

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.6014 OF 2018 (EDN-MED-ADM)

BETWEEN:

SANJANA V TUMKUR
D/O DR. T.S. VIJAYA KUMAR
AGED ABOUT 20 YEARS
C/O VIJAYA HOSPITAL
BANASHANKARI
TUMAKURU-572 102

...PETITIONER

(BY SRI. AJOY KUMAR PATIL, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
HEALTH & FAMILY WELFARE
SERVICES (MEDICAL EDUCATION)
VIKASA SOUDHA
DR. B.R. AMBEDKAR VEEDHI
BENGALURU-560 001
- 2 . THE DIRECTOR OF MEDICAL EDUCATION
ANAND RAO CIRCLE
BENGALURU-560 009
- 3 . THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAWAN, NEW DELHI-110 001

- 4 . THE DIRECTOR GENERAL OF HEALTH SERVICES
MINISTRY OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF INDIA
NIRMAN BHAWAN
NEW DELHI-110 001
- 5 . MEDICAL COUNCIL OF INDIA
POCKET-14, SECTOR 8, DWARAKA
NEW DELHI-110 077
REPRESENTED BY ITS SECRETARY
- 6 . SRI SIDDHARTHA ACADEMY
OF HIGHER EDUCATION
(DECLARED AS DEEMED
TO BE UNIVERSITY U/S 3 OF
THE UGC ACT, 1956)
SRI SIDDHARTHA MEDICAL COLLEGE
(CONSTITUENT COLLEGE OF
SRI SIDDHARTHA ACADEMY
OF HIGHER EDUCATION)
AGALAKOTE, B.H. ROAD
TUMAKURU-572 107
REPRESENTED BY ITS REGISTRAR
- 7 . THE CHANCELLOR
SRI SIDDHARTHA ACADEMY
OF HIGHER EDUCATION
SRI SIDDHARTHA MEDICAL COLLEGE
(CONSTITUTENT COLLEGE OF
SRI SIDDHARTHA ACADEMY OF
HIGHER EDUCATION)
AGALAKOTE, B.H. ROAD
TUMAKURU-572 107

...RESPONDENTS

(BY SRI. SUDEV HEGDE, AGA FOR R1 & R2;
SRI. MADANAN PILLAI, CGC FOR R3;
SRI. N. KHETTY, ADVOCATE FOR R5;
SRI. CHANDRAKANTH R. GOULAY, ADVOCATE FOR R6;
SRI. PRASANNA KUMAR, ADVOCATE FOR
PROPOSED R8 IN I.A.No.2/2021;
R7 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT R6 AND R7 TO COMPLY WITH THE UNDERTAKING GIVEN AS PER THE LETTER AT ANNEXURE-L DATED 11.10.2017 AND ALLOT MBBS SEAT TO THE PETITIONER IN SRI SIDDHARTHA MEDICAL COLLEGE (THE CONSTITUENT COLLEGE OF R6) FOR THE ACADEMIC YEAR 2018-19 FREE OF COST WITHOUT ANY FEES FOR THE ENTIRE COURSE OF 4 1/2 YEARS IN THE EVENT OF HER QUALIFYING FOR ADMISSION IN NEET-2018 AND/OR IN THE ALTERNATIVE, TO EXTEND THE SAME BENEFIT BY SPONSORING THE MEDICAL EDUCATION OF THE PETITIONER BY PAYING THE ENTIRE MBBS COURSE FEES IN ANY OTHER MEDICAL COLLEGE IN KARNATAKA IN WHICH THE PETITIONER MAY GET A MBBS SEAT FOR THE ACADEMIC YEAR 2018-19 BASED ON HER NEET - 2018 RANKING AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 22.07.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

The prayers in the Writ Petition are as follows:

- "a) *Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the 6th and 7th Respondents to comply with the undertaking given as per the letter at Annexure-L dated 11/10/2017 and allot MBBS seat to the petitioner in the Sri Siddhartha Medical College (the constituent college of the 6th Respondent) for the academic year 2018-2019 free of cost without any fees for the entire*

course of 4 1/2 years in the event of her qualifying for admission in NEET-2018 and/or in the alternative, to extend the same benefit by sponsoring the medical education of the Petitioner by paying the entire MBBS course fees in any other Medical College in Karnataka in which the Petitioner may get a MBBS seat for the academic year 2018-19 based on her NEET-2018 ranking; and

