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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 24th November, 2025*

+ W.P.(C) 17143/2025 and CM APPL. 70481/2025

DR. YOGESH YADAVPetitioner

Through: Petitioner in person.

versus

NATIONAL BOARD OF EXAMINATIONS IN MEDICAL
SCIENCES

.....Respondent

Through: Mr. Sunil J. Mathews, Ms. Jyoti Chib
and Ms. Achint Priya, Advocates.**CORAM:****HON'BLE MS. JUSTICE JYOTI SINGH****JUDGEMENT****JYOTI SINGH, J. (ORAL)**

1. This writ petition is filed under Article 226 of the Constitution of India on behalf of Petitioner seeking the following reliefs:-

“(a) Issue a writ of mandamus or any other appropriate direction commanding the Respondent NBEMS to treat 05.02.2026 as a valid training completion date and permit the Petitioner to appear in NEET-SS 2025 Examination;

(b) Declare that the fixation of 31.01.2026 as the final training completion cut-off date without considering NBEMS's own joining dates, is arbitrary and violative of Articles 14 and 21 of the Constitution of India;

(c) Grant costs of the present proceedings in favour of the Petitioner and against the Respondent for causing unnecessary litigation, despite lawful representations and Hon'ble High Court proceedings;

(d) Pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case”.

2. To the extent necessary, the facts are that on 31.01.2023, Respondent/NBEMS declared the Mop-Up Round result of Post-MBBS



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Sponsored DNB Counseling, 2022 and Petitioner was allotted DNB General Medicine seat at Diamond Harbour Government Medical College and Hospital, West Bengal. On 01.02.2023, NBEMS issued Allotment Letter directing the Petitioner to join on or before 07.02.2023 and Petitioner joined the training on 06.02.2023. On 30.03.2024, NBEMS issued Public Notice prescribing tentative training completion cut-off dated as 31.01.2026 for June, 2025 DNB Final Exit Exam.

3. It is stated that Petitioner filed W.P.(C) No. 17230/2024 on 10.11.2025 challenging the tentative cut-off, in which NBEMS filed counter affidavit stating that final cut-off will be decided considering the joining dates of the candidates. On 30.01.2025, Petitioner withdrew the writ petition based on this affidavit and later, on 15.05.2025 NBEMS released final Information Bulletin retaining 31.01.2026 as cut-off. Petitioner filed W.P.(C) No. 6694/2025 on 15.05.2025, in which notice was issued on 19.05.2025 and NBEMS filed short affidavit stating that the date was extended to 06.02.2026 and Petitioner will be permitted to appear in the exam. This petition was therefore withdrawn on 28.05.2025 and Petitioner appeared in the exam between June to October, 2025 and cleared both theory and practical examinations.

4. It is stated that on 05.11.2025, NBEMS released Information Bulletin for NEET-SS 2025 Examination fixing 31.01.2026 as eligibility cut-off date. On the same date, Petitioner made a representation for extending the date to 05.02.2026, but to no avail and the examination is now scheduled to be held on 26-27, December, 2025, however, Petitioner is ineligible to appear and he completes the training post the cut-off date.

5. Petitioner, who appears in person submits that the cut-off date of 31.01.2026 for completion of training is arbitrary and overlooks the fact that



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Petitioner joined the concerned college and hospital on 06.02.2023 for training in consonance with NBEMS's own Allotment Letter and cannot be faulted if the training is due for completion on 05.02.2026. It is urged that examination schedules and cut-off dates must be fixed taking into account that no outgoing batch of students is deprived of opportunity to appear in an examination corresponding to the academic cycle. The cut-off date of 31.01.2026 is not only arbitrary but also contrary to several affidavits filed by NBEMS in this Court in the earlier rounds of litigation, whereby Petitioner was assured that cut-off date will be extended to 06.02.2026 and the statements made in affidavits filed in Court are a binding obligation on NBEMS.

6. Counsel for NBEMS, on the other hand, submits that there is no merit in the petition. Petitioner has no vested right to seek extension/alteration of the cut-off date which is uniformly applicable to all aspiring candidates for appearing in NEET-SS 2025 Examination and was duly notified through Public Notice dated 04.11.2025. The cut-off date was not determined solely by NBEMS but was decided after due deliberations in an inter authority process involving NMC and Ministry of Health and Family Welfare and was extended under a separate regulatory process. NEET-SS 2025 Examination is already behind schedule as it was to take place earlier this year and any extension in cut-off date would further delay the current cycle and adversely affect the scheduling of subsequent NEET-SS Examinations. It is urged that it is no longer *res integra* that fixing of cut-off dates or prescribing eligibility or selection criteria is the domain of the executive and Courts should ordinarily refrain from interfering in academic matters unless the decision making process is wholly arbitrary.

