



2025:KER:69787

W.A.No.2236 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

MONDAY, THE 22ND DAY OF SEPTEMBER 2025 / 31ST BHADRA, 1947

WA NO. 2236 OF 2025

AGAINST THE ORDER DATED 27.08.2025 IN WP(C) NO.32178 OF 2025 OF

THE HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1 AND 2:

- 1 UNDER GRADUATE MEDICAL EDUCATION BOARD
NATIONAL MEDICAL COMMISSION (NMC), POCKET-14, SECTOR-8, DWARAKA, PHASE-1, NEW DELHI REPRESENTED BY ITS PRESIDENT, PIN - 110077
- 2 NATIONAL MEDICAL COMMISSION
POCKET-14, SECTOR-8, DWARAKA PHASE-1, NEW DELHI, REPRESENTED BY ITS CHAIRMAN, PIN - 110077

BY SRI.A.R.L. SUNDARESAN, ADDL. SOLICITOR GENERAL OF INDIA
SHRI.K.S. PRENJITH KUMAR, SC, NATIONAL MEDICAL COMMISSION

RESPONDENTS/PETITIONERS & THE 3RD RESPONDENT:

- 1 V.N.PUBLIC HEALTH AND EDUCATIONAL TRUST
A2, JAWAHAR NAGAR COLONY, SALES TAX OFFICE ROAD, KOZHIKODE, REPRESENTED BY ITS MANAGING TRUSTEE - SECRETARY - V.ANILKUMAR, PIN - 673006
- 2 V.ANILKUMAR, AGED 56 YEARS
MANAGING TRUSTEE, VN PUBLIC HEALTH AND EDUCATIONAL TRUST, JAWAHAR NAGAR COLONY, SALES TAX OFFICE ROAD, KOZHIKODE, PIN - 673006
- 3 KERALA UNIVERSITY OF HEALTH SCIENCES
MEDICAL COLLEGE P.O. THRISSUR, REPRESENTED BY ITS



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REGISTRAR, PIN - 680596

ADV. SRI.S. VINOD BHATT FOR R1 AND R2
SRI.P.SREEKUMAR, SENIOR ADV., AND ADV. SRI S.GANESH SC
FOR KUHS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
18.09.2025, THE COURT ON 22.09.2025 DELIVERED THE FOLLOWING:



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"C.R."

JUDGMENT

Anil K. Narendran, J.

The appellants, who are respondents 1 and 2 in W.P.(C)No. 32178 of 2025, have filed this writ appeal, invoking the provisions under Section 5(i) of the Kerala High Court Act, 1958, challenging the interim order dated 27.08.2025 of the learned Single Judge in that writ petition.

2. W.P.(C)No.32178 of 2025 is one filed by the petitioners (respondents 1 and 2 herein), namely, V.N. Public Health and Educational Trust and its Managing Trustee, seeking a writ of certiorari to quash Ext.P1 order dated 22.08.2025 of the 2nd respondent National Medical Commission (1st appellant herein), in the appeal filed by Palakkad Institute of Medical Sciences, Walayar, under Section 22(3) of the National Medical Commission Act, 2019, read with Section 9 of the Maintenance of Standards of Medical Education Regulations, 2023, and Ext.P13 order dated 14.07.2025 of the 1st respondent Under Graduate Medical Education Board (1st appellant herein), whereby the Board decided to reduce 50 seats in Palakkad Institute of Medical Sciences, and



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granted conditional renewal of only 100 MBBS seats, for the academic session 2025-26; a declaration that for the institutions granted Letter of Permission under the Establishment of Medical College Regulations, 1999, read with the Minimum Standard Requirements for 150 MBBS Admissions Annual Regulations, 1999, and the Minimum Requirements for Annual MBBS Admissions Regulations, 2020, yearly renewals till the grant of Letter of Recognition is governed by said norms; a writ of mandamus commanding the respondents (1st and 2nd appellants and the 3rd respondent University) to permit the petitioners to admit second batch of 150 MBBS students during the academic session 2025-26; a writ of mandamus commanding the appellants to grant Letter of Permission to the petitioners for 150 MBBS seats during the academic session 2025-26; and a writ of mandamus commanding the 3rd respondent Kerala University of Health Sciences to grant order of Continuation of Provisional Affiliation for 150 MBBS seats during the academic session 2025-26.

