



\$~78

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

+ **W.P.(C) 848/2026 & CM No.4156/2026**

SANCHIT SETH

.....Petitioner

Through: Mr. Nikhil Sehrawat & Mr. Devbrat
Shrivastav, Advocates.

Versus

**NATIONAL BOARD OF EXAMINATION IN MEDICAL
SCIENCES & ORS.**

.....Respondents

Through: Mr. Waize Ali Noor, Mr. Mrinal
Kumar Sharma, Mr. Shashi Suman &
Mr. Zillur Rahman, Advocates for R-1.
Mr. T. Singhdev, Mr. Abhijit
Chakravarty, Mr. Tanishq Srivastava,
Mr. Bhanu Gulati, Ms. Yamini Singh,
Mr. Vedant Sood & Ms. Ramanpreet
Kaur, Advocates for R-2.

Ms. Manisha Agrawal Narain, Ms.
Aditi Singh & Mr. Nipun Jain,
Advocates for R-3&4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

21.01.2026

%

1. The Petitioner has filed this Petition in the nature of Public Interest Litigation. The Petitioner claims to be a public spirited individual and is a qualified advocate.
2. The Petitioner has challenged the Notice dated 13.01.2026 revising the cut-off scores of National-Eligibility-cum-Entrance-Examination-Post Graduate for admission to Post Graduate courses of study in medicine for the academic session 2025-2026 based on the said examination after lowering of qualifying percentiles (“**Impugned Notice**”). The Petitioner seeks direction to the Respondents to restore the original qualifying criteria



mentioned in NEET-PG 2025 Information Bulletin. The Petition also seeks direction to the Respondents to conduct a comprehensive study for examining the reason for large number of vacant seats despite availability of homogeneous number of eligible students.

3. The learned Counsel for the Petitioner submitted that Respondent No. 1 - National Board of Examination in Medical Sciences acting under the direction of Respondent No. 3 - Ministry of Health and Family Welfare, Government of India, arbitrarily reduced the qualifying cut-off percentile for the NEET-PG 2025 Examination after the commencement of the admission process. It was submitted that the Respondents are statutorily mandated to maintain the highest standards of medical education and ensure the induction of high-quality professionals into the public health system. The decision to lower the eligibility criteria mid-stream, solely to fill approximately 9000 vacant seats, represents a fundamental departure from the qualifying standards originally prescribed in the NEET-PG 2025 Information Bulletin. The post-facto dilution of academic merit contravenes the public policy and prioritising seat occupancy over professional competence poses a significant risk to the integrity of specialized medical services and, by extension, the Right to Health under Article 21 of the Constitution of India, 1950.

4. Respondent No. 1 issued Information Bulletin for NEET-PG 2025 providing the details for the students, who had sought admission in various colleges across India for the Post Graduate courses. The scope of examination was a single eligibility-cum-entrance examination, and no other State Government / Private Medical College / Universities were permitted to conduct any separate entrance examination. The NEET-PG 2025



Information Bulletin provided the qualifying criteria for various categories of students as under:

S. No.	Category	Eligibility Criteria
1.	General / EWS	50 th Percentile
2.	SC / ST / OBC (Including PwD of SC / ST / OBC)	40 th Percentile
3.	UR PwD	45 th Percentile

5. The NEET-PG 2025 Information Bulletin further stated that the eligibility criteria for participation in counselling towards allotment of PG seats conducted by designated counselling authority shall be in accordance with the Post Graduate Medical Education Regulations, 2023 notified by the National Medical Commission with the prior approval of the Government of India.

6. The NEET-PG 2025 was conducted on 03.08.2025 with more than 2.42 lakh students appearing in the exam for filling the vacancy of around 52,000 PG medical seats. The result of NEET-PG 2025 was published on 19.08.2025, as per which 1.28 lakh students were found eligible / qualified for being considered for PG seats. As per the result, the minimum qualifying eligibility criteria cut-off scores for admission for various categories was as under:

Category	Minimum Qualifying / Eligibility Criteria	Cut-Off Scores (Out of 800)
General / EWS	50 th Percentile	276
SC / ST / OBC (Including PwD of SC / ST / OBC)	40 th Percentile	255
UR PwD	45 th Percentile	235

7. On 21.11.2025, the First Round of counselling was conducted, and the result was published on the website of Respondent No. 4 - Medical Counselling Committee. After the First Round of counselling, around 18,000 seats were left vacant for the subsequent rounds.



