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

+ **W.P.(C) 1475/2026**

**SHRI RAWATPURA SARKAR INSTITUTE OF MEDICAL
SCIENCES AND RESEARCH**Petitioner

Through: Mr. Anurag Ahluwalia, Sr. Adv with
Mr. Pankaj P, Mr. Digvijay Prasad, Advs.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Jagdish Chandra Solanki CGSC,
Ms. Aishwarya shina GP, Mr. Siddharth Bajaj, Mr.
Sujeet Kumar Choudhary and Ms. Maanya
Saxena, Advs.

Mr. Jagdish Chandra Solanki CGSC, Ms.
Aishwarya Shina GP, Mr. Siddharth Bajaj, Mr.
Sujeet Kumar Choudhary and Ms. Maanya
Saxena, Advs.

Mr. Kirtiman Singh, Sr. Advocate along with Mr.
T. Singhdev, SC with Mr. Bhanu Gulati and Ms.
Yamini Singh, Advs. for R2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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03.02.2026

CM APPL. 7147/2026

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 1475/2026

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

“(i) Issue a writ of Mandamus or any other appropriate writ, order or direction to Respondent -NMC to decide the First Appeal filed by the Petitioner Institute u/s 28(5) of the NMC Act, 2019;



(ii) Issue a writ of Mandamus or any other appropriate writ, order or direction to the respondent -NMC to Grant the enhancement of intake of seats by 100 seats for UG-MBBS Course for AY 2025-26.”

2. The petitioner is a medical college and had sought renewal of 150 seats for the academic year 2025-26 and enhancement of 100 seats for the same academic year 2025-26.
3. The respondent No.2, after inspecting, reduced the number of seats for renewal from 150 to 100.
4. The said action was challenged by the petitioner and was rejected by this Court on 06.11.2025 by a speaking judgment. The same was challenged by an SLP which was also rejected. Hence, the non-renewal of 50 seats (150 - 100 = 50) has attained finality.
5. The grievance of the petitioner in the present case is based on the letter of disapproval dated 29.10.2025, wherein the increase in intake of 100 seats for the academic year 2025-26 was rejected.
6. Mr. Ahluwalia, learned senior counsel for the petitioner draws my attention to the last paragraph of the letter of disapproval dated 29.10.2025, which reads as under:-

“11. In case college does not agree with the above decision of MARB, it may prefer an appeal under Section 28(5) of NMC Act, 2019 addressed to Secretary NMC within 15 days of this order, through online mode only as per NMC’s Public notices dated 21.05.2024 and 30.05.2024.”

7. He states that the respondent No.2 itself states that in case the petitioner is aggrieved, the petitioner should file an appeal under



Section 28(5) of the NMC Act, 2019. His prayer is only seeking decision on his appeal.

8. Mr. Singhdev, learned standing counsel for the respondent No.2, appearing on advance notice states that once the respondent has reduced the renewal of 150 seats from 150 to 100, the answer is obvious that the respondent does not consider the petitioner fit for fresh intake of more than 100 seats. Hence, the question of fresh intake of 100 more seats is a non-starter. Additionally, the academic year 2025-26 is also over.
9. For the said reasons, on the basis of the statement of Mr. Singhdev, learned standing counsel, it is clear that the appellate Committee cannot sit over the judgment of the High Court, upheld by the Hon'ble Supreme Court and hence, the appeal is impliedly rejected.
10. Even though there is substance in the submission of Mr. Singhdev, learned standing counsel, I am of the view that once the appeal is rejected, the petitioner will have a substantial right to challenge the same before this Court. The said right cannot be curtailed.
11. For the said reasons, the appeal of the petitioner shall be decided within 4 weeks from today.
12. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 3, 2026 / (MS)