3. The interim relief sought for in W.P.(C)No.32178 of 2025 reads thus;

“For the reasons stated in the accompanying affidavit and in



the writ petition, this Hon'ble Court may be pleased to permit the petitioners to admit the second batch of 150 MBBS students during the academic session 2025-26 and further direct the respondents to pass appropriate orders for the purpose thereof, pending disposal of the writ petition (civil).” (underline supplied)

4. On 25.08.2025, when W.P.(C)No.32178 of 2025 came up for admission as 'today motion', it was adjourned to 27.08.2025. On 27.08.2025, the petitioners filed I.A.No.1 of 2025 for accepting an affidavit sworn to by the 2nd petitioner stating additional facts. The learned Single Judge, by the interim order dated 27.08.2025, directed the respondents to permit the petitioners to admit the second batch of 150 MBBS students, during the academic session 2025-26. The 3rd respondent University is directed to pass appropriate orders for that purpose, as early as possible. The interim order dated 27.08.2025 of the learned Single Judge in W.P.(C)No.32178 of 2025 reads thus;

“The request of the petitioners for renewal of affiliation with enhancement of MBBS seats from 100 to 150 has been declined by the KUHS stating that there are deficiencies. According to the petitioners, there are no deficiencies if assessed under MSR-2020, and the University is finding fault based on MSR-2023.

2. When the petitioners approached the Hon'ble Apex Court



with W.P.(C)No.1166 of 2023, the Apex Court passed Ext.P5 order. In Ext.P5, the Apex Court noted the order dated 16.10.2023 in SLP(C)No.22761 of 2023, wherein the Apex Court has observed that the petitioner is waiting in the corridors of justice for a long period and directed the NMC to complete the process well in advance so that the petitioner-institution can admit the students for the next academic year.

3. The Apex Court noted that the petitioner has been litigating in the Apex Court for years together, and the State has taken topsy-turvy stands in the matter of inspection. In Ext.P5, the Apex Court directed that since the Essentiality Certificate and Consent of Affiliation have been granted for the academic year 2023-2024, the inspection would be conducted on the parameters that were prevailing for the academic session 2023-2024, thereby implying MSR-2020. Nevertheless, for the annual renewal for the year 2025-2026, the University has insisted for compliance of MSR-2023.

4. The Standing Counsel for the University would submit that the directions of the Apex Court in Ext.P5 was for the year 2023-2024 and for the current year the College has to satisfy the requirements under MSR-2023.

5. It is to be noted that the deficiencies as per MSR-2023 were communicated to the petitioners as per Ext.P13, on 14.07.2025. Ext.P16 would show that, as per NEET UG Schedule 2025, 14.07.2025 was the last date for verification of data of joined candidates by States. It is at that stage that the petitioners were required to comply with the



conditions in MSR-2023. In such circumstances, if the petitioners are denied permission for filling up 150 MBBS seats for the academic year 2025-2026, without giving time for coming over to MSR-2023 requirements, prima facie it would be a denial of justice to the petitioners.

6. Therefore, there will be an interim order directing the respondents to permit the petitioners to admit the second batch of 150 MBBS students during the academic session 2025-2026. The 3rd respondent is directed to pass appropriate orders for that purpose as early as possible.”

(underline supplied)

5. On 09.09.2025, the petitioners filed I.A.Nos.2 and 3 of 2025 in W.P.(C)No.32178 of 2025. I.A.No.2 of 2025 was filed seeking an order directing the respondents to pass orders in compliance with the interim order dated 27.08.2025, within a time limit to be stipulated by this Court, so as to enable the petitioners to admit 150 students in the second round of counselling, in terms of Ext.P22 revised NEET-UG Schedule-2025 issued by the 2nd respondent National Medical Commission. I.A.No.3 of 2025 was filed seeking an order to accept Ext.P22 as an additional document.

6. On 16.09.2025, when W.P.(C)No.32178 of 2025 came up for consideration, the learned Single Judge directed the



respondents to get instructions as to why a contempt of court action should not be taken against them for not complying with the directions in the interim order dated 27.08.2025.

7. Challenging the interim order dated 27.08.2025 of the learned Single Judge in W.P.(C)No.32178 of 2025, the appellants-respondents 1 and 2 are before this Court in this writ appeal.

8. On 18.09.2025, we heard arguments of the learned Additional Solicitor General of India for the appellants-respondents 1 and 2, the learned counsel for respondents 1 and 2-petitioners, and also the learned Senior Counsel for the 3rd respondent Kerala University of Health Sciences.

