Item No.40
Regular List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

OWP 170/2017

NITYA RAINA

...PETITIONERS/APPELLANT(S)

Through: - Mr. Z. A. Shah, Sr. Advocate, with
Mr. Hanan, Advocate.

Vs.

UNION OF INDIA & ORS. ...RESPONDENT(S)

Through: - Ms. Bisma, Advocate, vice
Mr. T. M. Shamsi, DSGI.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER(ORAL)
18.11.2026

1. Initially, the present petition was filed by five petitioners seeking a direction upon the respondents to admit them to MBBS/BDS course in the respondent college respondents No.7 and 8 and to allow them to complete the course on the analogy of other students already admitted in the same batch.

2. On 13.03.2017, an interim order came to be passed by this Court directing respondent Nos.7 and 8 to accord consideration to grant of provisional admission to the petitioners.

3. During the pendency of the writ petition, petitioner Nos.1, 2 and 3 lost interest and abandoned the cause. Thereafter, the writ petition was pursued only by petitioner

Nos.4 and 5. On 09.10.2026, petitioner No.4 made a submission that her grievance has already been redressed, as such, she also sought dismissal of the writ petition to her extent. We are now left with only petitioner No.5-Nitya Raina (hereinafter referred to as "the petitioner")

4. In terms of order dated 31.12.2024, the petitioner was allowed to amend the writ petition and to implead UT of J&K, Relief and Rehabilitation Commissioner, Srinagar, and F.H. Medical College, Agra, as respondents to the writ petition. The amended petition has been filed by the petitioner.

5. It appears that pursuant to order dated 13.03.2017 passed by this Court, petitioner was admitted in the month of March 2017 to first year MBBS course in Glocal Medical College, Mirzapur, Uttar Pradesh. She appeared in the examination conducted by the college between 2017 to 2020. However, the said college was closed down by the Government of Uttar Pradesh and all the students who had been admitted in the college were shifted to other medical colleges after counselling. By that time, the petitioner had already appeared in second professional MBBS course. When she was not invited for counselling, she made an application bearing CM No.404/2020 before this Court, wherein an order came to be passed on 11.02.2020, whereby directions were issued to Director General Medical

Education, Government of Uttar Pradesh to conduct counselling of the said petitioner and to grant her admission in any of the medical colleges to enable her to continue her studies. Pursuant thereto, the petitioner continued her course in F.H. Medical College, Agra. She was allowed to appear in all the examinations, whereafter she qualified the examinations and was granted the degree certificate by the concerned university. The petitioner was also allowed to undergo internship whereafter she got herself registered with UP Medical Council under No.104634 dated 24.04.2023. The petitioner got herself registered with Delhi Medical Council under No.108604 dated 23.06.2023.

6. By way of amendment, the petitioner claims that she is entitled to Prime Minister's Scholarship Scheme pertaining to students of State of Jammu and Kashmir who had sought admissions in institutions outside the State of J&K, but she has not been provided any scholarship in terms of the policy of the Central Government. It has further been submitted that the petitioner belongs to minority community of the Jammu and Kashmir and she had become a migrant. She had applied for her admission under the management quota and, as such, she was also entitled to scholarship on the same pattern as is payable to the students of erstwhile State of Jammu and Kashmir.

7. I have heard learned counsel for the parties and I have also gone through record of the case.

8. As is clear from the sequence of events narrated hereinbefore, the petitioner may have been admitted to the MBBS course on the basis of an interim order passed by this Court, but by now she has completed her course and she has even been registered with Medical Council of Uttar Pradesh and Medical Council of Delhi. The main objection of the respondents was with regard to the jurisdiction of this Court to entertain the present writ petition. However, having regard to the amendment effected in the writ petition, which relates to incorporation of reliefs against the UT of J&K as well, a part of cause of action having arisen within the territorial jurisdiction of this Court, as such, this Court is vested with jurisdiction to entertain the present writ petition.

9. As already stated, the sequence of events shows that the petitioner has already completed the course and at this stage if any adverse order is passed against her, it will not benefit anyone. On the other hand, if the seal of approval is appended to the MBBS course that has been undergone by the petitioner, nobody is going to be prejudiced. It would be for nobody's benefit to annul the admission of the petitioner. Huge amount of money is being spent on each candidate who undergoes the medical course. Thus, if any action is taken

against the petitioner, it may lead to depriving the services of a doctor to the society on whom public money has been spent. In these circumstances, the interests of justice demand that admission of the petitioner to MBBS course with respondent colleges be regularized.

10. Learned Senior Counsel appearing for the petitioner has submitted that so far as the grant of scholarship to petitioner is concerned, she would pursue the matter with the authorities of Union Territory of Jammu and Kashmir in this regard by making an appropriate representation to this effect.

11. Accordingly, the writ petition is disposed of by directing regularization of admission of the petitioner to MBBS course which she has undergone with respondent colleges. It shall be open to the petitioner to approach the relevant authorities of Union Territory of Jammu and Kashmir to pursue the matter relating to grant of scholarship by making an appropriate representation. In case such a representation is made, the concerned authorities shall take a call on the same in accordance with law.

(Sanjay Dhar)
Judge

SRINAGAR
18.11.2026
"Bhat Altaf-Secretary"

Whether the **Order** is speaking: **YES**
Whether the **Order** is reportable: **YES/NO**