7. Heard learned counsels for the parties.



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8. From a plain reading of the writ petition, it is clear that the relief that the Petitioner seeks from this Court is to treat 05.02.2026 as a valid training completion date to enable the Petitioner to appear in NEET-SS 2025 Examination. In other words, a declaration is sought that fixation of 31.01.2026 as a cut-off date is illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India. It is no longer *res integra* that fixing cut-off dates for determining eligibility, is the domain and remit of the executive and it is not open to the Court while exercising power of judicial review to either prescribe cut-off dates or direct their extension/alteration, save and except, in exceptional cases where the action of fixing the cut-off date is manifestly unreasonable or so arbitrary that it leads to a conclusion that there will be injustice and/or violation of Article 14 of the Constitution. In ***Hirandra Kumar v. High Court of Judicature at Allahabad and Another, (2020) 17 SCC 401***, the Supreme Court held that power to fix a cut-off date or age limit is incidental to regulatory control which an authority exercises over the selection process. A certain degree of arbitrariness may appear on the face of any cut-off date which is prescribed, since candidates on the wrong side of the line may stand excluded as a consequence. That, however, is no reason to hold that the cut-off date prescribed is arbitrary. In order to declare that a cut-off is arbitrary and *ultra vires*, it must be of such a nature as to lead to the conclusion that it has been fixed without any rational basis whatsoever or is manifestly unreasonable so as to lead to a conclusion of violation of Article 14 of the Constitution of India.

9. In ***Shikhar and Another v. National Board of Examination and Others, (2024) 15 SCC 725***, Petitioners aspiring for NEET (PG), 2022 challenged the deadline set for completion of internship for appearing in the said examination and the grievance ventilated was that extension of cut-off



date from 31.05.2022 to 31.07.2022 would leave out students from certain States, who were unable to complete their internships by the prescribed date. Observing that the Court did understand that the cut-off date prescribed for completion of internship would put certain students at a disadvantage, the Supreme Court held that it was conscious that it was the domain of the executive and regulatory authorities to formulate appropriate eligibility standards for admissions. Reference was made to the judgment of the Supreme Court in ***Indian Institute of Technology and Others v. Soutrik Sarangi and Others, (2021) 17 SCC 79***, where the Supreme Court held that Courts should be circumspect in exercising powers of judicial review in matters concerning academic policies, including admission criteria. Declining to interfere in the prescribed cut-off date, the Supreme Court held as follows:-

“9. It was urged that the High Court erred in law in equating IIT seats with non-IIT seats without appreciating that the statutory rules were not under challenge. Furthermore, the impugned criteria operates for the forthcoming year as well and not confined to 2021. As a consequence, a large number of candidates had already fixed their position by following the rules. Interfering with the process would irrevocably prejudice such candidates who had accepted its mandate. It was argued that Soutrik, the respondent misled the High Court by suppressing material facts that he had never opted for computer science, contrary to his averments in the JEE (Mains) Examination 2020 and furthermore by deceit and withholding information that he had been admitted to a course in IIT, Kharagpur and proceeding to accept the seat in IIT, Bombay (in BS Mathematics) based on his performance in the International Olympiad.

10. Mr S.K. Bhattacharya, learned counsel for the respondent, Soutrik argued at the outset that the appeal should not be maintained for the reason that IIT has directly approached this Court without availing itself of the normal remedy of an appeal before the LPA Bench. It was emphasised that if the matter were to be proceeded with, the respondent Soutrik would be placed at a disadvantage because he would have in the event of a decision by this Court, no recourse to further appeal. Mr Bhattacharya underlined that even otherwise, this Court has, as a matter of practice, desisted from entertaining the appeals from the learned Single Judge's decisions, if appeals are available in the form of letters patents or



writ appeals in the High Courts concerned.

11. Mr S.K. Bhattacharya, learned counsel urged that Criterion 5 is plainly discriminatory because it differentiates between candidates who are successful in securing admission to IITs and those who secured admission to non-IIT institutions. Highlighting that both categories of candidates appear in the same examination, it was emphasised that the so-called sub-categorisation is irrational. Echoing the reasoning of the High Court, Mr Bhattacharya urged that IIT's grounds for framing such a discriminatory policy are faulty because whether it is IIT or a non-IIT technical institution the consequence of a candidate opting out of a particular course and seeking admission in a different institution would lead to the same consequence i.e. loss of one seat. In the circumstances, it cannot be said that there is a distinction between the two kinds of institutions.

