

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. OF 2026
(Arising out of SLP (C) No. 18686 of 2023)

**THE SECRETARY
NATIONAL MEDICAL COMMISSION**

APPELLANT(S)

VERSUS

SANJANA THAKUR & ORS.

RESPONDENT(S)

ORDER

- 1) Leave granted.
- 2) The present appeal is preferred by the National Medical Commission (hereinafter, '**NMC**') assailing judgment dated 13.07.2023 of the High Court¹ in CWP No. 482 of 2023, whereby, in peculiar facts and circumstances of the case and relying upon the judgment of **S. Krishna Sradha v. State of Andhra Pradesh & Others**², directed the Appellant to grant admission to Respondent No.1 (petitioner before High Court) in MBBS course in Pt. Jawahar Lal Nehru Govt. Medical College, Chamba, Himachal Pradesh i.e., Respondent No.6 in the

¹ High Court of Himachal Pradesh at Shimla

² (2020) 17 SCC 465

academic year 2023-2024. Further, the Court referred to the conduct of the Appellant and Respondent No.4 herein i.e., Atal Medical & Research University, Himachal Pradesh, and directed to pay compensation of Rs. 2,00,000/- along with cost of Rs. 10,000/- because of delay caused due to which Respondent No.1 could not get the admission in academic year 2022-2023.

3) Shorn of unnecessary details, the facts in the present case is that Respondent No. 1 appeared in National Eligibility-cum-Entrance Test for Undergraduate courses (hereinafter, '**NEET-UG**') for the year 2022 with Application No. 22011144 and secured 508 marks in the General category. Two students, namely, Shivani Sharma (General Category) having NEET Roll No. 3812010067 and Kartik Sharma (EWS Category) having NEET Roll No. 1601070485 were initially granted admission to Respondent No.6 and Respondent No.5 i.e., Indira Gandhi Medical College, Shimla, Himachal Pradesh colleges respectively in the second round of counseling, which took place between 07.11.2022 and 18.11.2022. It was subsequently unearthed that scorecards of these two candidates were forged, therefore, their admission was cancelled since the documents submitted by them did not

match with the available information on the NMC portal. Naturally, one undergraduate MBBS seat became vacant in Respondent No. 5 and 6 each.

4) It is the case of Appellant that prior to the commencement of the admission counselling process and the verification of relevant documents, the said fact was not detected, and in fact, the same came to light only around 17th January 2023. Nonetheless, the Respondent No. 4 – University, *vide* communication dated 17.01.2023, addressed to the Secretary, NMC and informed that as a consequence of admissions granted on the basis of forged documents and the resultant action taken against the concerned students, one seat had fallen vacant in each of the two colleges. However, necessary permission/directions were sought to fill the said vacant seats at the earliest.

5) In response to the said communication, the NMC replied after a considerable delay of approximately five months, *vide* letter dated 19.06.2023, merely referring to the order dated 08.05.2023 passed by this Court in Miscellaneous Application No. 605/2023 in WP(C) No. 76/2015. It was conveyed that since the counseling schedule had already been notified in accordance with the directions of the Supreme Court, no

admission beyond the schedule date i.e., 29.12.2022, would be permissible for Under Graduate courses under any circumstances.

6) It is pertinent to note that immediately on coming to know about such vacancies, a representation was submitted by Respondent No.1 to the College as well as to the University which was not responded to. Therefore, Writ Petition³ was filed on 28.01.2023 seeking direction to consider Respondent No.1 for admission in MBBS course during the academic year 2022-2023 on the said vacant post. Permission was further sought to allow Respondent No.1 to join the additional classes and in case shortage of attendance is there, it may be condoned.

