling is permitted for PG Super Specialty Courses, the unfilled seats cannot go waste and it can be filled up by the students who are willing to take their respective seats. In fact, the State authorities, by a letter dated 28.07.2025, already addressed the third and fourth respondents herein



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seeking permission to conduct an additional round of counselling so as to fill up the vacant in-service candidate seats.

13. The denial of a mop-up counselling round has resulted in the arbitrary and unjustified non-utilization of valuable medical education resources in both public and private institutions, particularly in high demand specialties and prestigious institutions, thereby defeating the objective of equitable access to medical education. Such an approach also runs contrary to the statutory and administrative mandate contained in the PG Medical Education (Amendment) Regulations, 2019, which requires the counselling for all Super Specialty seats to be conducted in a manner that ensures maximum utilization. It is further evident that the unfilled Super Specialty seats in Tamil Nadu, which ought to have been surrendered to the fourth respondent for inclusion in the All India Stray Vacancy Round, were not included therein, resulting in their lapse. This exclusion has deprived candidates of an equal chance to compete for the available seats and has led to avoidable wastage, thereby warranting the conduct of a mop-up round in the larger public interest.



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14. Though the Hon'ble Supreme Court of India has held that directions issued cannot be treated as precedent, the order passed on the issue of 1003 precious super specialty seats getting wasted as nobody could be admitted for filling on the said seats. Further, a shortage of super specialty doctors in certain critical disciplines is likely to affect the smooth functioning of medical institution. Therefore, the Hon'ble Supreme Court of India has time and again emphasized that all available seats in medical education, especially in critical super specialty disciplines, must be filled and should not be allowed to lapse on account of avoidable procedural gaps.

15. In view of the above, this Court directs the third and fourth respondents to conduct an additional mop-up counselling for NEET-SS 2024-2025, after including the unfilled Super Specialty seats in Tamil Nadu arising from the fifth and sixth respondents herein and to complete the admission process for NEET-SS 2024-2025 within a period of four weeks from the date of receipt of a copy of this order.



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16. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

18.09.2025

Internet : Yes
Index : Yes/No
Lpp

Note : Issue order copy on 19.09.2025

To

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

2. The Secretary,
National Medical Commission,
Pocket No.14, Sector-8,
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G.K.ILANTHIRAIYAN, J.

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4. The Secretary,
Medical Counselling Committee,
Nirmal Bhavan, Rajpath Area,
Secretariat,
New Delhi – 110 002.

5. The Deputy Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai – 600 010.

6. The Secretary,
Selection Committee,
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