- b) Call for the records of the counseling conducted by the 6th Respondent on 01.09.2017 in respect of admission to the 1st Year MBBS course for the academic year 2017-18; and*
- c) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the 1st and 2nd Respondents to conduct a COD Inquiry into the entire process of counseling conducted by the 6th Respondent for admission to 1st MBBS Course in the Sri Siddhartha Medical College for the academic year 2017-18 and to take appropriate action based on the report of the COD; and*
- e) Issue a Writ of Mandamus or any other appropriate Writ, order or Direction, directing the 5th Respondent to conduct an inquiry into the counseling and admissions done by the 6th Respondent for the academic year 2017-18 for MBBS course and withdraw the recognition/approval granted to the Sri Siddhartha Medical College, Tumakuru (constituent college of the 6th Respondent); and*

- f) *Direct the 6th and 7th Respondents to pay damages of Rs.500,00,000/- (Rupees Five Crores only) to the Petitioner for illegally denying her the medical seat for admission to 1st MBBS course for the academic year 2017-18 in the counseling conducted by the 6th Respondent on 01.09.2017."*

2. We have heard Shri. Ajoy Kumar Patil, learned counsel appearing for the petitioner, Shri. Sudev Hegde, learned Additional Government Advocate appearing for respondents No.1 and 2, Shri. Madanan Pillai, learned Central Government Counsel appearing for respondent No.3, Shri. N. Khetty, learned counsel appearing for respondent No.5, Shri. Chandrakanth. R Goulay, learned counsel appearing for respondent No.6 and Shri. Prasanna Kumar, learned counsel appearing for proposed respondent No.8.

3. It is submitted by the learned counsel appearing for petitioner that the petitioner having secured All India Rank 195911 in NEET-2017 participated in the counseling conducted by respondent No.6 - College on 01.09.2017 for admission to the MBBS Course for the academic year 2017-18. The petitioner submitted all original academic certificates

to respondent No.6 and a DD dated 01.09.2017 of Rs.15,65,750/- towards first year fees. Neither the petitioner was given an acknowledgment nor an allotment letter, but orally assured admission. On 05.09.2017, the petitioner was informed by the Principal of the college that a Bank Guarantee for the balance course fees was required. The petitioner submitted a Bank Guarantee of Rs.52,50,000/- on 08.09.2017, however, the College refused to accept it, stating that all seats had been filled and the admission list had already been sent to the Medical Council Of India, with the last date of admission having lapsed.

4. As per Annexure J, it can be seen that the candidates from Sl.No.15 onwards have secured NEET-2017 ranking lower than that of the petitioner but have been admitted to the MBBS Course ignoring the merit of the petitioner. Respondent No.7, acknowledging the error committed by respondent No.6 issued a letter dated 11.10.2017 (Annexure L) assuring the petitioner a free medical seat from the management quota for the academic

year 2018-19 for the entire course of 4 1/2 years without any fees.

5. It is contended by the learned counsel appearing for the petitioner that respondent No.6 deliberately withheld admission orders and insisted on an unreasonable requirement of furnishing a Bank Guarantee for the entire course, which would not be possible to arrange within a short duration. Despite the petitioner having complied with this demand, admission was still denied and that respondent No.6 committed fraud by selling medical seats in violation of NEET-2017 merit ranking, contrary to the Apex Court's judgments that merit alone should determine admission to professional courses.

6. The petitioner appeared for NEET (UG) 2018 and participated in the counseling conducted by Karnataka Examinations Authority in August 2018 and was allotted a seat in Basaveshwara Medical College as per admission order dated 24.08.2018 and paid a sum of Rs.24,22,500/- as 1st year MBBS fees to the said college. In compliance with the assurance given in Annexure L, the petitioner

submitted a representation dated 18.06.2018 to respondents No.6 and 7 requesting for earlier commitment. The petitioner's father also contacted the chairman of respondents No.6 and 7 and an email dated 07.08.2018 was sent to the principal of respondent No.6 and requested to fulfill the assurance given as per Annexure L. The petitioner had also submitted a letter to respondent No.5 regarding the refusal of respondents No.6 and 7 to comply with the assurance. However, the respondents have refused to either grant admission to the petitioner or abide by the assurance given at Annexure L. It is contended that the refusal on the part of respondent No.6 to grant admission to the petitioner has resulted in mental agony and dire financial loss to the petitioner for which she is liable to be fully compensated.