7) The High Court by the impugned order has considered all the facts in paragraphs 18 to 24 and particularly in paragraphs 22, 23 and 24 analysed those as under:

“22) The counsel for the respondent no.2 has placed before us a letter dt. 19.06.2023 issued by the respondent no.2 to the respondent no.4 in response to the letter dt. 17.01.2023, stating that the last date for admission to the Under Graduate Medical Course of 2022 was over on 29.12.2022, that the said schedule was approved by the Supreme Court of India through an order passed on 08.05.2023 and no admission can be allowed beyond the schedule for MBBS admission in any circumstances. It therefore refused to permit the respondent No.4 University to admit the petitioner in the MBBS Course in the vacant seats for the Academic Year 2022.

23) Why the respondent no.2 had not immediately responded to letter dt.17.1.2023 of respondent no.4 till 19.6.2023 and not even filed a reply in this Court from 30.1.2023 is not explained by respondent no.2. Unless the respondent no.2 allows the admission of petitioner, respondent no.4 cannot permit respondent no.6 to admit petitioner to the MBBS course.

24) Coming to the conduct of respondent no.4, if at the time of the 2nd counseling which took place between 7.11.2022 and 8.11.2022, admission was granted to the two candidates Shivani Sharma and Kartik Sharma, it could not have waited till 17.1.2023 to inform the respondent no.2 about the fraud /forgery committed by the said students because the last date of admission was 29.12.2022 for admitting students. Had respondent no.4 acted with more alacrity, and informed respondent no.4 in last week of November,2022 or first week of December, 2022, petitioner could have been admitted to the course before 29.12.2022 and would not have lost a valuable benefit.

(emphasis supplied)

8) The High Court relied upon the judgment of **Asha v. Pt. B.D. Sharma University of Health Sciences and Others**⁴ and also considered the judgment of **S. Krishna Sradha** (Supra) and recorded the findings as thus:-

“28) The petitioner is undoubtedly meritorious and is immediately next in the merit list of the candidates prepared by the respondent No.4-University after the Second Round of Counseling of 2022 to the last admitted candidate Ms.Riya Singh; and is otherwise entitled to be admitted in the General Category MBBS Seat available in the respondent No.6-College consequent to the cancellation of admission to Shivani Sharma because of forgery committed by the latter.

29) The petitioner had approached the Court on 28.01.2023 itself within 11 days of issuance of Annexure P-2 letter dt. 17.01.2023 issued by the 4th respondent-University to the respondent no.2.

30) We hold that in the instant case firstly no fault is attributable to the petitioner and that she had pursued her rights and legal remedies expeditiously and without delay.

31) There is also fault on the part of the respondent no.4 University in not disclosing to petitioner and to respondent no.4 before the last date of admission i.e 29.12.2022 that one General Category Seat had fallen vacant on account of an act of forgery committed by Shivani Sharma, who got admission in the respondent No.6-College and that in the consequent vacancy the petitioner can be accommodated and admitted to the MBBS Course.

32) Had the respondent No.4 acted immediately and before the last date for admission in conveying this information to the respondent no.2, may be the respondent no.2 would have granted permission to fill up the said vacancy.

33) Also, we are unable to appreciate why the respondent no.2 took time repeatedly before this Court and ultimately informed about its decision only on 19.06.2023 to the respondent No.4, 5 months later, rejecting permission to admit the petitioner in the MBBS course in respondent no.6 college.

35) As held in S. Krishan Shardha's case (supra-2), if admission is directed to be ordered in exceptional circumstances to a meritorious candidate, it has to be done within one month from the cut-off date; and under no circumstances, can it be directed to be done by the Court beyond the period of one month from the last date of admission. Since the one month period beyond 29.12.2022 (last date for admission) got over by 28.1.2023, after the Writ Petition was filed, due to the delay caused by respondent no.2, petitioner could not be granted relief of admission to the MBBS course in respondent no.6 college in the academic year 2022-23.

36) In this view of the matter, and in the facts and circumstances of the case, and having regard to the conduct of the petitioner as well as the respondents, we direct that admission in respondent no.6 college be granted to the petitioner in the Academic Year 2023-2024 to the MBBS Course and respondents no.2 & 4 shall increase the number of seats allotted to the said College by one seat for that academic year. The respondents no.2 & 4 shall also pay Rs.2,00,000/- (Rupees Two Lacs) each as compensation to petitioner within 4 weeks for making the petitioner lose one full academic year and making it impossible for this Court to grant relief to the petitioner in the Academic Year 2022-2023.