12. It was submitted that Soutrik opted for the seat in IIT, Kharagpur but could not pull out of the admission process before expiry of the last date for doing so due to inadvertence. In these circumstances, he ought to be given the choice of appearing in the current JEE (Advanced) examination since his career is at stake and he has an equal right to better his opportunity as candidate who succeeds in securing admission in non-IIT institutions but do not opt to continue.

13. At the outset, this Court holds as insubstantial the objection on behalf of the respondent Soutrik that IIT should have approached the Division Bench in Letter Patent jurisdiction of the Calcutta High Court. The ordinary rule of necessity that litigants should approach and avail of appellate remedies exhausting them before approaching this Court is a rule of convenience and not an immutable practice. It has been held to be so by this Court (Ref. State of U.P. v. Harish Chandra [State of U.P. v. Harish Chandra, (1996) 9 SCC 309 : 1996 SCC (L&S) 1240]). Moreover, the discretion under Article 136 of the Constitution is flexible and sufficiently wide, to correct glaring errors and injustices. Furthermore, this Court had issued notice on 9-9-2021 [IIT, Kharagpur v. Soutrik Sarangi, 2021 SCC OnLine SC 964] and granted an interim order suspending the directions [Soutrik Sarangi v. IIT, Kharagpur, 2021 SCC OnLine Cal 2772] of the High Court. On the two subsequent dates of hearing i.e. 17-9-2021 and 24-9-2021, there was no objection on the part of the respondent with respect to the maintainability of the present petition. Having regard to all these facts, the objection is hereby overruled.

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15. IITs are constituted under the Institutes of Technology Act, 1961 (hereafter "the Act") and are declared to be technical institutions of education, declared by Parliament, to be of national importance (under Entry 64) of the Union List (List I) of the Seventh Schedule to the



Constitution of India [“64. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.”] , set up to foster excellence in education. The appellant contends that IITs have created a world class academic platform dynamically sustained through quality teaching and internationally acclaimed research with excellent infrastructure and the best minds available. Admission to IITs is governed by the JEE (Advanced) Information Brochure which sets out the detailed rules of eligibility. That an examination is conducted exclusively by IITs and the National Testing Agency (“NTA”) has no role in this. The NTA's role is confined only to the JEE (Mains). The top 2.5 lakhs successful candidates in the JEE (Mains) examination category wise — are allowed to appear in the JEE (Advanced) examination provided they fulfil other eligibility criteria. The admissions standards for IITs are prescribed by virtue of exercise of power under Section 33(2)(b) of the Act. The planning of the JEE (Advanced) and the admissions process to various IITs is conceived and supervised by the Joint Administrative Board consisting of Directors of IITs, Members of the Joint Implementation Committee, representatives of the Union Government, CBSE, etc.”

10. In **Hirandra Kumar (supra)**, the Supreme Court held as follows:-

“21. The legal principles which govern the determination of a cut-off date are well settled. The power to fix a cut-off date or age-limit is incidental to the regulatory control which an authority exercises over the selection process. A certain degree of arbitrariness may appear on the face of any cut-off or age-limit which is prescribed, since a candidate on the wrong side of the line may stand excluded as a consequence. That, however, is no reason to hold that the cut-off which is prescribed, is arbitrary. In order to declare that a cut-off is arbitrary and ultra vires, it must be of such a nature as to lead to the conclusion that it has been fixed without any rational basis whatsoever or is manifestly unreasonable so as to lead to a conclusion of a violation of Article 14 of the Constitution.

22. Several decisions of this Court have dealt with the issue. In Ami Lal Bhat v. State of Rajasthan [Ami Lal Bhat v. State of Rajasthan, (1997) 6 SCC 614 : 1997 SCC (L&S) 1576] , a two-Judge Bench of this Court dealt with the provisions contained in the Rajasthan Medical Services (Collegiate Branch) Rules, 1962. Rule 11(1) prescribed that a candidate for direct recruitment should not have attained the age of 35 years on the first day of January following the last date fixed for the receipt of applications. Rejecting the contention that the cut-off was arbitrary, this Court held that the fixation of a cut-off prescribing maximum or minimum age requirements for a post is in the discretion of the rule-making authority. The Court held thus : (SCC p. 617, para 5)

