



\$~67

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

+ **W.P.(C) 268/2026**

VASU AGARWAL

.....Petitioner

Through: Mr. Avijit Patnaik, Mr. Shreyan Das,
Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Dhan Mohan, SPC with with Mr.
Amit Kumar Rana, GP with Ms.
Tanisha Bhatia, Ms. Kawaljeet Kaur,
Advs. for R-1&2
Mr. Om Prakash, Ms. Swati Mishra,
Mr. Chandresh Pratap, Ms. Komal
Yadav for R-3/ Amrita Institute of
Medical Sciences.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **13.01.2026**

1. This is a writ petition filed under Article 226 and 227 of the Constitution of India seeking the following reliefs:

“a. A writ of Mandamus and/or order and/or direction in the nature of Mandamus or any other writ and or appropriate order thereby directing the Respondent No. 2 to issue the final admission order in favour of the Petitioner and allot the Petitioner the requisite seat in the Respondent No. 3 college;
b. A writ of Mandamus and/or order and/or direction in the



nature of Mandamus or any other writ and or appropriate order thereby allowing the Petitioner to participate in round three of the counselling without forfeiture of the security deposit;...”

2. The respondent No. 1 is the Union of India through Secretary of the Ministry of Health and Family Welfare., the respondent No. 2 is Medical Counselling Committee (**“MCC”**) and the respondent No. 3 is a private medical college affiliated with Amrita Vishwa Vidyapeetham University. i.e. Amrita Institute of Medical Sciences and Research Centre, Faridabad.
3. The petitioner is challenging the act of respondent Nos. 2 and 3, wherein the respondent No. 2 has refused admission and to allot the seat to the petitioner in respondent No. 3 college under the NRI M.D. (General Medicine) Category, despite the Petitioner having duly participated in counselling process conducted by the Respondent No. 2.
4. The petitioner secured All India Rank of 98465 and was issued a provisional allotment letter dated 16.12.2025 by the respondent No. 2. Additionally, the petitioner paid a sum of Rs. USD 87500 i.e. Rs. 79 Lakhs approx. to Respondent No. 3 towards the entire tuition fees for first year along with other fees and also the security deposit of Rs. 2,00,000/- was paid to the Respondent No. 2.
5. The Respondent No. 3 admittedly received the entire fees from the petitioner and despite that, has not allotted the seat to the petitioner citing closure of the portal of respondent No. 2. which prevented respondent No. 3 from downloading the admission order for the petitioner for the said allotted seat.
6. Mr. Patnaik, learned counsel for the petitioner has drawn my attention to the copy of the swift payment dated 23.12.2025 made through the



Petitioner's NRI Sponsor's bank account maintained in Canadian Imperial Bank of Commerce. Further, it was only on account of Christmas holidays in Canada that there was delay in remittance of the amount to respondent No. 3.

7. Additionally, the paid amount was reflected on 30.12.2025, i.e the date when the portal of Respondent No. 2 closed.
8. No reply has been filed by any of the respondents and the seat is still available.
9. I am of the view that the right to pursue higher or professional education even though not explicitly spelt out as a fundamental right in part III of the Constitution of India, is an affirmative obligation on the part of the state to ensure this right and the same cannot be permitted to be curtailed, lightly.
10. The petitioner has done all that was required of the petitioner well within time and cannot be held responsible for the intervening holidays on account of Christmas. Additionally, the amount was duly credited to respondent No. 3's account on the day of the closure of the portal.
11. For the said reasons, the writ of mandamus is issued directing respondent No. 2 to issue the final admission order in favour of the petitioner and allot the seat provisionally allotted to the petitioner in the respondent No. 3 college within one week from today.
12. Additionally, all rights available to MD students in the scheme of counselling shall be available to the petitioner.
13. The petition is disposed of in aforesaid terms.

JASMEET SINGH, J

JANUARY 13, 2026/sp