The respondents no.2 & 4 shall also pay costs of Rs. 10,000/- each to the petitioner within four weeks.

9) In view of the above, the petition filed by Respondent No.1 was allowed by the High Court. In the conspectus of above facts and direction for grant of admission to respondent no.1, the NMC assailed those in this appeal.

10) We have heard learned counsel appearing for the parties at length.

11) Learned counsel for the appellant placed reliance on order dated 20.09.2021 of this Court in **National Medical Commission v. Sourabh Kumar Jeengar & Ors.**⁵ inter-alia contending that the admission as directed by the High Court cannot be allowed in the subsequent year creating additional seats. It is also contended, once the schedule has been notified pursuant to the directions of this Court dated 21.10.2022 in **Ashish Ranjan v. Union of India & Ors.**⁶, as modified on 08.05.2023, the same cannot be overlooked for giving admission to Respondent No. 1. As held in **Ashish Ranjan** (Supra), the NMC does not have authority to permit the University/College for admission as directed. It is also urged that on receiving letter dated 17.01.2023, oral communications

⁵ SLP (C) No. 12544/ 2021

⁶ M.A. No. 1822/ 2022 in W.P. (C)No. 76/2015

were made to the University with respect to the intent as communicated in the letter by them on 19.06.2023, and therefore, there is no delay in such communication. It is further contended, the High Court was wholly unjustified in attributing the fault on the part of NMC. Primarily, the contention as urged before us is that in view of schedule approved by this Court *vide* order **Ashish Ranjan** (Supra), the last date for admission was 29.12.2022 which cannot be extended by the order of the High Court and the admission as directed is not permissible.

12) *Per contra* learned counsel representing Respondent No.4-University submits that immediately upon receiving the information that admissions of two students have been obtained on the basis of forged documents, immediately within 12 days, NMC was informed regarding the same and permission was sought to grant admission on these vacant posts. The response of NMC was received for the first time in June and hence, they are not at fault. Learned senior counsel seriously opposed the contentions of the Appellant regarding oral refusal of admission prior to the said official communication. It is contended that the University is not at fault in the matter of taking action, and that is why, recourse to challenging the order of the High Court, was not taken by

them.

13) Learned counsel for Respondent No.1 urged with vehemence that if a seat is occupied by an ineligible candidate prioritizing by playing fraud upon the authorities, though allegedly above in merit, would not defeat her right of admission since she is the next meritorious candidate in the merit list being wait listed. It was also suggested that the process of document verification of the candidate who could get admission in second counselling ought to have been made immediately, and if such exercise was not done with promptness, as is the case in hand, next candidate i.e. Respondent No. 1, placed in the merit list should be offered admission sustaining her merit. It is also submitted that in the facts of this case, Respondent no.1 could not get admission solely on account of the fault of the University and the NMC. The High Court has considered all the aspects in detail and as per the law laid down in judgments referred above directed to grant admission to her. By assailing such justifiable order, NMC has kept the matter pending before this Court for more than three years and on account of the pendency before this Court, the right of Respondent No.1 cannot be defeated. In view of the foregoing submissions, it is urged that maintaining

the order of the High Court, Respondent No.1 may be directed to be admitted on the vacancy that arose because of cancellation of admission of Shivani Sharma.