“5. ... In the first place the fixing of a cut-off date for determining the maximum or minimum age prescribed for a post is not, per se,



arbitrary. Basically, the fixing of a cut-off date for determining the maximum or minimum age required for a post, is in the discretion of the rule-making authority or the employer as the case may be. One must accept that such a cut-off date cannot be fixed with any mathematical precision and in such a manner as would avoid hardship in all conceivable cases. As soon as a cut-off date is fixed there will be some persons who fall on the right side of the cut-off date and some persons who will fall on the wrong side of the cut-off date. That cannot make the cut-off date, per se, arbitrary unless the cut-off date is so wide off the mark as to make it wholly unreasonable.”

The same view has been adopted in other decisions, including those in (i) State of Bihar v. Ramjee Prasad [State of Bihar v. Ramjee Prasad, (1990) 3 SCC 368 : 1991 SCC (L&S) 51] (“Ramjee Prasad”); (ii) Union of India v. Sudhir Kumar Jaiswal [Union of India v. Sudhir Kumar Jaiswal, (1994) 4 SCC 212 : 1994 SCC (L&S) 925] (“Sudhir Kumar Jaiswal”); (iii) Union of India v. Shivbachan Rai [Union of India v. Shivbachan Rai, (2001) 9 SCC 356 : 2002 SCC (L&S) 197] (“Shivbachan Rai”); and (iv) Council of Scientific & Industrial Research v. Ramesh Chandra Agrawal [Council of Scientific & Industrial Research v. Ramesh Chandra Agrawal, (2009) 3 SCC 35 : (2009) 1 SCC (L&S) 547] (“Ramesh Chandra Agrawal”).

23. *In Ramjee Prasad [State of Bihar v. Ramjee Prasad, (1990) 3 SCC 368 : 1991 SCC (L&S) 51] , the State issued advertisements for the post of Assistant Professors and prescribed 31-1-1988 as the last date for the receipt of applications. Applicants must have had three years of experience. Contending that applicants could not meet the prescribed requirement of experience by the date prescribed, the cut-off date was challenged as being arbitrary and ultra vires Article 14 of the Constitution. A two-Judge Bench of this Court upheld the cut-off date and held thus : (SCC pp. 373-74, para 8)*

“8. ... It is obvious that in fixing the last date as 31-1-1988 the State Government had only followed the past practice and if the High Court's attention had been invited to this fact it would perhaps have refused to interfere since its interference is based on the erroneous belief that the past practice was to fix June 30 of the relevant year as the last date for receipt of applications. Except for leaning on a past practice the High Court has not assigned any reasons for its choice of the date. As pointed out by this Court the choice of date cannot be dubbed as arbitrary even if no particular reason is forthcoming for the same unless it is shown to be capricious or whimsical or wide off the reasonable mark. The choice of the date for advertising the posts had to depend on several factors, e.g. the number of vacancies in different disciplines, the need to fill up the posts, the availability of candidates, etc. It is not the case of anyone that experienced candidates were not available in sufficient numbers on the cut-off



date. Merely because the respondents and some others would qualify for appointment if the last date for receipt of applications is shifted from 31-1-1988 to 30-6-1988 is no reason for dubbing the earlier date as arbitrary or irrational.”

(emphasis supplied)

24. In Sudhir Kumar Jaiswal [Union of India v. Sudhir Kumar Jaiswal, (1994) 4 SCC 212 : 1994 SCC (L&S) 925] , the date with reference to which the age eligibility of a person desirous of sitting in the competitive examination for recruitment to the Indian Administrative Service/Indian Foreign Service was fixed as 1 August of every year. The preliminary exam would normally be held annually before 1 August. Rejecting the contention that the cut-off date is arbitrary and hence ultra vires, a two-Judge Bench of this Court held thus : (SCC pp. 214-16, paras 5-8)

“5. As to when choice of a cut-off date can be interfered with was opined by Holmes, J. in Louisville Gas & Electric Co. v. Coleman [Louisville Gas & Electric Co. v. Coleman, 1928 SCC OnLine US SC 92 : 72 L Ed 770 : 277 US 32 (1928)] by stating that if the fixation be “very wide of any reasonable mark”, the same can be regarded arbitrary. What was observed by Holmes, J. was cited with approval by a Bench of this Court in Union of India v. Parameswaran Match Works [Union of India v. Parameswaran Match Works, (1975) 1 SCC 305] (in para 10) by also stating that choice of a date cannot always be dubbed as arbitrary even if no particular reason is forthcoming for the choice unless it is shown to be capricious or whimsical in the circumstances. It was further pointed out where a point or line has to be, there is no mathematical or logical way of fixing it precisely, and so, the decision of the legislature or its delegate must be accepted unless it can be said that it is very wide of any reasonable mark.

