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

+ LPA 791/2025, CM APPL. 81643/2025 & CM APPL. 81644/2025

RAJA RAJESHWARI INSTITUTE OF MEDICAL SCIENCES GIRLS

.....Appellant

Through: Ms.Rajdipa Behura, Sr.Adv with
Mr.Amitangshu Bhattacharya,
Mr.Avnish Jha, Mr.Philomon Kani and
Ms.Neha Dobriyal, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Vinay Yadav, CGSC with
Ms.Kamna Behrani, Advs and Mr.Vipul
Kumar, GP for UoI.
Mr.Kirtiman Singh, Sr.Adv with
Mr.T.Singhdev, Mr.Bhanu Gulati,
Mr.Ritwick Saha, Mr.Abhijit
Chakravarty and Mr.Tanishq Srivastav,
Advs for R-2 & 3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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23.12.2025

1. Heard learned counsel for the parties.
2. This *intra-court* appeal takes exception to an order dated 19.12.2025, passed by the learned Single Judge in a writ petition filed by the appellant, namely, *W.P.(C) 19317/2025*, whereby, the interim relief prayed for by the appellant permitting the institute to admit the students to pursue their MBBS Course for the Academic Year 2025-2026 has been denied on the ground that since all rounds of counselling, including the stray round of counselling, are



over, no interim relief can be granted.

3. It has been contended on behalf of the learned counsel for the appellant that after conclusion of the stray round of counselling another special stray vacancy round of counselling is stated to be ongoing since 20.12.2025 which is likely to end on 25.12.2025, and the said aspect of the matter has not been considered by the learned Single Judge and, therefore, denying the interim relief prayed for, is unwarranted.

4. The writ petition is still pending which was filed by the appellant/institute with a prayer to quash the order of disapproval dated 15.12.2025, issued by the Medical Assessment & Rating Board (MARB) whereby, the application moved by the appellant for establishment of a new medical college for girls has been disapproved. The appellant before the learned Single Judge has also challenged the Assessment Report prepared by the team of Assessors constituted by the MARB.

5. In terms of the provisions contained in the National Medical Commission Act, 2019, any fresh medical college can be established only after the requisite statutory approval is accorded by the National Medical Commission. The appellant intends to set up a new medical college and as on today, the approval has not been accorded. Rather, by means of the order which is under challenge before the learned Single Judge, the approval sought for establishing a new medical college stands rejected.

6. In these circumstances, any liberty to the appellant/institute to admit the students, even with any terms and conditions, on any provisional basis, would not be warranted. Reference in this regard may be made to a judgment of the Hon'ble Supreme Court in the case of **Dental Council of India v. Dr Hedgewar Smruti Rugna Seva Mandal, (2017) 13 SCC 115** wherein, having regard to the entire statutory framework for establishment of new medical college, it has been held by Hon'ble Supreme Court that any order permitting



admissions of students by way of interim measures would be unwarranted.

7. For the aforesaid reasons, we are not inclined to interfere in this appeal which is hereby, dismissed along with all pending applications.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

DECEMBER 23, 2025/MJ