

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 4531 of 2021

Dr. Mahesh Kumar, Son of Sri Ram Pyare, residing at Doctor's Quarter, besides District TB Hospital, PO & PS-Sakshi, Jamshedpur, Dist-East Singhbhum.
... ... Petitioner(s)

Versus

1. The State of Jharkhand.
2. Principal Secretary, Department of Health and Family Welfare, Govt. of Jharkhand, Nepal House, PO & PS-Doranda, Ranchi.
3. MGM Medical College, through Principal Dimna Road, Hill View Colony, PO & PS-Mango, Jamshedpur, Dist-East Singhbhum, Jharkhand.
... ... Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Amit Kr. Das, Sr. Advocate
Ms. Swati Shalini, Advocate
For the Respondent(s) : Mr. Mithilesh Singh, GA-IV

11/ 20th August, 2026

1. Heard the parties.

2.(a) In this writ petition, the petitioner has prayed for a direction upon the respondents to immediately and forthwith release the original educational certificate of the petitioner and allow him to attend the counselling of NEET-PG 2021 which was to commence from 25.10.2021.

(b) Further, the second prayer was made for quashing Annexure-2, pertaining to the Notification / Resolution Order No.9/Chi.Maha-07-08/2014 (part 1)-179(9) dated 24.04.2018 (Annexure-3) and declaring the same be not applicable to the petitioner as the bond dated 16.04.2019 was obtained by playing fraud and concealing material facts that there is no faculty and basic equipment in Mahatma Gandhi Medical College, Jamshedpur for completing the course of Diploma in Medical Radio Diagnosis and the said course offered by the Mahatma Gandhi Medical

College, Jamshedpur, which the petitioner had earlier taken admission, is not recognised by Medical Council of India (MCI).

3. At this moment, it is necessary to indicate that so far as the first prayer of the petitioner is concerned that is of release of the original educational certificates, that has already been released in favour his favour on deposit of the bond amount and the stipend by virtue of the interim order in this case.

4. Heard the learned senior counsel for the petitioner and learned counsel for the State.

5. The facts are admitted in this case.

6.(a) The petitioner had completed his MBBS from Moti Lal Nehru Medical College, Allahabad (now Prayagraj) in 1996-2002. After completing the five years course and one year internship, the petitioner appeared for NEET-PG 2019 examination. As he got qualified in the said examination, after counselling, he was offered admission in Diploma in Medical Radio Diagnosis (DMRD-Radiology) in Mahatma Gandhi Memorial Medical College, Jamshedpur for the Session 2019-21. Since the Mahatma Gandhi Memorial Medical College, Jamshedpur is one of the premier institutions of Jharkhand, he accepted the same and left the seat of Moti Lal Nehru Medical College Prayagraj (Govt.) Uttar Pradesh and thus opted to join Mahatma Gandhi Memorial Medical College, Jamshedpur. At the time of joining the said college, the petitioner was made to sign a bond dated 16.04.2019 and had also submitted all his documents in original.

(b) The bond which was signed by the petitioner provided that if the petitioner relinquishes the seat, after being admitted,

has to pay Rs.30 Lakhs and also the stipend had to be refunded.

(c) It was the grievance of the petitioner that after joining the said course, the petitioner came to know that there was no proper faculty in the department of Radiology and there was no one to guide the petitioner. Further, he came to know that the course in which he took admission i.e., DMRD-Radiology at MGM Medical College, is not recognized by the Medical Council of India which is the statutory body for establishing and maintaining uniform and high standards of Medical Education in India.

(d) Considering the aforesaid situation, the petitioner again appeared in entrance exam of Institute of National Importance Combined Entrance Test (INI CET) and being selected, he prayed for release of his original certificates and also prayed to release him from the bond which he was made to sign at the time of admission in MGM Medical College.

(e) As his documents were not released, he could not join pursuant to his success in INI CET. The petitioner thereafter, again took a chance and appeared in NEET-PG examination 2021, wherein the petitioner was ranked 270 in All India Level. The petitioner admittedly, thereafter, took admission in Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow.

(f) Considering the fact that his documents were not released and he was not relieved from the repercussion of the bond which he had made to sign, he has approached this Court by filing this writ petition.