8. On 17.12.2025, the Second Round of counselling was conducted, after which around 9,000 seats were left vacant for the subsequent rounds. On 12.01.2026, Indian Medical Association, Respondent No. 5, sent a letter to Respondent No. 3 and National Medical Commission, Respondent No. 2, seeking relaxation in qualifying criteria in NEET-PG 2025 Examination by flagging the issue of large number of vacant seats.

9. On 13.01.2026, Respondent No. 1 issued the Impugned Notice, which is reproduced as under:



**NATIONAL BOARD OF EXAMINATIONS
IN MEDICAL SCIENCES
NEW DELHI**

Department of Examinations Confidential

Dated: 13.01.2026

NOTICE

Sub: Revised cut-off scores of NEET-PG 2025 after lowering of qualifying percentiles

1. The result of NEET-PG 2025 was declared on 19th August 2025. In accordance with the directions of the Ministry of Health & Family Welfare, Govt. of India vide letter No. U-12021/11/2025-MEC (FTS- 8363852) dated 09.01.2026, the minimum qualifying percentile cut-off for counseling of the third round of NEET-PG 2025-26 for various categories of candidates has been reduced.
2. Accordingly, the revised qualifying percentiles for NEET-PG 2025, for the academic session 2025-26, are as follows:

Category	MINIMUM QUALIFYING CRITERIA AS PER INFORMATION BULLETIN OF NEET-PG 2025	CUT-OFF SCORE AS PER MINIMUM QUALIFYING CRITERIA IN INFORMATION BULLETIN (Out of 800)	REVISED MINIMUM QUALIFYING CRITERIA (as per MoHFW letter No. U-12021/11/2025-MEC (FTS- 8363852) Dated :09.01.2026)	REVISED CUT-OFF SCORE SUBSEQUENT TO LOWERING OF PERCENTILE (Out of 800)
General/EWS	50 th percentile	276	7 th Percentile	103
General PwBD	45 th percentile	255	5 th Percentile	90
SC/ST/OBC (Including PwBD of SC/ST/OBC)	40 th percentile	235	0 th Percentile	- 40

3. The information bulletin of NEET-PG 2025 should therefore be read accordingly
4. It may be noted that there is no change in the NEET-PG 2025 rank as published vide NBEMS result notification dated 19.08.2025.
5. Candidature is purely provisional subject to fulfilment of eligibility criteria as mentioned in the NEET-PG 2025 Information Bulletin and verification of Face ID/Biometric wherever required.
6. Candidates are advised to remain in touch with the website of Medical Counseling Committee (MCC) www.mcc.nic.in for the latest information related to the counseling.



7. The aggregate marks (in percentage) in all MBBS Professional Examinations/marks obtained in FMGE as provided by the candidate in his/her NEET-PG application form shall be verified against the original credentials at the time of admission by the counseling/ admitting authority. Score Cards issued to candidates shall have a mention of the MBBS/FMGE Aggregate marks as provided by the candidates in their application form wherever such aggregate marks have been used to break the tie of NEET-PG 2025 Rank.

In an event it is noted that the information provided in the NEET-PG 2025 application form is incorrect and this criterion has been utilized to resolve the tie of the concerned candidate, his/her candidature for NEET-PG 2025 shall be cancelled.

8. If at any stage, candidates are found to have resorted to use of any unfair means in the exam, such candidates shall be liable for penal action as deemed appropriate by NBEMS/MCC/Counseling authority. In the event of any such candidates being declared successful in the NEET-PG 2025, the results/candidature of such candidates shall be cancelled and/or are deemed to be cancelled.

9. For any queries, please contact NBEMS at 011-45593000 or write to NBEMS at its Communication Web Portal <https://exam.nbeboard.edu.in/communication.php?pageno=main>



NBEMS

10. The learned Counsel for Respondent Nos. 2 - National Medical Commission submitted that the total number of 80,291 PG seats were available at the commencement of Round - 1 of the counselling of NEET-PG 2025, against which 1,28,116 candidates were found eligible as per the eligibility criteria provided in NEET-PG 2025 Information Bulletin. After the completion of Round - 2 of the counselling, 29,476 seats had been offered, out of which approximately 9,621 seats remained vacant. Since it was assessed that approximately 20,000 PG seats were likely to remain vacant nationwide after the completion of Round - 2 of the counselling, it was necessary to rationalise the eligibility percentile.