7. In support of his contentions, he has relied on the following citations:-

- ***National Medical Commission v. Mothukuru Sriyah Koumudi and Ors.* in *Civil Appeal No.3940 of 2020* dated **07.12.2020**;**

- ***S. Krishna Sradha v. State of Andhra Pradesh and Ors.*** reported in ***AIR 2020 SC 47;***
- ***Asha v. PT. B.D. Sharma University of Health Sciences and Others*** reported in ***(2012) 7 SCC 389,*** and
- ***Chandigarh Administration and Another v. Jasmine Kaur and Others*** reported in ***(2014) 10 SCC 521.***

8. The learned counsel appearing for respondents No.5 and 6, on the other hand, contended that the petitioner has delayed in initiating the legal proceedings, filing this Writ Petition only on 07.02.2018, six months after the alleged denial of admission in September 2017. It is contended that the University and the College have no record of Annexure L allegedly signed by the Chancellor. The said document which is believed to be fabricated solely for the purpose of litigation, if it was indeed signed it may have been under threat and coercion. The Chancellor was seriously ill from February 2018 and passed away on 26.07.2018 and the writ petition filed is viewed as a calculated attempt to misuse the situation and gain MBBS admission without paying the required fees.

9. It is further submitted that the request for allotment of a medical seat in any other College without payment of fees is untenable and beyond the jurisdiction of this Court. The Apex Court and this Court have consistently held that no admissions are permissible after the statutory cut-off date. The petitioner failed to secure admission within that timeframe, and therefore the Institution cannot be held at fault.

10. It is also submitted that as per Annexure B, it is evident that students allotted seats through KEA were required to submit a Bank Guarantee to secure admission. The petitioner neither submitted the Bank Guarantee on time nor provided a written undertaking like other candidates. The Bank Guarantee furnished belatedly after the final admission list had already been submitted to the Medical Council of India and that the Institution cannot be faulted with.

11. The petitioner attended the counseling with her father and was duly informed this requirement. The failure

to respond with any written request or compliance indicates a lack of interest in pursuing admission. The admission process was transparent strictly in accordance with NEET rankings and without any irregularities or collection of additional fees and all students on the official allotment were admitted based on merit and compliance.

12. In support of his contentions, the learned counsel appearing for respondent No.6 has relied on the following citations:-

- ***Shafna A.M v. The Chairman and Others* in *Writ Petition (C)No.21650/2013* dated **26.09.2014**;**
- ***Shankar Gowda T.K v. Medical Counseling Committee and Others* in *Writ Petition No.7771/2022* dated **06.01.2017**;**
- ***Sanjat Suman Lenka v. Medical Council of India and Others* in *Writ Petition No.53797/2016* dated **06.01.2017**;**
- ***S. Krishna Sradha v. The State of Andhra Pradesh and Others* in *Civil Appeal No.1081/2017* dated **13.12.2019**, and**
- ***Islamic Academy of Education and Another v. State of Karnataka and Others* in *Writ Petition No.350/1993* dated **14.08.2003**.**

13. We have considered the contentions advanced. The learned counsel for the respondents have been unable to show us any provision in the prospectus, the Act or in any other binding document providing that a Bank Guarantee in respect of the fees for the entire duration of the course must be provided to the Educational Institution concerned before admission is to be provided. The only contention raised by the sixth respondent is that the Apex Court in ***Islamic Academy of Education***'s case (supra), had directed that the course fee for the entire duration of the course cannot be collected and in cases where the Educational Institution apprehends that the student may discontinue the course half way through, at best, what can be required is the production of security or Bank Guarantee for the fees for the entire course. However, in the instant case, there was no reason for any such apprehension. The petitioner had reported for admission and had paid the fees for the first year. On being informed on 05.09.2017, that a Bank Guarantee for the balance course fee was required, the petitioner had submitted such Bank Guarantee on 08.09.2017. In the

absence of any provision, in the prospectus, the admission notification, the statutes governing admissions or anywhere else that the production of the Bank Guarantee for the entire course period was required for admission, the action of respondent No.6 in having denied to the petitioner and having granted the seat to a less meritorious candidate was *per se* arbitrary and illegal and cannot be excused under any circumstances.

14. The Hon'ble Apex Court in ***S. Krishna Sradha's*** case (supra), has specifically held as under:-

"33.3. If a candidate is not selected during a particular academic year due to the fault of the institutions/authorities and in this process if the seats are filled up and the scope for granting admission is lost due to eclipse of time schedule, then under such circumstances, the candidate should not be victimised for no fault of his/her and the court may consider grant of appropriate compensation to offset the loss caused, if any."