9. On 18.09.2025, during the course of arguments, the learned Additional Solicitor General of India pointed out the direction issued by the learned Single Judge on 16.09.2025, which we have referred to hereinbefore at paragraph 6. In such circumstances, while listing the matter on 22.09.2025 at 2.00 p.m. for judgment, we have granted an interim stay of the operation of the order dated 27.08.2025 of the learned Single Judge in W.P.(C)No.32178 of 2025.

10. The learned Additional Solicitor General of India for the



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appellants pointed out that the interim order granted by the learned Single Judge on 27.08.2025 is the final relief sought for in W.P.(C)No.32178 of 2025. By the said interim order, the learned Single Judge virtually allowed the writ petition. Such a course is legally impermissible. In support of the said contention, the learned Additional Solicitor General of India placed reliance on the decision of a Division Bench of this Court in **State of Kerala v. Pradeepkumar A.V. [2025 (1) KHC 672]**. In the writ petition filed on 25.08.2025, the learned Single Judge granted the interim order on 27.08.2025, without granting an opportunity to the learned Standing Counsel for National Medical Commission to get instructions and file a response to the contents of the writ petition. The direction contained in paragraph 6 of Ext.P5 order of the Apex Court dated 03.11.2023 in W.P.(C)No.1166 of 2023, which was with regard to the inspection for considering approval for the academic session 2024-25, for the first batch of MBBS students, has application only for that academic session and not thereafter. Relying on the decisions of the Apex Court in **Manohar Lal Sharma v. Medical Council of India [(2013) 10 SCC 60]** and **Dental Council of India v. Dr Hedgewar Smruti Rugna Seva**



Mandal [(2017) 13 SCC 115], the learned Additional Solicitor General of India contended that the learned Single Judge committed a grave error in granting the interim order dated 27.08.2025, since the deficiencies pointed out in Palakkad Institute of Medical Sciences, which are fundamental and crucial in nature, cannot be ignored in the interest of medical education and student community. When the institution is granted conditional renewal of only 100 MBBS seats, for the academic session 2025-26, the learned Single Judge ought not to have passed an interim order enabling the petitioners to admit the second batch of 150 MBBS students for the said academic session, since it is likely to cause chaos, anarchy and uncertainty in the admission process.

11. The learned counsel for respondents 1 and 2-petitioners contended that in view of Ext.P5 order dated 03.11.2023 of the Apex Court in W.P.(C)No.1166 of 2023, the petitioners are entitled for consideration of their request for permission to admit the second batch of 150 MBBS students in Palakkad Institute of Medical Sciences, during the academic session 2025-26, with reference to the parameters prevailing for



the academic session 2023-24, i.e., the Minimum Requirements for Annual MBBS Admissions Regulations, 2020 and not with reference to the parameters in the Maintenance of Standards of Medical Education Regulations, 2023. In Ext.P12 compliance report dated 23.06.2025, the petitioners gave an undertaking to comply with the requirements of the Maintenance of Standards of Medical Education Regulations, 2023, within a period of one year. Therefore, it cannot be said that the learned Single Judge committed a grave error while granting the interim order dated 27.08.2025. Moreover, as pointed out in the affidavit filed in support of I.A.No.1 of 2025, in four medical colleges which were established before the Maintenance of Standards of Medical Education Regulations, 2023 came into force, the 1st appellant Under Graduate Medical Education Board conducted annual inspections based on the parameters in the Minimum Requirements for Annual MBBS Admissions Regulations, 2020.

12. The learned Senior Counsel for the 3rd respondent Kerala University of Health Sciences submitted that for continuation of provisional affiliation to Palakkad Institute of Medical Sciences, for admitting the second batch of 150 MBBS



students, the college has to comply with the requirements of the Maintenance of Standards of Medical Education Regulations, 2023, as insisted by the University in the case of all other medical colleges in the State, which are affiliated to the University. Based on the direction contained in paragraph 6 of Ext.P5 order of the Apex Court dated 03.11.2023 in W.P.(C)No.1166 of 2023, which was with regard to the inspection for considering approval for the academic session 2024-25, for the first batch of MBBS students, respondents 1 and 2-petitioners cannot contend that their request for permission to admit the second batch of 150 MBBS students, during the academic session 2025-26, has to be considered with reference to the parameters in the Minimum Requirements for Annual MBBS Admissions Regulations, 2020, and not with reference to the parameters in the Maintenance of Standards of Medical Education Regulations, 2023. The learned Senior Counsel pointed out the observation made by the Apex Court in paragraph 7 of Ext.P5 order dated 03.11.2023 in W.P.(C)No.1166 of 2023 that the directions contained in the said order are being issued in the peculiar facts and circumstances of the case, without the same being treated as a precedent. The learned Senior Counsel also