6. The aforesaid decision was cited with approval in D.G. Gose & Co. (Agents) (P) Ltd. v. State of Kerala [D.G. Gose & Co. (Agents) (P) Ltd. v. State of Kerala, (1980) 2 SCC 410] ; so also in State of Bihar v. Ramjee Prasad [State of Bihar v. Ramjee Prasad, (1990) 3 SCC 368 : 1991 SCC (L&S) 51] ...

7. In this context, it would also be useful to state that when a court is called upon to decide such a matter, mere errors are not subject to correction in exercise of power of judicial review; it is only its palpable arbitrary exercise which can be declared to be void...

8. ... As to why the cut-off date has not been changed despite the decision to hold preliminary examination, has been explained in Para 3 of the special leave petition. The sum and substance of the explanation is that preliminary examination is only a screening test and marks obtained in this examination do not count for determining the order of merit, for which purpose the marks obtained in the main examination, which is still being held after 1st August, alone are



material. In view of this, it cannot be held that continuation of treating 1st August as the cut-off date, despite the Union Public Service Commission having introduced the method of preliminary examination which is held before 1st August, can be said to be “very wide off any reasonable mark” or so capricious or whimsical as to permit judicial interference.”

25. *In Shivbachan Rai [Union of India v. Shivbachan Rai, (2001) 9 SCC 356 : 2002 SCC (L&S) 197] , the Union Public Service Commission advertised for direct recruitment to the post of Assistant Director in the Central Poultry Breeding Farms and prescribed an age-limit of 35 years as on 31-5-1990 with a relaxation of five years for government servants. The earlier notification did not provide a limitation on the age relaxation. The five-year stipulation was challenged as being arbitrary and ultra vires. A two-Judge Bench upheld the notification and held thus : (SCC p. 358, para 6)*

“6. ... Prescribing of any age-limit for a given post, as also deciding the extent to which any relaxation can be given if an age-limit is prescribed, are essentially matters of policy. It is, therefore, open to the Government while framing rules under the proviso to Article 309 of the Constitution to prescribe such age-limits or to prescribe the extent to which any relaxation can be given. Prescription of such limit or the extent of relaxation to be given, cannot be termed as arbitrary or unreasonable. The only basis on which the respondent moved the Central Administrative Tribunal was the earlier Rules of 1976 under which, though an age-limit was prescribed, a limit had not been placed on the extent of relaxation which could be granted. If at all any charge of arbitrariness can be levied in such cases, not prescribing any basis for granting relaxation when no limit is placed on the extent of relaxation, might lead to arbitrariness in the exercise of power of relaxation.”

(emphasis supplied)

26. *In Ramesh Chandra Agrawal [Council of Scientific & Industrial Research v. Ramesh Chandra Agrawal, (2009) 3 SCC 35 : (2009) 1 SCC (L&S) 547] , the Council of Scientific and Industrial Research framed a scheme for the absorption of researchers working in their laboratories and institutes following the directions of this Court. It was prescribed that eligible applicants must have 15 years of continuous research on 2-5-1997. The Director was conferred powers to relax the requirement. Contending that the tenure of researchers is ordinarily 13 years, the prescription of 15 years was challenged as being ultra vires and arbitrary. This contention was accepted by the High Court. On appeal, a two-Judge Bench of this Court examined the scheme and applicable avenues to researchers. Noting that there was no ceiling of 13 years on researchers, this Court upheld the prescription of 15 years and the cut-off date. The Court held thus : (SCC p. 52, paras 29-30)*



“29. “State” is entitled to fix a cut-off date. Such a decision can be struck down only when it is arbitrary. Its invalidation may also depend upon the question as to whether it has a rational nexus with the object sought to be achieved. 2-5-1997 was the date fixed as the cut-off date in terms of the Scheme. The reason assigned therefor was that this was the date when this Court directed the appellants to consider framing of a regularisation scheme. They could have picked up any other date. They could have even picked up the date of the judgment passed by the Central Administrative Tribunal. As rightly contended by Mr Patwalia, by choosing 2-5-1997 as the cut-off date, no illegality was committed. Ex facie, it cannot be said to be arbitrary.

