

[2023 LiveLaw \(SC\) 684](#)

IN THE SUPREME COURT OF INDIA
DR. D.Y. CHANDRACHUD; CJI., J.B. PARDIWALA; J., MANOJ MISRA; J.
Writ Petition (Civil) No.944/2022; 21-08-2023
AMRIT MALIK versus THE MEDICAL COUNSELING COMMITTEE & ORS.

NEET PG - Students who take admission in All India Quota (AIQ) seats for Post Graduate medical courses cannot vacate the seats after the second round of counselling for AIQ seats in National Entrance-cum-Eligibility Test (NEET).

For Petitioner(s) Mr. Brijender Chahar, Sr. Adv. Mr. Deepak Prakash, AOR Mr. Sriram Parakkat, Adv. Mr. Deepak Prakash, AOR Mr. K. Parameswar, Adv. Mr. Deepak Prakash, AOR

For Respondent(s) Ms. Udita Singh, AOR Ms. Bansuri Swaraj, A.A.G. Dr. Monika Gusain, AOR Mr. Gaurav Sharma, AOR Mr. Kirtiman Singh, Adv. Mr. Waze Alli Noor, Adv. Mr. Dhawal Mohan, Adv. Mr. Prateek Bhatia, Adv. Mr. Paranjay Tripathi, Adv. Ms. Manmeet Kaur Sareen, Adv. Ms. Bina Madhavan, Adv. Mr. S. Udaya Kumar Sagar, Adv. Mr. Tushar Singh, Adv. M/s. Lawyer S Knit & Co. Mr. Amit Anand Tiwari, AAG Mr. Sabarish Subramanian, AOR Ms. Devyani Gupta, Adv. Mr. Vishnu Unnikrishnan, Adv. Mr. C. Kranthi Kumar, Adv. Mr. Naman Dwivedi, Adv. Mr. Danish Saifi, Adv.

ORDER

Writ Petition (Civil) No 944 of 2022

1 The relevant dates in the present case are as follows:

- (i) The petitioner was granted admission to a three-year post graduate medical degree course in the second round of counselling in the NRI quota on 24 February 2022;
- (ii) The petitioner sought to resign from the seat on 7 March 2022;
- (iii) On 11 March 2022, the petitioner informed the college authorities that she needed 45 days time to reconsider her options and take a decision;
- (iv) The petitioner eventually withdrew from the seat which was allotted to her on 26 March 2022; and
- (v) The third round of counselling took place on 22 April 2022 which was followed by a fourth round for the stray vacancy on 7 May 2022. The seat remained unfilled.

2 In the order of this Court dated 9 May 2023 in **Dar-Us-Slam Educational Trust v Medical Council of India**¹, it was expressly stipulated that after the second round of counselling for All India Quota seats, students who take admission in All India Quota seats should not be allowed/permitted to vacate the seats.

3 In the present case, as a result of the decision of the petitioner, the seat was left vacant preventing any other meritorious student from obtaining admission.

4 In this view of the matter, the exercise of the jurisdiction of this Court under Article 32 of the Constitution is not warranted.

5 The Petition is accordingly dismissed.

6 Pending application, if any, stands disposed of.

Writ Petition (C) No 112 of 2023

1 Counsel for the petitioner states that the petitioner would pay the amount as demanded in the notice which has been issued by the State of Haryana. Counsel

¹ Writ Petition (Civil) No 267 of 2017

appearing on behalf of the respondent-Institution submits that immediately on the deposit being made, she shall ensure that the documents are released to the petitioner.

2 The Petition is accordingly disposed of.

3 Pending applications, if any, stand disposed of.

Writ Petition (C) No 121 of 2023

1 The petitioner had initially sought admission to a post-graduate medical degree course as a disabled student at a government medical college. The petitioner obtained admission in the mop up round of counselling, but thereafter left the seat. The prospectus which has been issued by the State of Tamil Nadu stipulates that in such a situation the candidate would have to pay an amount of Rupees fifteen lakhs. This is because a candidate while vacating a seat deprives another deserving candidate of the State seat in a government medical college (where the annual medical fee is only Rs 22,500). Moreover, the government also requires a bond from all medical students to serve in rural health care clinics for a stipulated period.

2 The petitioner who is a disabled candidate suffered from post-polio residual paralysis. She suffers from 63% disability.

3 Having regard to the peculiar facts of the present case, and without this Court expressing any opinion on the issues of law involved, we direct that subject to the petitioner paying an amount of Rupees five lakhs to the State of Tamil Nadu, she would be permitted to participate in further rounds of counselling for the ensuing session and her documents shall be returned forthwith. This order is passed in the above peculiar facts and circumstances.

4 Since the petitioner seeks a period of one week to pay the amount, she has undertaken through her counsel that the amount shall be positively paid on or before 28 August 2023. The documents shall be returned to the petitioner in the meantime and she shall be permitted to participate in the ensuing counselling.

5 The Petition is accordingly disposed of.

6 Pending applications, if any, stand disposed of.

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