pointed out paragraph 4 of Ext.P3 order dated 09.05.2023 of the Apex Court in the Civil Appeal No.3597 of 2023, arising out of SLP(C)No.16139 of 2022, whereby the Apex Court declined to accept the contention made on behalf of V.N. Public Health and Educational Trust, the 1st respondent herein, that faculty can be engaged in the college only after the permission is granted. In the said order, the Apex Court stated that, in academic matters and particularly in the field of Medical Education, no relaxation can be granted insofar as the norms and requirements prescribed by law are concerned. The learned Senior Counsel submitted that, in the writ petition filed on 25.08.2025, the learned Single Judge granted the interim order on 27.08.2025, without granting an opportunity to the learned Standing Counsel for the University to get instructions and file a response to the contents of the writ petition.

13. As already noticed hereinbefore, the challenge made in W.P.(C)No.32178 of 2025 is against Ext.P13 order dated 14.07.2025 of the 1st appellant Under Graduate Medical Education Board, whereby the Board decided to reduce 50 seats in Palakkad Institute of Medical Sciences, and to grant conditional renewal of only 100 MBBS seats, for the academic session 2025-26. By



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Exts.P1 order dated 22.08.2025 of the 2nd appellant National Medical Commission, the appeal filed by Palakkad Institute of Medical Sciences, against Ext.P13 order dated 14.07.2025 of the 1st appellant Under Graduate Medical Education Board, invoking the provisions under Section 22(3) of the National Medical Commission Act, 2019, read with Section 9 of the Maintenance of Standards of Medical Education Regulations, 2023, was disposed of by upholding Ext.P13 order, thereby confirming the renewal of approval of 100 MBBS seats, for the academic session 2025-26. By Ext.P1 order, the 2nd appellant Commission directed Palakkad Institute of Medical Sciences, to strictly adhere to compliance under the Maintenance of Standards of Medical Education Regulations, 2023, and rectify the deficiencies before the next renewal for the academic session 2026-27.

14. By Ext.P9 public notice dated 01.11.2024 issued by the 1st appellant Under Graduate Medical Education Board, all medical colleges/institutions having a valid Letter of Permission (LoP) for MBBS admission were directed to fill the details/data of respective colleges/institutions on the portal of the 2nd appellant National Medical Commission for annual declaration, as required under the



provisions of National Medical Commission Act, 2019 and various regulations issued by the Commission from time to time. In Ext.P9 notification, it was provided that the submission of a duly completed Annual Declaration Form of each college/institution on the portal of the Commission is mandatory for annual renewal of permission of UG-MBBS seats. No seat shall be permitted in case the college/institution fails to submit the Annual Declaration within the specified time period. Ext.P9 public notice was followed by Ext.P10 public notice dated 24.04.2025 issued by the 1st appellant Under Graduate Medical Education Board.

15. The document marked as Ext.P11 is a show cause notice dated 15.05.2025 issued by the 1st appellant Board, pointing out various deficiencies in Palakkad Institute of Medical Sciences, based on the evaluation of the Annual Declaration Form as per the Guidelines for Under Graduate Courses under Regulation 10 of the Establishment of New Medical Institutions, Starting of New Medical Courses, Increase of Seats for Existing Courses and Assessment and Rating Regulations, 2023 and the Maintenance of Standards of Medical Education Regulations, 2023. In the said show cause notice, the 1st appellant Board has pointed



out the provisions contained in Section 8 of the Maintenance of Standards of Medical Education Regulations, 2023, which deal with penalties for violation or any act of omission by the medical institution.

16. On receipt of Ext.P11 show cause notice, the Principal of Palakkad Institute of Medical Sciences submitted Ext.P12 compliance report dated 23.06.2025, with an undertaking to comply with the requirements of the Maintenance of Standards of Medical Education Regulations, 2023, within one year, by recruiting additional faculty, making all necessary infrastructures and improving clinical materials and facilities as required. In Ext.P12, it was pointed out that the Apex Court in Ext.P5 order dated 03.11.2023 in W.P.(C)No.1166 of 2023 directed the 2nd appellant Commission to go by the parameters that were available during the academic session 2023-24, while permitting respondents 1 and 2 herein to establish Medical College during the academic session 2023-24. After considering Ext.12 compliance report, the 1st appellant Board issued Ext.P13 order dated 14.07.2025, whereby it was decided to reduce 50 seats and grant conditional renewal of only 100 MBBS seats in Palakkad Institute



