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W.A.No.200 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.200 of 2026
and C.M.P.No.1806 of 2026

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

Appellants

Vs



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- 1.Dr.Ajitha
47C, Railway Line Street,
Kallidaikurichi,
Tirunelveli District 627 416.
- 2.Dr.Preethi T R
P1102, Metrozone,
Anna Nagar West,
Chennai 40.
- 3.Dr.Navaneetham G
No.76, South Thotta,
Nachiappankaundanvilasu,
Porulur, Dindigul 624 616
- 4.The Directorate of Medical Education
Rep. by the Deputy Director of Medical
Education,
Kilpauk, Chennai 10.
- 5.The Selection Committee
Rep. by its Secretary,
Directorate of Medical Education,
No.162, Periyar E.V.R. High Road,
Chennai 600 010.

Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.35939 of 2025, dated 18.9.2025.

For Appellants: Mr. AR.L.Sundaresan
Addl. Solicitor General of India
assisted by
Mr.N.Sivaprakash
SCGSC



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For Respondents: Mr. P.V.Balasubramaniam
Senior Counsel
for Mr.Vikram Veerasamy
for R1 to R3

Mrs.M.Sneha
Special Counsel
for R4 and R5

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. This appeal is directed against the order dated 18.9.2025 passed by the learned Single Judge, whereby the writ petition filed by the private respondents/writ petitioners seeking direction to conduct an additional mop-up counselling round for NEET SS 2024-25, after including the unfilled super-specialty seats, so as to ensure optimal seat utilization and to uphold the principles of fairness, transparency and equality in the admission process, was disposed of with a direction to the third and fourth respondents in the writ petition to conduct additional mop-up counselling and complete the admission process within a period of four weeks from the date of receipt of a copy of the said order.



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FACTUAL MATRIX:

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3.1. The writ petition was filed by the writ petitioners/respondent Nos.1 to 3 herein stating that they appeared for NEET-SS 2024 and are eligible to participate in the super-specialty counselling conducted by the Medical Counselling Committee, New Delhi, under the supervision of the Director General of Health Service, Ministry of Health and Family Welfare, Government of India, New Delhi.

3.2. The case of the writ petitioners is that, though they were offered seats in the initial rounds of counselling, the seats of their preference were opted by other candidates. Subsequently, certain candidates, who had initially opted for such seats, resigned and those seats remained unfilled. These unfilled seats, in terms of the counselling rules, could be filled up through an additional mop-up round of counselling so that opportunity is afforded to the writ petitioners and similarly placed candidates to secure better prospects in subsequent rounds.

3.3. Further case of the writ petitioners was that in so far as super-specialty seats in the State of Tamil Nadu are concerned, 50% of those seats were to be filled up by the State Counselling agency



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treating it as seats reserved for in-service candidates in the services of the State of Tamil Nadu.

3.4. A press release was released on 28.7.2025 by the Department of Health and Family Welfare, which indicated that even after several rounds of counselling as per the schedule of counselling 2024, vacancies still remain in super-specialty courses, for which the State requested the Ministry of Health, Government of India, to permit the State Government to conduct extended stray round of counselling for in-service candidates to fill up 24 vacancies in super-specialty courses and complete the process on or before 5.8.2025, as that will help strengthen the availability of specialists in Government institutions across Tamil Nadu. However, as no counselling was conducted either by the State Counselling Agency treating it as quota reserved for in-service candidates in the State of Tamil Nadu, nor included as left over seats in All India Counselling, the seats remain unfilled.

3.5. The case of the writ petitioners before the Writ Court was that these seats remain unfilled because of inaction on the part of the authorities, though the writ petitioners were eligible, and had those



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seats been offered through the process of additional round of counselling, the writ petitioners could have offered their candidature for admission and on the basis of their merit position, would have certainly secured admission against seats falling vacant.

FINDINGS OF THE LEARNED SINGLE JUDGE:

4.1. It appears that the writ petition was heard and decided by the learned Single Judge on the same day. The learned Single Judge, vide his order, recorded a finding that denial of additional mop-up counselling round has resulted in 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.