7. This Court vide order dated 17.02.2022, by way of an interim measure, directed the petitioner to pay the bond amount

and the stipend amount, which the petitioner had received. Thus, a total of Rs.39,94,645/- were directed to be deposited by the petitioner, subject to the final order passed in this writ petition. The petitioner abiding the directions given in the interim order, deposited the aforesaid amount and thus, his educational testimonies were returned to him and ultimately, he took admission in the college at Lucknow.

8. The learned counsel appearing on behalf of the petitioner submits that a fraud has been played by MGM Medical College, Jamshedpur. He submits that when admittedly the course was not recognized by Medical Council of India (MCI), the college couldn't have taken admission of this petitioner. He submits that there was no proper equipment in the college also which was also one of the grounds for the petitioner to leave the said college. He submits that without offering a proper academic environment and knowingly that the course was not recognized by MCI, the respondents could not have directed and pressurised the petitioner to execute the bond.

9. Learned counsel appearing on behalf of the MGM Medical College, submitted that knowing fully well about the entire scenario, the petitioner took admission in the said college. He submits that he was made aware, though orally, about the situation and the fact that the course though not recognized but is a permitted course by NMC (erstwhile MCI). He further disputes the contention of the petitioner that there was no proper faculty of Radiology in MGM Medical College. He further submits that the bond is pursuant to the Notification of the State Government but

the said Notification has not yet been challenged.

10.(a) It is an admitted fact that the petitioner got qualified in NEET and after counselling he was offered MGM Medical College, Jamshedpur. The petitioner accepted the said offer and joined there to pursue his course of Postgraduate Diploma in Radiology. The petitioner also executed the bond of Rs. 30 Lakhs.

(b) After entering in the said college, the petitioner would come to know that there is no proper basic infrastructure i.e., machineries and other tools in the Radiology Department.

(c) Be it noted that the petitioner took admission for Post Graduate Course in a Medical College where it is expected that there should be proper machines to teach the subject as in absence of any machines, it is not possible to teach postgraduate students, that too a course of Radiology, in this advance age of technology.

(d) The petitioner was also surprised to know that the course in which the petitioner had taken admission in the college, is not recognized by the Medical Council of India.

(e) The fact that the course was not recognized is admitted by the respondents in their counter-affidavit.

(f) The counter-affidavit has been filed by Principal, MGM Medical College, Jamshedpur. In paragraph No.6 of the counter-affidavit, it has been stated that the course of Diploma in Medical Radio Diagnosis at MGM Medical College, Jamshedpur is a permitted course by NMC (erstwhile MCI). In paragraph No.7, it has been mentioned that at the time of admission of the petitioner, the petitioner had knowledge that the course is permitted and not recognized and this detail was verbally shared by the college

administration to the petitioner before taking admission and with the complete knowledge, he signed the bond on 16.04.2019. This submission clearly establishes that the MGM Medical College, Jamshedpur offered a Postgraduate Course without having a proper recognition of the said course from MCI.

(g) Whether a candidate / student is made aware of the aforesaid facts are not, is absolutely, immaterial. The question which raises serious concern, is how a Medical College is allowed to take admission in a course, which is not recognised by MCI. A course which is not recognised by the MCI should not be offered and no student should be admitted in the said course. Giving prior information that the course is not recognized, is not worthy of acceptance. What is accepted is that no admission should be offered or taken in that course which is not recognised.

(h) Admittedly, the respondents had taken admission of a student i.e., the petitioner in a course which was not recognized.

(i) The signing of the bond relates to admission. The admission only means an admission in a proper recognized course. Where the admission is itself based on foundations of deception, the consequential acceptance of the bond being irrelevant, will not have any consequence. The same is bad in law.

(j) The respondents have admitted this petitioner in a non-recognized course, thus they could not have forced the petitioner to sign the bond also. They not only got the bond signed but also realised the amount from the petitioner which is also a *mala fide* act on the part of the respondent- MGM Medical College, Jamshedpur. It is but natural that a person will not take admission

in a Postgraduate course in medical college knowing that the course is not recognized.

(k) Further, there is latches on the part of the counselling body also to recommend the petitioner in a college for the course which is not recognized. The petitioner cannot be blamed for all these latches. Because of these latches of the respondents, the petitioner had to loose two years, as he took admission in MGM Medical College, Jamshedpur but later on had to leave and again appear in NEET examination 2020. His entire study period in MGM Medical College is a waste as that Diploma which is of unrecognized course of MGM Medical College, will have no value in the eye of law as neither he can use the same.