of Medical Sciences. In Ext.P13 order, the 1st appellant Board made it clear that the said decision is taken in the interest of maintaining the quality of medical education and to ensure that institutions operate within the framework of the prescribed statutory norms. By Exts.P1 order dated 22.08.2025 of the 2nd appellant Commission, the appeal filed against Ext.P13 order of the 1st appellant Board was disposed of, by upholding Ext.P13 order, thereby confirming the renewal of approval of 100 MBBS seats, during the academic session 2025-26. By Ext.P1 order, the 2nd appellant Commission directed Palakkad Institute of Medical Sciences, to strictly adhere to compliance under the Maintenance of Standards of Medical Education Regulations, 2023, and rectify the deficiencies before the next renewal for the academic session 2026-27.

17. On 27.08.2025, the petitioners have filed I.A.No.1 of 2025 in W.P.(C)No.32178 of 2025, for accepting the affidavit sworn to by the 2nd petitioner, stating additional facts. In the said affidavit, it is stated that, in respect of four medical colleges/institutions established in the year 2022, with an annual intake of 100 or 150 seats, the consideration of Annual Declaration by the



1st appellant Board was based on the Minimum Requirements for Annual MBBS Admissions Regulations, 2020. During the course of arguments, the learned counsel for respondents 1 and 2-petitioners fairly submitted that since I.A.No.1 of 2025 was filed only on 27.08.2025, the same did not reach the Bench. By the time the learned Single Judge passed the impugned interim order. Therefore, the learned Single Judge had no occasion to consider the said aspect while passing the impugned interim order.

18. In **Manohar Lal Sharma v. Medical Council of India [(2013) 10 SCC 60]**, a decision relied on by the learned Additional Solicitor General of India, in the context of Indian Medical Council Act, 1956 and the regulations made thereunder, the Apex Court held that deficiencies pointed out in the inspection conducted by a team of inspectors, which are fundamental and very crucial in nature, cannot be ignored in the interest of medical education and the student community. The Medical Council of India and the college authorities have to bear in mind that what is prescribed in the Regulations is the minimum. If the Medical Council of India dilutes the minimum standards, it will be doing violence to the statutory requirements. The Medical Council of



India is duty-bound to cancel the request if fundamental and minimum requirements are not satisfied, or else the college will be producing half-baked and poor-quality doctors, who would do more harm to society than service. On the facts of the case at hand, the Apex Court found that the infirmities pointed out by the inspection team are serious deficiencies and the Board of Governors of the Medical Council of India rightly declined approval for renewal of permission for the third batch of 150 MBBS students, for the academic session 2013-14.

19. As pointed out by the learned Senior Counsel for the 3rd respondent University, in paragraph 4 of Ext.P3 order dated 09.05.2023 in the Civil Appeal No.3597 of 2023, the Apex Court declined to accept the contention of V.N. Public Health and Educational Trust, the 1st respondent herein, that faculty can be engaged in the college only after the permission is granted. In the said order, the Apex Court stated that in academic matters and particularly in the field of Medical Education, no relaxation can be granted insofar as the norms and requirements prescribed by law are concerned.

20. In **Medical Council of India v. Kalinga Institute of**



Medical Sciences [(2016) 11 SCC 530], the Apex Court held that medical education must be taken very seriously and when an expert body certifies that the facilities in a medical college are inadequate, the courts are not equipped to take a different view in the matter, except for very cogent jurisdictional reasons such as malafides of the inspection team, ex facie perversity in the inspection report, jurisdictional error on the part of Medical Council of India, etc. Under no circumstances should the High Court examine the report as an appellate body, which is not a function of the High Court.

21. During the course of arguments, the contention of the learned counsel for respondents 1 and 2-petitioners was that in view of Ext.P5 order dated 03.11.2023 of the Apex Court in W.P.(C)No.1166 of 2023, the petitioners are entitled for consideration of their request for permission to admit the second batch of 150 MBBS students in Palakkad Institute of Medical Sciences, during the academic session 2025-26, with reference to the parameters prevailing for the academic session 2023-24, i.e., the Minimum Requirements for Annual MBBS Admissions Regulations, 2020 and not with reference to the parameters in the



Maintenance of Standards of Medical Education Regulations, 2023.