4.2. It was further recorded that such an approach 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.



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4.3. The learned Single Judge also recorded a finding that the unfilled super-specialty seats in Tamil Nadu, which ought to have been surrendered to the Medical Counselling Committee for including in the All India Stray Vacancy Round, were not included therein, resulting in lapse of those seats. This exclusion deprived candidates of an equal chance to compete for the available seats and has led to avoidable wastage. On such consideration, the learned Single Judge concluded that, in order to ensure that all the left over seats are filled up, an additional round of counselling is warranted, which led to issuance of mandamus.

SUBMISSIONS MADE ON BEHALF OF APPELLANTS:

5.1. Learned Additional Solicitor General of India appearing for the appellants would submit that schedule of counselling is required to be strictly adhered to in view of the provisions contained in the Regulations called "*Establishment of Medical College Regulations (Amendment), 2025*". He would submit that the Apex Court in the case of *Ashish Ranjan and others v. Union of India and others*¹ has

¹(2016) 11 SCC 225



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clearly laid down that the schedule of counselling has to be strictly adhered to and, in any circumstance, the last date of admission, joining will not be extended after 31st August, 2025. The order of the Apex Court in that case gives stamp of approval to the schedule and, therefore, once the last date as per schedule is over, no direction could be sought from the Court.

He would add that, in some cases, when the matters were brought to the notice of the Apex Court, in exercise of its power under Article 142 of the Constitution of India, the Apex Court had issued certain directives allowing holding of additional rounds of counselling even beyond 31st August, 2025 in exceptional circumstances.

5.2. He would further submit that the Apex Court in the case of *Kevin Joy and others v. The Government of India and others*², permitted counselling and admission beyond the schedule date and it was made clear that the said order shall not be treated as precedent, even then the learned Single Judge treated the aforesaid judgment as precedent and proceeded to pass the order.

5.3. Learned Additional Solicitor General of India relied upon

²W.P.(Civil) No.106 of 2023, dated 13.4.2023



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various decisions to submit that, time and again, the Apex Court has iterated that once the last date of admission is over, no order should be passed for additional round of counselling and admission and, in appropriate case, that power is reserved only to the Apex Court and not otherwise. He also relies upon the following decisions in support of his case:

- (i) *Christian Medical College Vellore Association v. Medical Council of India and others*³.
- (ii) *Ashish Ranjan and others v. Union of India and others*⁴.
- (iii) *Medical Council of India v. Madem Apoorva and others*⁵.
- (iv) *National Medical Commission v. Mothukuru Sriyah Koumudi and others*⁶.
- (v) *Arefeh Chegeni v. Union of India and others*⁷.
- (vi) *Mridul Dhar (Minor) and another v. Union of India and others*⁸.
- (vii) *Education Promotion Society for India and another v. Union of India and others*⁹.
- (viii) *Dr.R.Dinesh Kumar Reddy and others v. Medical*

³(2017) 8 SCC 627

⁴(2021) 14 SCC 813

⁵(2017) 14 SCC 153

⁶(2021) 14 SCC 805

⁷(2020) 14 SCC 783

⁸(2019) 17 SCC 502

⁹(2019) 7 SCC 38



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Counselling Committee (MCC) and others¹⁰.

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SUBMISSIONS MADE ON BEHALF OF PRIVATE RESPONDENTS:

6.1. Learned Senior Counsel appearing for the writ petitioners/respondent Nos.1 to 3 herein would submit that the order of the learned Single Judge shows that the seats were liable to be filled up as All India Quota seats and even after the counselling done at the State level, there were many vacancies. The State, instead of reverting those vacant seats, addressed a communication to the Central Counselling Agency requesting permission to conduct counselling at the State level. Therefore, either because of the fault committed by the Central Counselling Agency or the State Counselling Agency, the seats which had otherwise become available prior to 31.8.2025 could not be filled up. Once the vacancy had arisen even before 28.7.2025, had the authorities being assiduous, either the State could have conducted counselling before 31.8.2025, or the vacant seats could have been included in All India Quota. Neither of the said acts was done and seats remained vacant. This exceptional

¹⁰(2023) 12 SCC 455



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circumstance and lapsing of seats was taken into consideration by the learned Single Judge and appropriate directions were issued.

