

**2024 LiveLaw (SC) 81**

**IN THE SUPREME COURT OF INDIA**  
**B.R. GAVAI; J., K.V. VISWANATHAN; J., SANDEEP MEHTA; J.**  
**Writ Petition(s)(Civil) No(s). 32/2024; 31-01-2024**  
**VANDEEP SINGH BASRA & ORS. versus UNION OF INDIA & ORS.**

**Medical Admissions - Restrictions imposed on resignation from NEET seats - the Supreme Court approved a proposal brought forth by Union of India to allow only those candidates to resign who had joined Institutes of National Importance (INIs) post counselling. The proposal given was reasonable and balanced the interests of meritorious students with concern of medical institutions where seats would fall vacant if upgradation is permitted. (Para 4)**

*For Petitioner(s) Mr. Linto K.B., Adv. Mr. Tom Joseph, AOR Mr. Kumar Gaurav, Adv. Ms. Rashmi Nandakumar, AOR Mr. Ravi Sehgal, Adv. Mr. Vishnu Sharma A.s., AOR Ms. Purvi Mathur, Adv. Mr. Kushagra Sharma, Adv.*

*For Respondent(s) Ms. Aishwarya Bhati, ASG Mr. Rajeev Ranjan, Adv. Mr. Sandeep Bajaj, Adv. Mr. G.S. Makker, Adv. Ms. Shagun Thakur, Adv. Mr. Anand Varma, Adv. Mr. Prashant Kumar Umrao, AOR Mr. Santhosh Krishnan, AOR Mr. Girish Chowdhary, Adv. Ms. Deepshikha Sansanwal, Adv. Dr. Manish Singhvi, Sr. Adv. Mr. Shubhangi Agarwal, Adv. Mr. Apurv S., Adv. Mr. Anuj Gupta, Adv. Mr. Shailesh Joshi, Adv. Mr. D. K. Devesh, AOR, Mr. Omkar Deshpande, Adv. Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya A. Pande, AOR Mr. Bharat Bagla, Adv. Mr. Sourav Singh, Adv. Mr. Aditya Krishna, Adv. Ms. Raavi Sharma, Adv.*

**ORDER**

1. The application (IA No. 19422 of 2024 in W.P.(C) No. 32 of 2024) for deletion of petitioner No.5 is allowed.

2. When the matter was listed yesterday, we had passed the following order:

**“Writ Petition(s)(Civil) No(s). 32/2024**

1. Insofar as Petitioners No.1, 2 and 3 are concerned they have been selected qua Superspecialty course in the Institute of National Importance (for short, ‘INI’).

2. Ms. Aishwarya Bhati, learned Additional Solicitor General of India, on instructions, fairly states that insofar as the students who have been selected for INI are concerned they may be permitted to resign and the seats becoming vacant in that event could be included in the mop-up round.

3. In that view of the matter, Respondent No. 2 is directed to permit Petitioners No.1, 2 and 3 to resign from the Institute where they are presently admitted so as to enable them to join for the courses selected in INI.

4. Needless to state that the seats becoming vacant after resignation of Petitioners No.1, 2 and 3 will be added in the mop up round.

**REST OF THE MATTERS**

List on 31.01.2024 including W.P.(C) No.32/2024”

3. Today, when the matter is called out, Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the Union of India states that the Ministry of Health and Family Welfare in consultation with AIIMS, Delhi has proposed the following proposal for consideration of this Court:

“1. Resignation will be permitted only for those joined candidates, who have joined the INI institutes through Counselling conducted by AIIMS, Delhi;

2. The seats which have become vacant by resignation of INI Candidates will be available in the special round which is to be conducted by MCC; 3. The candidates who have joined round 1 or round 2 seats of MCC and not allotted INI seats, will not be allowed to resign from their joined seat;

4. The upgradation facility will be available in special round to all candidates who have joined in round 1 and round 2 of MCC counselling; and

5. The above directions will be applicable only for this year and ought not to be taken as precedence.”

4. We find that the said proposal is reasonable and takes care to balance the interest of the meritorious students and the concern of the medical institutions where the seats would fall vacant if the students are permitted to upgrade.

5. Since such situation are not likely to reoccur, we find that the proposal as stated in condition No. 5 that the above direction will be applicable only for this year is also reasonable.

6. We, therefore, dispose of these petitions by taking on record the aforesaid proposal and approved the same.

7. We place on record our appreciation for the efforts taken by Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the Union of India for getting instructions in such a short period and assisting this Court in resolving the issue.

8. Pending application(s), if any, stand disposed of.

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