11. Accordingly, a meeting was held between the officials of Respondent Nos. 2 and 3 on 30.12.2025 to review the eligibility criteria and cut-off percentile for NEET-PG 2025. During the meeting, it was discussed that percentile cut-off was primarily a merit-filtering mechanism to ensure seriousness of candidates appearing in the examination. However, in view of the large number of anticipated vacant seats and in the interest of optimal utilisation of available PG seats, it was decided to rationalise the eligibility percentile. After detailed deliberations and examination of data provided by Respondent No. 1, Respondent Nos. 2 and 3 decided to reduce the cut-off percentile to make additional 1,00,054 candidates eligible to participate in Round - 3 of counselling and, thereby, increasing the total number of eligible candidates to 2,28,170.

12. The said decision was communicated by Respondent No. 3 to Respondent Nos. 1 and 4 *vide* letter dated 09.01.2026. The said letter stated that the qualifying percentile cut-off for counselling of Round - 3 of counselling for NEET-PG 2025 for various categories of candidates has been reduced as under:

- Unreserved(UR)- 7 percentile
- Unreserved-PwD- 5 percentile
- SC/ST/OBC- 0 percentile (all candidates declared qualified)

13. Accordingly, Respondent No. 1 was directed to bring out revised result in accordance with the above lower percentiles and Respondent No. 4 was requested to take appropriate action.

14. The Minutes of the meeting held on 30.12.2025 and letter dated 09.01.2026 handed over by the learned Counsel for Respondent No. 2 are taken on record.



15. The learned Counsel for Respondent No. 2 submitted that Round - 3 of counselling is undergoing and similar petitions challenging the Impugned Notice are filed before the Hon'ble Supreme Court and High Court of Judicature at Allahabad, however, the same are yet to be listed.

16. We have heard the learned Counsel for the Parties.

17. The main grievance of the Petitioner is that the decision to lower the cut-off percentile to include additional candidates for participation in Round - 3 of counselling for NEET-PG 2025 after conclusion of Round - 2 of counselling will have irreversible health risk to public at large, pose grave threat to patients' safety and quality of healthcare, which is against public policy. Further, the reduction in eligibility criteria *vide* Impugned Notice is abduction of statutory duty by the Respondents and is in violation of Article 47 of the Constitution of India, 1950 as the reduction in eligibility criteria promotes mediocracy and not meritocracy.

18. The above apprehension of the Petitioner is unfounded and not based on any empirical study regarding the availability of candidates against the vacancy for Post Graduate courses. The submissions of the Petitioner that the lowering the eligibility criteria will reduce the meritocracy and can be a threat to safety of the patients and quality of healthcare cannot be accepted as expanding the pool of candidates will enhance the possibility of seat occupancy in Round - 3 of counselling and Stray Vacancy Round, if conducted. It will result in ensuring optimal utilisation of the Post Graduate medical seats and avoiding potential vacancies. Permitting more candidates to participate in the counselling round by lowering the eligibility criteria will, in fact, ensure that all the vacant seats are utilised. Merely by lowering the eligibility criteria for counselling will not reduce the merit as the actual



admission will be based on the merit and ultimately the selected candidates will have to undergo the Post Graduate medical course to qualify for the Post Graduate Degree / Diploma. Hence, it will be in public interest to have all the vacant seats duly filled up to enable the candidates to specialise and make them more skilled in the chosen area of specialisation.

19. The decision to reduce the eligibility criteria was taken at the meeting held at the highest level of Respondent Nos. 2 and 3 and after due deliberations and consideration of data provided by Respondent No. 1, the eligibility criteria was recalibrated to ensure the optimal utilisation of the vacant seats. It is a trite law that the judicial review of administrative action and policy decision taken by the Executive is permissible only on the ground of arbitrariness and perversity.

20. The Petitioner has not been able to demonstrate any arbitrariness in deciding to reduce the eligibility criteria by Respondent Nos. 1 to 3. Due process of deliberation and decision making was followed, which is evident from the Minutes of the meeting dated 30.12.2025 held by the highest officials of Respondent Nos. 2 and 3.

21. Accordingly, we do not find any ground to interfere with the ongoing process of Round - 3 of the counselling for NEET-PG 2025 in absence of any perversity in the decision to reduce the eligibility criteria as notified by the Impugned Notice. In view of the same, the present Petition is hereby dismissed. There shall be no order as to cost.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

JANUARY 21, 2026/sms