6.2. He would next submit that in none of the decisions relied upon by the appellants, it is explicitly ruled that the High Court could not have invoked its extraordinary jurisdiction under Article 226 of the Constitution of India once the last date of admission is over. He would submit that the extraordinary jurisdiction of the Writ Court under Article 226 of the Constitution of India is not restricted in any circumstance and in order to do complete justice, appropriate directions can be issued for additional round of counselling and grant admission even after 31st August.

6.3. In support of his contentions, learned Senior Counsel appearing for the writ petitioners has relied upon the following decisions:

(i) *Union of India and others v. R.Reddappa and another*¹¹.

(ii) *Air India Statutory Corporation and others v. United Labour Union and others*¹².

¹¹(1993) 4 SCC 269

¹²(1997) 9 SCC 377



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(iii) *Roshan Deen v. Preeti Lal*¹³.

(iv) *B.C.Chaturvedi v. Union of India and others*¹⁴.

(v) *Era Lucknow Medical College and Hospital v. State of Uttar Pradesh and others*¹⁵.

ANALYSIS & CONCLUSION:

7. After having given our thoughtful consideration to the submissions made on either side and sifting through the various decisions cited at the bar by the parties, more particularly the decision of the Apex Court in the case of *Kevin Joy* (supra), we have no hesitation to hold that, in view of the decision of the Apex Court in the case of *Ashish Ranjan* (supra), the schedule of counselling, admission has to be strictly adhered to. The last date of admission was 31.8.2025. Once the last date of admission is over, issuance of any direction by this Court would be violative of the mandate of the Apex Court in the case of *Ashish Ranjan* (supra).

8. We may profitably note that in the case of *Ashish Ranjan* (supra), the Apex Court had clearly stated that the regulations which laid down the strict timeline schedule for holding counselling in various

¹³(2002) 1 SCC 100

¹⁴(1995) 6 SCC 749

¹⁵2024 SCC OnLine SC 3888



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rounds bears imprimatur of the Apex Court. If that be the observation of the Apex Court, we are of the view that, irrespective of whether the seats remain unfilled on account of arbitrary inaction on the part of the official respondents or not, once the last date of admission, i.e. 31.8.2025, was over, the writ petitioners could not be granted relief by this Court and the writ petition was liable to be dismissed.

9. The learned Single Judge seems to have relied upon the Apex Court judgment in the case of *Kevin Joy* (supra), even though the Apex Court in unequivocal terms stated that the order should not be cited as precedent. At this juncture, it is propitious to reproduce paragraph 11 of the said decision, wherein it was held as under:

"11. In the peculiar fact and circumstances of this case, without it being treated as a precedent, we are inclined to issue directions in exercise of our powers under Article 142 of the Constitution of India."

It is luculent that the Apex Court was of the view that the aforesaid judgment should not be made a basis to allow additional round of counselling or admission beyond 31st August.

10. As rightly pointed out by the learned Additional Solicitor General of India, the Apex Court in umpteen number of judgments



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held that the schedule of counselling must be adhered to strictly. If violation of schedule is permitted and extension of time is granted, it will amount to opening a pandora's box and the whole purpose of fixing a time schedule will be defeated and that extension cannot be granted just because some seats are lying vacant without there being any other justification.