14) After hearing learned counsel for the parties at length and on perusal of the facts as analysed in the order impugned, the short question that falls for our consideration is *whether the High Court was justified in granting the relief as contained in para 36 of the impugned order and whether the impugned order requires any interference by this Court.*

15) It is undisputed that for the NEET-UG course for the year 2022, Respondent No.1 secured 508 marks in General Category. One Shivani Sharma who got admission in the General Category was higher in the merit and she was granted admission in the second round of counseling which took place between 07.11.2022 and 18.11.2022. On verification, her documents were found to be forged. Therefore, by practicing forgery, she occupied the seat that would have been otherwise allocated to Respondent No.1 within the schedule as prescribed in **Ashish Ranjan** (Supra) by this Court. On detection of fraud, the University *vide* letter dated 17.01.2023 declared the said post vacant and sought permission from the NMC to fill up that post and to grant admission to the next candidate. The

Respondent No.1 being next candidate in the merit list applied to the authorities and sought admission because her right to get admission was denied not because of some inaction or fault on her part but because of inaction of the NMC and the University and fraud played by other candidates. On cancellation of such admission as informed *vide* letter dated 17.01.2023, it was the bounden duty of the NMC to immediately respond to the same and grant permission for admission on such seat, the course of which had to start as per the admission schedule.

16) Having considered the said fact, in our view, the High Court has rightly analyzed the entirety of facts and circumstances as mentioned hereinabove and found that the University as well as the NMC both remained silent and allowed those seats to go vacant. Therefore, the ratio of the judgment of **Asha** (Supra) as well as **S. Krishna Sradha** (supra) is rightly made applicable and the direction is issued to grant admission to Respondent No.1 in Respondent No. 6-College in the MBBS course for the academic year 2022-2023 by creating one additional seat in the next year 2023-2024. In the peculiar facts and circumstances of the case which have been brought before us, the direction as issued by the High Court is

completely justified and because of the said peculiarity, will not be in teeth of the schedule as prescribed by this Court in **Ashish Ranjan** (Supra).

17) Moreover, reliance placed by the Appellants on the judgement of this Court in **Sourabh Kumar Jeengar** (Supra) is completely misplaced. In the said case, the High Court relying on judgment of *S. Krishna Sradha* (supra) granted admission in the academic year 2020-2021; however, the NMC while filing special leave petition before the Supreme Court sought modification to the extent that such admission should be for the year 2021-2022 instead of year 2020-2021. Therefore, the Court modified such direction on the request of the NMC adjusting such seat in the existing vacancies for SC category in the next year. In our view, the said order is of no avail to NMC to get modified the direction or to assail the order passed by the High Court.

18) It cannot be sufficiently underscored that a medical seat in a Government Institution is not merely an individual gain for a private candidate, but is also a precious resource for our nation that is held in public trust by the regulatory authorities. In an eventuality, when such a seat is rendered vacant through

fraud, an obligation is cast upon the authorities to restore that seat to the next eligible candidate as per the merit list. To allow a seat to remain wasted due to administrative inaction or lethargy, is a subversion of the very purpose of the NEET-UG examination that was to facilitate systematic organization of admissions in government medical institutions. As far as the contention regarding adherence to the schedule as fixed by this Court in **Ashish Ranjan** (Supra) is concerned, it must be borne in mind of the authorities that the said schedule is a servant of the admission process, provided by this Court to facilitate the timely induction of doctors without delay, not a master that can lead to sacrifice of a meritorious student's career, that too without having any fault of such candidate. In this regard, we are guided by the principle enunciated in **S. Krishna Sradha** (Supra) that in exceptional cases where a candidate has been prompt in approaching authorities and delay is entirely attributable to the failure of the authorities to detect fraud, irregularity or respond to queries, as is the situation in present case, equity requires that admission be granted to such a candidate in next academic year possible.

19) In view of the foregoing, we are of the considered opinion that the High Court was completely justified and in fact,

because of the vexatious litigation of Appellant, the matter has been stalled before this Court for more than three years. Nonetheless, since we have arrived at a conclusion that the order passed by the High Court is justified, in exercise of jurisdiction under Article 142 of the Constitution of India, we modify the direction as issued by the High Court for grant of admission for the year 2026-2027 instead of 2023-2024 while not interfering with other terms and conditions as directed by the High Court.

20) With the aforesaid modification and direction, this appeal stands disposed of. Pending application(s), if any, shall stand disposed of.

....., **J.**
[J.K. MAHESHWARI]

....., **J.**
[ATUL S. CHANDURKAR]

NEW DELHI;
MARCH 17, 2026.