(l) Further, the petitioner had to appear in NEET examination again which could have easily been avoided. This also caused mental stress to the petitioner.

(m) So far as lack of infrastructure is concerned, it is necessary to quote paragraph No.15, page 7 of counter-affidavit filed by the Principal, which is as under:-

"15. That the statements made in para 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of the writ petition are partly matters of record and partly misconceived. As regards the allegation that there is no facility and faculty in Radiology it is humbly stated that the same is false. There is one Assistant Professor working in the Department of Radiology. CT Machine is also available but the same is non-functional since September, 2020. It is true that MRI machine is not available. The position of equipments available at the college is apparent from the letter no.2908 dated 16.12.2021. Anything contrary to the record is denied and disputed."

(n) In the said paragraph while dealing with infrastructure, the respondents-college admits that there is one Assistant Professor working in the Department of Radiology. They also admit

that there is a CT Scan Machine available but the same is not functioning since September, 2020. They also admit that there is no MRI machine in the college.

(o) It is really surprising that a college offering a Postgraduate Diploma Course in Radiology does not possess a MRI Machine which is a bare minimum requirement and the CT Scan Machine which is available, is also not functional. In fact, this act of concealing material facts of the non-availability of equipment for imparting the Postgraduate course amount to fraud with the students who are taking admission in the said course. In ***Ram Chandra Singh v. Savitri Devi*** reported in **(2003) 8 SCC 319** the Hon'ble Supreme Court observed that if a party makes representation knowing it to be false and causes injury to the other that shall amount to fraud in law. In ***Derry v. Peek***, reported in **(1889) 14 AC 337** it was held that: "fraud is proved when it is shown that a false representation has been made (i) knowingly or (ii) without belief in its truth or (iii) recklessly, without caring whether it be true or false."

(p) This Court fails to understand that in this scenario, how the Medical Council of India had not taken appropriate steps against this college. It can be said that the Medical Council of India is also shutting their eyes and shirking their responsibility which they have towards the future of medical professions. I am not inclined to carry the issue any further, though, it requires some harsh treatment.

(q) The learned counsel for the respondents now by referring to paragraph No.8 submitted that the petitioner left the

college as because on completion of the course, he did not want to give service to the poor by going to the village that is why he raised this issue to shirk his responsibility.

(r) This is another egregious stand of the Medical College. Not only the respondent- MGM Medical College admitted a student in Postgraduate Diploma Course knowing fully well that they don't have the recognition of that Course but they had gone to the extent of sending a doctor with an unrecognized diploma to treat the villagers. This is a sacrilegious act on part of the Medical College.

11. In the back drop of these facts, I am of the considered view that by suppressing material fact, the petitioner's admission was taken by the respondents and they have played with the future of the petitioner for which the petitioner had to go through the rigors of appearing in NEET for the second time. Further, the fact that the petitioner is a meritorious student will be easily derived from his rank in NEET which is 270.

12. Considering the aforesaid, I am inclined to allow this writ petition. The petitioner is held entitled to refund of stipend and the amount which was deposited by him in lieu of the bond i.e., Rs. Rs.39,94,645/-. He is also held entitled to a compensation of Rs. 7,00,000/- (Rupees Seven Lakhs Only) for the mental agony and significant loss of career time caused by the actions of the respondent- MGM Medical College.

13. The petitioner is relieved of the liabilities of the bond. The respondent- MGM Medical College is directed to refund the stipend and the amount which was deposited by him in lieu of the

bond i.e. Rs. Rs.39,94,645/- along with the compensation of Rs.7,00,000/- (Rupees Seven Lakhs) to be paid to the petitioner immediately within a period of three weeks from today.

14. If the amount is not paid within three weeks, the Finance Department of the State of Jharkhand, will deduct the said amount from the allocation of MGM Medical College, Jamshedpur and will ensure payment of the same to the petitioner.

15. Office is directed to send a copy of this order to the Secretary, the Finance Department of the State of Jharkhand.

16. This writ petition stands **allowed** with the aforesaid direction and observations.

17. Pending interlocutory application, if any, stand disposed of.

(ANANDA SEN, J.)

20th August, 2026
S.K.D/CP-2

Uploaded on 28 /08/2026