11. It is seemly to refer to the decision of the Apex Court in the case of *Education Promotion Society for India* (supra), wherein it was emphatically held thus:

"6. In this case the petitioners want a general extension of time not on account of any particular difficulty faced by any individual college or university but generally on the ground that a large number of seats for the PG courses are lying vacant. It is stated that more than 1000 seats are lying vacant. In the affidavit filed by the UoI it is mentioned that as far as deemed universities are concerned there are 603 seats lying vacant. However, it is important to note that out of 603 seats lying vacant only 31 are in clinical subjects and the vast majority (572) that is almost 95% of the seats are lying vacant in non-clinical subjects. There is no material on record to show as to what is the situation with regard to the remaining 400-500 seats.



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This Court however can take judicial notice of the fact that every year large number of non-clinical seats remain vacant because many graduate doctors do not want to do postgraduation in non-clinical subjects. Merely because the seats are lying vacant, in our view, is not a ground to grant extension of time and grant further opportunity to fill up vacant seats. The schedule must be followed. If we permit violation of schedule and grant extension, we shall be opening a pandora's box and the whole purpose of fixing a time schedule and laying down a regime which strictly adheres to time schedule will be defeated.

*7. We may note that in the schedule prescribed, there are three rounds of counselling, the first round, the second round and the mop-up round. The mop-up round was to be completed by 31-5-2019 and if some seats remain vacant even after the mop-up round it cannot be helped. **Extension cannot be granted just because some seats are lying vacant without there being any other justification.**"*

[emphasis supplied]

12. The schedule for counselling and strict adherence to the



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counselling schedule was ordered by the Apex Court in the case of *Ashish Ranjan and others* (supra). The Apex Court noted that the Postgraduate Medical Education (Amendment) Regulations, 2015 provided for time schedule for completion of admission process for Postgraduate (Broad Specialty) Medical Courses for All India Quota and State Quota and also the schedule for completion of admission process for Postgraduate (Super Specialty) Medical Courses.

Having noted the schedule for completion of admission to Postgraduate (Super Specialty) Medical Courses, it was observed by the Apex Court as below:

**"TIME SCHEDULE FOR COMPLETION OF ADMISSION PROCESS
FOR PG (SUPER SPECIALITY) MEDICAL COURSES**

Sl.Nos.	Schedule for admission	Super Speciality
1	Conduct of entrance examination	By 10 th July
2	Declaration of result of the qualifying exam/entrance exam	By 15 th July
3	1 st round of counselling admission	By 31 st July
4	Last date for joining the allotted college and the course	Between 1 st to 7 th August
5	2 nd round of counselling/admission	By 20 th August
6	Last date of joining for the 2 nd round of counselling/admission	By 27 th August
7	Commencement of academic session/term	1 st August
8	Last date up to which students can be admitted/joined against vacancies arising due to any reason	31 st August

Note 1.- Institute/college/courses permitted after 31st May will not be considered for admission/allotment of seats for current academic year.

2. In any circumstances, last date for admission/joining will



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not be extended after 31st August.'

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This Court gives the stamp of approval to the aforesaid schedule."

Further, the said order was directed to be communicated to the Chief Secretaries of all the States to ensure that all stakeholders follow the schedule in letter and spirit and not make any deviation whatsoever. In this regard, the Apex Court observed thus:

"3. Regard being had to the prayer in the writ petition, nothing remains to be adjudicated. The order passed today be sent to the Chief Secretaries of all the States so that they shall see to it that all the stakeholders follow the schedule in letter and spirit and not make any deviation whatsoever. Needless to say AIIMS and PGI (for the examination held in July) shall also follow the schedule in letter and spirit."

13. Learned Additional Solicitor General placed before us series of orders passed by the Apex Court in *Ashish Ranjan's* case from time to time thereafter to submit that whenever government/admission agencies/ institutions/ students sought deviation and extension of time for admission, applications were



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made before the Apex Court, which were examined by the Apex Court and, in some cases, permission was granted, whereas in many cases request for extension of date of admission was rejected.

It is not necessary for us to refer to each and every such order passed by the Apex Court, but we may only emphasize that whenever anyone claimed extension, he approached the Apex Court and applications were considered.

