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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5923/2026&CM APPL. 29080/2026**
DR VENKATESH RAMANAND BHAT

.....Petitioner

Through: Ms. Kirtika Gupta and Mr. Ishan
Singh, Advs.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr. T. Singhdev (Adv), Mr. Abhijit
Chakravarty (Adv), Ms. Anum Hussain (Adv), Mr.
Tanishq Srivastava (Adv), Ms. Yamini Singh (Adv)
for R2

Mr. Waize Ali Noor Adv. Mr. Mrinal Kumar
Sharma Adv. Mr. Zillur Rahman Adv. for R3
Ms. Laavanya Kaushik, Ms. Khyaati Bansal, Advs
for MCC/R4

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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05.05.2026

CM APPL. 29081/2026

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 5923/2026

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

“A. Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature thereof, directing the Respondents to permit the Petitioner, who was allotted seats in Round 1 of NEET SS Counselling and had joined/reported



to their allotted institutes without opting for “upgradation,” to participate in Round 2 counselling, in view of the subsequent addition of new Super Specialty (DM/M.Ch.) seats and institutes after completion of Round 1.

B. Quash and set aside the impugned notice dated 10.04.2026 to the extent whereby the Respondents have excluded such candidates/Petitioner from Round 2 counselling solely on the ground that they did not opt for upgradation during Round 1, at a time when the newly added seats/institutes were not available for consideration.

C. Consequently, direct Respondents to reopen/allow fresh choice filling for Round 2 of All India Counselling for NEET-SS 2025 for the Petitioner and all similarly situated candidates, enabling them to exercise their option for the newly added seats/institutes strictly on the basis of All India Merit

D. Issue a writ of mandamus, or any other appropriate writ, order or direction in the nature thereof, directing the Respondents to conduct an additional/special counselling round for such newly added seats/institutes, permitting participation of all eligible candidates including those who had already joined seats in Round 1 but were denied an opportunity to opt for upgrade due to non-disclosure/non-availability of such seats at the relevant time in the event Round 2 counselling is completed or results are declared prior to adjudication of the present petition.



E. Issue a writ of mandamus, or any other appropriate writ, order or direction in the nature thereof, directing the Respondents to conduct Round 2 of the counselling in NEET SS 2025 by including the petitioner, and for any another additional round of counselling whenever announced for NEET SS 2025 the petitioner should be included even if the results are to be declared before or after or during the pendency of the present case. . . .”

2. For the reasons stated in the petition, issue notice.
3. Mr. Singhdev, Mr. Waize Ali Noor and Ms. Kaushik, learned counsels accept notice on behalf of the respondent Nos. 2, 3 and 4 respectively.
4. There is nobody appearing on behalf of the respondent No. 1 today, however, the matter is being taken up for hearing.
5. The brief facts of the case are that the petitioner is a doctor holding MD in respiratory medicine. He appeared for the NEET SS 2025 exam and participated in round 1st of the counselling wherein he was allotted a seat at DrNB (Cardiology), SAIFEE Hospital in Mumbai.
6. However, prior to commencement of the 2nd round counselling, the petitioner did not opt for upgradation as he was satisfied with the seat matrix allotted to him at that point in time.
7. It is the case of the petitioner that after the 1st round of counselling and prior to the 2nd round of counselling, several new seats and institutes have been added which has materially altered the competitive landscape.
8. The petitioner is eligible and desirous of participating in this round for the allotment of seats, which are now available in the 2nd round of counselling. However, the petitioner has been denied an opportunity to



modify/refill his choices on the sole ground of not opting for upgradation in the 1st round.

9. Hence, to my mind, *prima facie* there is substance in the submissions of the petitioner as the petitioner should be entitled to exercise his option freely and in a transparent manner to ensure fair competition in examinations of such an immense importance.
10. Ms. Kaushik, learned counsel appearing on behalf of the respondent No. 4, states that in view of the aforesaid peculiar facts and circumstances, the present petition may be directed to be treated as a representation to the respondent No.4 and the respondent No.4 will duly decide and pass a detailed speaking order after considering the case of the petitioner.
11. It is stated by the learned counsel for the petitioner that the said course of action is acceptable to the petitioner.
12. For the said reasons, it is directed that the present petition shall be treated as a representation, and an appropriate order shall be passed within 1 week from today after duly affording an opportunity of hearing/personal hearing to the petitioner. The appropriate steps shall be taken by the respondent No. 4 in this regard to resolve the matter.
13. With these directions, the present petition is disposed of.
14. The petitioner is at liberty to revive the petition/file a fresh petition, if aggrieved by the speaking order passed by the respondent No. 4.

JASMEET SINGH, J

MAY 5, 2026 / (MS)