22. On the above aspect, the contention of the learned Additional Solicitor General of India and the Senior Counsel for the 3rd respondent University was that, based on the direction contained in paragraph 6 of Ext.P5 order of the Apex Court dated 03.11.2023 in W.P.(C)No.1166 of 2023, which was with regard to the inspection for considering approval for the academic session 2024-25, for the first batch of MBBS students, respondents 1 and 2-petitioners cannot contend that their request for permission to admit the second batch of 150 MBBS students, during the academic session 2025-26, has to be considered with reference to the parameters in the Minimum Requirements for Annual MBBS Admissions Regulations, 2020 and not with reference to the parameters in the Maintenance of Standards of Medical Education Regulations, 2023. Therefore, the college has to comply with the requirements of the Maintenance of Standards of Medical Education Regulations, 2023, as insisted by the University in the case of all other medical colleges in the State, which are affiliated to the University. The learned Senior Counsel pointed out the observation made by the Apex Court in paragraph 7 of Ext.P5



order dated 03.11.2023 in W.P.(C)No.1166 of 2023 that the directions in the said order are being issued in the peculiar facts and circumstances of the case, without the same being treated as a precedent.

23. On the above aspect, the specific contention raised by the appellants in this writ appeal is that the relaxation in terms of Ext.P5 order dated 03.11.2023 of the Apex Court in W.P.(C)No.1166 of 2023 is available to Palakkad Institute of Medical Sciences, only for the academic session 2024-25 and not thereafter. The exception carved out for the said college was only with reference to testing its infrastructure towards issuance of Letter of Permission (LoP), whereafter the annual renewals have to be on fulfilment of the parameters prescribed in the Guidelines for Under Graduate Courses under Regulation 10 of the Establishment of New Medical Institutions, Starting of New Medical Courses, Increase of Seats for Existing Courses and Assessment and Rating Regulations, 2023, read with the Maintenance of Standards of Medical Education Regulations, 2023.

24. We notice that Ext.P9 public notice dated 01.11.2024 issued by the 1st appellant Under Graduate Medical Education



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Board require all medical colleges/institutions having a valid Letter of Permission (LoP) for MBBS admission to fill the details/data of respective college/institution on the portal of National Medical Commission for annual declaration, as required under the provisions of National Medical Commission Act, 2019 and the regulations issued by the National Medical Commission from time to time. In Ext.P11 show cause notice dated 15.05.2025 issued by the 1st appellant Board, various deficiencies in Palakkad Institute of Medical Sciences were pointed out, based on the evaluation of the Annual Declaration Form as per the Guidelines for Under Graduate Courses under Regulation 10 of the Establishment of New Medical Institutions, Starting of New Medical Courses, Increase of Seats for Existing Courses and Assessment and Rating Regulations, 2023 and the Maintenance of Standards of Medical Education Regulations, 2023. Therefore, the finding of the learned Single Judge in the interim order dated 27.08.2025 that the deficiencies as per the Maintenance of Standards of Medical Education Regulations, 2023 were communicated to the petitioners only on 14.07.2025, which was the last date for verification of data of joined candidates as per Ext.P16 NEET-UG



Schedule-2025, and it is at that stage the petitioners were required to comply with the conditions of the Maintenance of Standards of Medical Education Regulations, 2023, is *[without any legal basis or factual foundation]. The finding of the learned Single Judge that, if the petitioners are denied permission for filling up 150 MBBS seats for the academic session 2025-26, without giving time for coming over to the Maintenance of Standards of Medical Education Regulations, 2023 requirements, prima facie it would be a denial of justice to them, is also *[without any legal basis or factual foundation].

25. In **Dental Council of India v. Dr Hedgewar Smruti Rugna Seva Mandal [(2017) 13 SCC 115]**, the Apex Court was dealing with a case in which the challenge was against an interim order passed by the High Court, which reads thus;

“The controversy or the issue involved in the matter requires consideration, and due to paucity of time, this Court is unable to decide this matter finally. In such circumstances, the impugned communication dated 31.03.2016 is hereby stayed until the next date, i.e., 06.06.2016. The admission process undertaken by the petitioner is at the risk of the petitioner. The petitioner shall intimate the order passed by this Court to the students who are intending to take admission for MDS course in Orthodontics and Dentofacial



Orthopaedics.”