Answering the reference, the Hon'ble Apex Court further held as under:-

"9. In light of the discussion/observations made hereinabove, a meritorious candidate/student who has been denied an admission in MBBS course illegally or

irrationally by the authorities for no fault of his/her and who has approached the Court in time and so as to see that such a meritorious candidate may not have to suffer for no fault of his/her, we answer the reference as under:

(i) That in a case where candidate/student has approached the court at the earliest and without any delay and that the question is with respect to the admission in medical course all the efforts shall be made by the concerned court to dispose of the proceedings by giving priority and at the earliest.

(ii) Under exceptional circumstances, if the court finds that there is no fault attributable to the candidate and the candidate has pursued his/her legal right expeditiously without any delay and there is fault only on the part of the authorities and/or there is apparent breach of rules and regulations as well as related principles in the process of grant of admission which would violate the right of equality and equal treatment to the competing candidates and if the time schedule prescribed — 30th September, is over, to do the complete justice, the Court under exceptional circumstances and in rarest of rare cases direct the admission in the same year by directing to increase the seats, however, it should not be more than one or two seats and such admissions can be ordered within reasonable time, i.e. within one month from 30th September, i.e., cut-off date and under no circumstances, the Court shall order any Admission in the same year beyond 30th October. However, it is observed that such relief can be granted only in exceptional circumstances and in the rarest of rare cases. In case of such an eventuality, the Court may also pass an order cancelling the admission given to a candidate who is at the bottom of the merit list of the category who, if the admission would have been given to a more meritorious candidate who has been denied admission illegally, would not have got the admission, if the Court deems it fit and proper, however, after giving an opportunity of hearing to a student whose admission is sought to be cancelled.

(iii) In case the Court is of the opinion that no relief of admission can be granted to such a candidate in the very academic year and wherever it finds that the action of the authorities has been arbitrary and in breach of the rules and regulations or the prospectus affecting the rights of the students and that a candidate is found to be meritorious and such candidate/student has approached the court at the earliest and without any delay, the court can mould the relief and direct the admission to be granted to such a candidate in the next academic year by issuing appropriate directions by directing to increase in the number of seats as may be considered appropriate in the case and in case of such an

eventuality and if it is found that the management was at fault and wrongly denied the admission to the meritorious candidate, in that case, the Court may direct to reduce the number of seats in the management quota of that year, meaning thereby the student/students who was/were denied admission illegally to be accommodated in the next academic year out of the seats allotted in the management quota.

(iv) Grant of the compensation could be an additional remedy but not a substitute for restitutional remedies. Therefore, in an appropriate case the Court may award the compensation to such a meritorious candidate who for no fault of his/her has to lose one full academic year and who could not be granted any relief of admission in the same academic year.

(v) It is clarified that the aforesaid directions pertain to admission in MBBS course only and we have not dealt with postgraduate medical course."

15. In the instant case, the denial of admission was admittedly in September 2017. However, on 11.10.2017, the Chancellor of the University had made an assurance of a free medical seat in the year 2018-19. The said letter is countersigned by the Principal of the College and the petitioner. If the said letter was obtained by force and coercion as contended by respondent No.6, no complaint of any nature has been submitted before any authorities raising any such complaint either by the Institution or the Principal. Though the Institution has contended that the document is not genuine, no attempt has been made to establish the said contention in accordance with law. We are therefore, of the opinion that there was justification in the

student having waited to see whether the assurance held out by the chancellor would be honored by the Institution. We therefore cannot accept the contention that there is any undue delay on the part of the petitioner in approaching this Court.

16. We notice that the instant case was one where the writ petitioner was not at fault and it was only on account of the illegal demand raised by respondent No.6 that she was unable to join a MBBS Course in the Academic Year 2017-2018. She had paid the first year fees before the prescribed date, she had also provided the Bank Guarantee immediately thereafter, that is, on 08.09.2017. Hence, we are of the opinion that this is a fit case, where compensation should be awarded to the petitioner by respondent No.6-College for the denial of admission for the year 2017-2018. Though the learned counsel for the petitioner vehemently contended that the compensation to be granted should be referable to the entire fee she had paid for the MBBS Course undergone by her in the subsequent year, that is, 2018-19, we are unable to accept the said contention.

17. Having regard to the facts and circumstances of the case, we fix the compensation at Rs.15,00,000/-. The said amount shall be paid to the petitioner within a period of two months from the date of receipt of copy of this judgment.

Ordered accordingly.

All pending interlocutory applications shall stand dismissed.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(DR. K.MANMADHA RAO)
JUDGE**

cp*