14. In the case of *Medical Council of India v. Madem Apoorva and others* (supra), the order of the High Court granting admission beyond the last date as per the schedule was challenged. The submission made before the Apex Court was that the High Court could not have passed an order granting admission beyond the stipulated period, in violation of the deadline for admission.

The Apex Court observed that the High Court should not have issued directions for admission beyond the deadline and that in future the same shall not be done. Following were the pertinent observations:

"13. It is submitted by Mr Gaurav Sharma that the High



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Court could not have passed the aforesaid order. It needs to be stated that this Court has determined a schedule after hearing the learned counsel for the Union of India and the Medical Council of India. Therefore, the High Court should not have issued the above directions. We are sure, in future, the same shall not be done.”

15. Learned counsel for the respondents could not bring to the notice of this court that the Apex Court, in any of its orders, has allowed the High Court to extend the last date of admission, despite its order passed in the case of *Ashish Ranjan* (supra).

16. In the case of *Kevin Joy* (supra), though the Apex Court granted extension of time for completing the process of admission, so as to fill up the vacancies, it was made clear that such an order is being passed in exercise of power under Article 142 of the Constitution of India and shall not constitute a precedent.

Though the aforesaid observation of the Apex Court in the case of *Kevin Joy* (supra) was reproduced by the learned Single Judge, we find that the learned Single Judge has proceeded to grant relief by treating the aforesaid order as precedent.



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17. Learned counsel for the respondents relied upon several judgments of the Apex Court to buttress the submission that the extraordinary and wide jurisdiction of the High Court under Article 226 of the Constitution of India is not circumscribed by schedules of admission and, in appropriate cases, if it is found that as a result of illegality or arbitrariness deserving students have been deprived admission to medical courses or for other reasons, to ensure that there are sufficient number of resident doctors in hospitals undergoing Postgraduate Courses, certiorarified mandamus can always be issued.

18. We have gone through the decisions of the Apex Court in the cases of (i) *Roshan Deen v. Preeti Lal*; (ii) *B.C.Chaturvedi v. Union of India and others*; (iii) *Union of India and others v. R.Reddappa and another*; and (iv) *Air India Statutory Corporation and others v. United Labour Union and others* [all cited *supra*].

It is beyond any pale of dispute that the founding fathers of the Constitution placed no limitation or fetters on the power of the High Court under Article 226 of the Constitution of India, except self-imposed limitations, and the arm of the court is long enough to reach injustice wherever it is found. Further, the court, as sentinel on the qui vive, is to mete out justice in given facts. The public law remedy



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given by Article 226 of the Constitution of India is to issue not only prerogative writs provided therein, but also any order or direction to enforce any of the fundamental rights and “*for any other purpose*”.

However, the schedule of counselling and the last date of admission is prescribed by way of Regulations, which have the force of law. In any case, if any illegality in the process of counselling and admission is found, it could be corrected by the writ court, provided the last date of admission is not over. In those cases where the last date of admission is over, it is *fait accompli* and in view of order passed by the Apex Court in various cases, referred supra, the party has to be left to the work out his remedy by approaching the Apex Court.

19. In the light of the law enunciated by the Apex Court in the decisions, referred supra, if the writ petitioners have any grievance, they ought to have approached the Apex Court seeking appropriate direction and not this Court.

20. Before parting with the case, we must express our displeasure at the fact that even though the learned Single Judge passed the order way back on 18.9.2025, the same was neither complied with, nor challenged. It was only when contempt petition



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was filed, the appellants rushed to file this appeal. But for the fact that the direction by the learned Single Judge was to hold additional round of counselling beyond 31.8.2025, which is clearly in the teeth of the order of the Apex Court in the case of *Ashish Ranjan* (supra), we would have not interfered with the order of the learned Single Judge. Be that as it may, in view of the aforegiven findings, the order impugned cannot be sustained and is, therefore, set aside.

In the result, the appeal is allowed and the writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
03.02.2026

Index : Yes
Neutral Citation : Yes
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THE HON'BLE CHIEF JUSTICE
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