The Apex Court noticed that the scheme submitted by the respondent College for starting MDS course in two specialities had been disapproved by the Government of India. The justifiability of the said non-approval was the subject matter of the *lis* before the High Court. The High Court was expected to adjudicate under Article 226 of the Constitution, within its parameters as regards the nature of deficiencies pointed out by the Dental Council of India, the steps taken by the college for removal of such deficiencies, and whether there is any perversity in the decision making process of the Dental Council of India while not recommending for approval to the Government of India and further declining to review the decision after the Government of India required it to verify/review the scheme and furnish revised recommendation. The Dental Council of India, keeping in view the cut-off date prescribed by the Court in **Royal Medical Trust v. Union of India [(2015) 10 SCC 19]** and **Ashish Ranjan v. Union of India [(2016) 11 SCC 225]**, reiterated its earlier recommendation. Thus, the ultimate result was disapproval of the scheme by the Government of India. Hence, the writ court



observed that the controversy required consideration. As the matter could not be finally adjudicated, the circumstances required an interim direction and stay of the impugned communication.

26. In **Dr Hedgewar Smruti Rugna Seva Mandal [(2017) 13 SCC 115]**, the Apex Court noticed its earlier decision in **Union of India v. Era Educational Trust [(2000) 5 SCC 57]**, wherein it was stated that normally the court would hesitate to interfere with an interlocutory order, but was compelled to do so where prima facie it appeared that such an order could not be justified by any judicial standard, the ends of justice and the need to maintain judicial discipline required the court to do so and to indicate the reasons for such interference. The Apex Court adverted to the aspects of passing of orders relating to provisional admission, after quoting a passage from **Krishna Priya Ganguly v. University of Lucknow [(1984) 1 SCC 307]** which reads thus;

"8. ... That whenever a writ petition is filed, provisional admission should not be given as a matter of course on the petition being admitted unless the court is fully satisfied that the petitioner has a cast-iron case which is bound to succeed



or the error is so gross or apparent that no other conclusion is possible. Unless the institutions can provide complete and full facilities for the training of each candidate who is admitted in the various disciplines, the medical education will be incomplete and the universities would be turning out doctors not fully qualified, which would adversely affect the health of the people in general.”

27. In **Dr Hedgewar Smruti Rugna Seva Mandal [(2017) 13 SCC 115]**, the Apex Court noticed that in **Medical Council of India v. Rajiv Gandhi University of Health Sciences [(2004) 6 SCC 76]**, a Three-Judge Bench of the Apex Court referred to the authority in **Era Educational Trust [(2000) 5 SCC 57]** and reiterated that interim order should not be granted as a matter of course, particularly in relation to matters where the standards of institutions are involved and the permission to be granted to such institutions is subject to certain provisions of law and the regulations applicable to the same, unless the same are complied with. Even if the High Court gives certain directions in relation to the consideration of the applications filed by educational institutions concerned for the grant of permission or the manner in which the same should be processed, should not form a basis to direct the admission of



students in these institutions which are yet to get approval from the authorities concerned or permission has not been granted by the Council. The pronouncement in **Era Educational Trust [(2000) 5 SCC 57]**, as is manifest, rules that the issue of an interim order in respect of an institution which has not received the approval is not countenanced in law. After referring to the law laid down in various decisions on the point, the Apex Court held that the court should not pass interim orders in matters of admission, more so, when the institution had not been accorded approval. Such interim orders are likely to cause chaos, anarchy and uncertainty.

28. In view of the law laid down in the decisions referred to supra, in a writ petition filed under Article 226 of the Constitution of India, interim order for provisional admission to Medical or Dental courses should not be given as a matter of course on the writ petition being admitted unless the court is fully satisfied that the petitioner has a cast-iron case which is bound to succeed or the error is so gross or apparent that no other conclusion is possible. Unless the institution can provide complete and comprehensive facilities for the training of each candidate



admitted in various disciplines, medical education will be incomplete, and Universities would be turning out doctors who are not fully qualified, which would adversely affect the health of the general public. A reading of the interim order dated 27.08.2025 of the learned Single Judge, which is under challenge in this intra-court appeal, would show that the said order is one issued without recording the satisfaction of the court that the petitioner has a cast-iron case which is bound to succeed or that the error in Exts.P1 and P13 orders is so gross or apparent that no other conclusion is possible. Therefore, in view of the law laid down by the Apex Court in the decisions referred to supra, the interim order dated 27.08.2025 of the learned Single Judge cannot be sustained.

