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

+ W.P.(C) 12963/2025 & CM APPL. 52926/2025

INDEX MEDICAL COLLEGE HOSPITAL AND RESEARCH

CENTRE

.....Petitioner

Through: Mr. Kaushal Gautam, Mr. Mrinal Sharma, Mr. Hemant Dalal, Ms. Snehpreet Kaur and Ms. Vanshika Singh, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Arunima Dwivedi, CGSC with Ms. Pinky Pawar, GP with Ms. Priya Khurana, Adv. for R-1/UOI.
Mr. T. Singhdev, Mr. Tanishq Srivastava, Mr. Bhanu Gulati, Mr. Abhijit Chakravarty, Ms. Anum Hussain, Ms. Yamini Singh, Mr. Sourabh Kumar and Mr. Vedant Sood, Advs. for R-2/NMC.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

18.09.2025

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1. The present petition has been filed seeking following relief:

“(i) Issue a writ of certiorari or any other appropriate writ, order or direction to quash:

a) The impugned letter dated 12.08.2025 issued by the National Medical Commission (Respondent No.2) withholding the post graduate applications for increase of PG seats for AY 2025-26 in five streams in the Petitioner College, as being arbitrary, unreasonable, violative of principles of natural justice, and is in



conflict with the National Medical Commission Act, 2019, and the regulations framed thereunder.

b) Direct the Respondent No. 02 to process the applications which are annexed as ANNEXURE - P/3 (COLLY.) and mentioned at Para No.3(viii) of the present Writ Petition, filed by the Petitioner in accordance with established law for increase of seats in PG courses for academic session 2025-26.”

2. Inviting attention of the Court to the impugned order (Annexure P-1) Mr. Kaushal Gautam, learned counsel appearing on behalf of petitioner submits that *vide* said order, the Medical Assessment & Rating Board has withheld the PG applications for increase of seats in 05 PG Courses in petitioner institution. He submits that the said decision has been predicated only on allegation that CBI has registered FIR No. RC2182025A0014 dated 30.06.2025 in which petitioner institution has been implicated.

3. He submits that in an identically placed matter, the Hon’ble Division Bench of this Court in an intra-court appeal being LPA 564/2025 titled as **National Medical Commission vs. Index Medical College, Hospital and Research Centre & Ors.**, [Date of Decision: 04.09.2025] has passed certain directions whereby the National Medical Commission (NMC) has been allowed to satisfy itself by securing another inspection report from the Expert Committee and thereafter take an appropriate decision as to whether the writ petitioner therein is to be permitted an intake for MBBS Course admission for the academic year 2025-26.

4. He submits that in the present case also, the impugned order came to be passed in view of the FIR bearing no. RC-2182025A0014 dated 30.06.2025, which was a reason for passing of an impugned order in the said case as well.



5. In view of the above, issue notice. Ms. Arunima Dwivedi, learned CGSC accepts notice on behalf of the respondent no.1/UOI. Likewise, Mr. T. Singhdev, learned counsel for the respondent nos. 2 accepts notice.

6. On a query posed by the Court as to whether the facts of the present matter are identical to the one in LPA 564/2025, the answer of Mr. T. Singhdev is in affirmative. However, he adds that the only distinguishing factor is that the present matter is for increase of seats in PG courses and the subject matter of LPA was for renewal of UG seats.

7. He also contends that this Court does not have the territorial jurisdiction. Further, the petitioner has an alternative efficacious statutory remedy of an appeal before the NMC, as well as, the Central Government. He also contends that the allegations made in the FIR are serious.

8. Mr. Gautam has handed over a copy of the judgment dated 04.09.2025 passed in LPA 564/2025 and having perused the same, this Court finds that the factual aspects of the present matter are identical to the one in LPA 564/2025.

9. In light of the facts in LPA (supra), the Hon'ble Division Bench had passed the following directions:

“27. Having regard to the over all facts and circumstances of the case as also the order passed by the Hon'ble Supreme Court in Madhuri Sewa Nyas (supra), we dispose of the instant Letters Patent Appeal as also the W.P.(C) No. 10890/2025 with the following directions:

I. The National Medical Commission shall satisfy itself by securing another inspection report from the Expert Committee by 09.09.2025 and thereafter shall take appropriate decision as to whether the petitioner – institution is to be permitted to take the intake of MBBS students for the academic session 2025-26.



II. If the National Medical Commission is satisfied about the compliance of the statutory norms, it shall ensure that adequate number of students strictly as per merit are provided for admission against the sanctioned seats by the body/ authority conducting the counselling.

III. We also clarify that the direction contained in this order shall have no bearing on the FIR registered by the CBI and the proceedings on the basis of the said FIR shall independently be carried out in accordance with law.

28. At this juncture, learned senior counsel for the appellant Commission has stated that at least 10 days' time be granted for ensuring compliance of this order for the reason that 5th, 6th and 7th September, 2025 are holidays.

29. Ordinarily, we would have acceded to such a prayer being made by the learned counsel representing the appellant-Commission, however, considering the fact that the second round of counselling is to commence on 10.09.2025, we have passed the directions as above. We also direct that all the authorities, including the panel of experts shall cooperate with each other to ensure timely compliance of this order."

10. Mr. Gautam urges that similar directions may be passed in the present petition.

11. As the parties are *ad idem* that the facts of the present petition are identical to the facts in LPA (supra), the present petition alongwith pending application stands disposed of with the following directions:

a. The National Medical Commission shall process the applications filed by the petitioner institute for increase of seats in 05 PG courses, along with other similarly placed applicants.

b. If the National Medical Commission is satisfied about the compliance of the statutory norms, it shall ensure that adequate



number of students strictly as per merit are provided for admission against the sanctioned seats by the body/ authority conducting the counselling.

c. It is clarified that the direction contained in this order shall have no bearing on the FIR registered by the CBI and the proceedings on the basis of the said FIR shall independently be carried out in accordance with law.

d. It is further directed that all authorities including the panel of Experts shall cooperate with each other to ensure timely compliance of this order.

12. Order *dasti* under the Signatures of the Court Master.

SEPTEMBER 18, 2025/dss

VIKAS MAHAJAN, J