30. The High Court, however, proceeded on the basis that the cut-off date should have been the date of issuance of the notification. The employer in this behalf has a choice. Its discretion can be held to be arbitrary but then the High Court only with a view to show sympathy to some of the candidates could not have fixed another date, only because according to it, another date was more suitable. In law it was not necessary. The court's power of judicial review in this behalf although exists but is limited in the sense that the impugned action can be struck down only when it is found to be arbitrary. It is possible that by reason of such a cut-off date an employee misses his chance very narrowly. Such hazards would be there in all the services. Only because it causes hardship to a few persons or a section of the employees may not by itself be a good ground for directing fixation of another cut-off date.”

(emphasis supplied)

27. These judgments provide a clear answer to the challenge. The petitioners and the appellant desire that this Court should rollback the date with reference to which attainment of the upper age-limit of 48 years should be considered. Such an exercise is impermissible. In order to indicate the fallacy in the submission, it is significant to note that Rule 12 prescribes a minimum age of 35 years and an upper age-limit of 45 years (48 years for reserved candidates belonging to the Scheduled Castes and Tribes). Under the Rule, the age-limit is prescribed with reference to the first day of January of the year following the year in which the notice inviting applications is published. If the relevant date were to be rolled back, as desired by the petitioners, to an anterior point in time, it is true that some candidates who have crossed the upper age-limit under Rule 12 may become eligible. But, interestingly that would affect candidates who on the anterior date may not have attained the minimum age of 35 years but would attain that age under the present Rule. We are adverting to this aspect only to emphasise that the validity of the Rule cannot be made to depend on cases of individual hardship which inevitably arise in applying a principle of general application. Essentially, the determination of cut-off dates lies in the realm of policy. A court in the exercise of the power of



judicial review does not take over that function for itself. Plainly, it is for the rule-making authority to discharge that function while framing the Rules.

28. We do not find any merit in the grievance of discrimination. For the purpose of determining whether a member of the Bar has fulfilled the requirement of seven years' practice, the cut-off date is the last date for the submission of the applications. For the fulfilment of the age criterion, the cut-off date which is prescribed is the first day of January following the year in which a notice inviting applications is being published. Both the above cut-off dates are with reference to distinct requirements. The seven year practice requirement is referable to the provisions of Article 233(2) of the Constitution. The prescription of an age-limit of 45 years, or as the case may be, of 48 years for reserved category candidates, is in pursuance of the discretion vested in the appointing authority to prescribe an age criterion for recruitment to the HJS."

11. From the conspectus of the aforesaid judgments, it is palpably clear that fixing of cut-off dates is neither the domain nor the remit of the Court exercising power of judicial review unless the threshold laid down by the Supreme Court is met i.e., fixation of the cut-off date is without any rational basis or manifestly unreasonable. Counsel for NBEMS is right in his submission that whenever a cut-off date is prescribed for any examination or a selection process, some aspirants will fall on the wrong side of the line, but this by itself is not enough to hold that the cut-off date is arbitrary. Petitioner challenges the cut-off date of 31.01.2026 as arbitrary as it falls short of the last date when he completes the training. This, to my mind, cannot be a ground to hold the date to be arbitrary. Cut-off dates cannot be tailormade to suit the requirements of every aspirant in a selection/examination process. If this plea was to be accepted, no cut-off date could be fixed as one or the other candidate will fall on the wrong side and be excluded as ineligible. It is no doubt true that the cut-off date prescribed by NBEMS has put the Petitioner to a disadvantage and he has become ineligible to appear in the forthcoming examination, however, it cannot be overlooked that fixation of



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this cut-off date was the domain of NBEMS, as a part of its regulatory function to formulate the eligibility criteria and fix cut-off date to determine eligibility of aspiring candidates and the same has been done after due deliberation through an inter consultative process involving NMC and Ministry of Health and Family Welfare and the date is applicable uniformly. There is also merit in the contention of NBEMS that there may have been several candidates who may not have applied for the examination owing to the prescribed cut-off date and Petitioner cannot be permitted to take a march over them only because he has approached the Court. No cogent material is placed on record by the Petitioner which may lead to a conclusion that the cut-off date of 31.01.2026 is arbitrary, warranting interference and hence no *mandamus* can be issued to NBEMS to extend the same.

12. Accordingly, there is no merit in the writ petition and the same is dismissed along with pending application.

JYOTI SINGH, J

NOVEMBER 24, 2025/YA/AK