29. In **Assistant Collector of Central Excise, Chandan Nagar, West Bengal v. Dunlop India Ltd. [(1985) 1 SCC 260]**, a Three-Judge Bench of the Apex Court deprecated the practice of granting interim orders which practically give the principal relief sought in the writ petition for no better reason than that a prima facie case has been made out, without being concerned about the balance of convenience, the public interest



and a host of other relevant considerations.

30. In **State of Kerala v. Pradeepkumar A.V. [2025 (1) KHC 672]**, a decision relied on by the learned Additional Solicitor General of India, this Court was dealing with a writ petition, seeking a declaration that the senior-most Registrar of the High Court appointed by promotion from the High Court Service is entitled to a higher grade in the scale of pay Rs.129300-166800 (Special Secretary's scale), with effect from 01.04.2021, as recommended by the Hon'ble the Chief Justice in the letter dated 16.02.2021 and by the 11th Pay Revision Commission in its report [Part II, February, 2021]; and a writ of mandamus commanding the 2nd respondent to accept the proposal made by the Hon'ble the Chief Justice as per the letter dated 16.02.2021 and to issue orders sanctioning a higher grade in the scale of pay Rs.129300-166800 with effect from 01.04.2021 to the senior-most Registrar appointed by promotion from the High Court service, on a par with the scale of pay of Special Secretary to the Government. The interim relief sought for in the writ petition was an order directing the 2nd respondent High Court to issue orders sanctioning a higher grade with effect from 01.04.2021, in the scale of pay Rs.129300-



166800, as recommended by the Hon'ble the Chief Justice in the letter dated 16.02.2021 and by the 11th Pay Revision Commission in its report, to the senior-most Registrar appointed by promotion from the High Court Service, pending disposal of the writ petition. On 12.12.2024, when the writ petition came up for consideration, the learned Single Judge passed the following order;

"Post this matter on 10.01.2025. If the recommendation of the Hon'ble Chief Justice dated 16.02.2021 is not implemented before the next date of posting of this writ petition, the Chief Secretary of the State shall remain present before this Court on that day itself."

While setting aside the said interim order of the learned Single Judge, this Court held that the interim relief sought for in the writ petition is nothing but the final relief. Therefore, instead of passing the impugned interim order dated 12.12.2024, the learned Single Judge ought to have considered the rival contentions and decided the question as to whether the writ petitioner is entitled to a writ of mandamus, as sought for in that writ petition. At any rate, by way of an interim order, respondents 1 to 3 in the writ petition cannot be directed to implement before the next posting of the writ petition, the recommendation made by the Hon'ble the Chief Justice in the letter dated 16.02.2021, failing which the Chief



Secretary shall remain present before the Court on 10.01.2025 itself.

31. In the case at hand, one of the reliefs sought for in W.P.(C)No.32178 of 2025 is a writ of mandamus commanding the respondents to permit the petitioners to admit the second batch of 150 MBBS students during the academic session 2025-26. The interim relief sought for in the writ petition is to permit the petitioners to admit the second batch of 150 MBBS students during the academic session 2025-26 and further direct the respondents to pass appropriate orders for the purpose thereof, pending disposal of the writ petition. Therefore, the interim order granted by the learned Single Judge on 27.08.2025 is the final relief sought for in W.P.(C)No.32178 of 2025. By the said interim order, the learned Single Judge virtually allowed the writ petition, by permitting admission in the second batch of 150 MBBS students, during the academic session 2025-26, as against the approval of 100 MBBS students granted by the 1st appellant Under Graduate Medical Education Board in Ext.P13 order dated 14.07.2025. Such a course is legally impermissible, in view of the law laid down in the decisions referred to supra.



32. In the above circumstances, this writ appeal is allowed by setting aside the interim order dated 27.08.2025 of the learned Single Judge in W.P.(C)No.32178 of 2025, for the reasons stated hereinbefore; however, without prejudice to the right of both sides to raise appropriate legal and factual contentions, before the learned Single Judge, in the pending writ petition.

If not already filed, the counter affidavits of the respondents shall be filed in W.P.(C)No.32178 of 2025, within a period of one week from this date or within the extended time, if any, granted by the learned Single Judge. It would be open to the petitioners to move for expeditious consideration of the matter by the learned Single Judge.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

bkn/-

(Cntd.....34)



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*The last portion of 3rd and 4th sentence of paragraph 24 at page 24 of the judgment dated 22.09.2025 (3rd and 9th line at page 24) are corrected as 'without any legal basis or factual foundation' as per order dated 25.09.2025.

Sd/-

Assistant Registrar