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IN THE HIGH COURT OF DELHI AT NEW DELHI*Judgment reserved on: 26.11.2025**Judgment pronounced on: 08.12.2025*

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O.M.P. (ENF.) 6/2025**ASAD MUEED & ANR.****.....Decree Holders**

Through: Mr. Rajiv Nayar Sr. Advocate with
Mr. Saket Sikri, Ms. Simran Mehta,
Mr. Vikalp Mudgal, Mr. Prakhar
khanna, Mr. Priyansh Choudhary Mr.
M H Zahidi, Advocates

versus

HAMMAD AHMED & ORS.**.....Judgement Debtors**

Through: Mr. Rajiv Kumar Virmani, Mr.
Shubham Pandey, Mr. Naimesh
Gupta, Advs. for JD2
Dr Amit George, Dr.Swaroop George,
Mr. Mobashshir Sarwar, Mr.
Abhinanadnan Jain, Mr. Shivam
Prajapati, Ms. Ibansara Syiemlieh,
Ms. Adhishwar Suri, Mr. Abhigayan
Dwivedi, Mr. Kartikey Puneesh, Mr.
Kartikey Mr. Takrim Ashan Khan,
Advs. for JD4
Mr. T. Singhdev, Mr. Tanishq
Srivastava, Mr. Abhijit Chakravarty,
Mr. Bhanu Gulati, Mr. Yamini Singh,
Mr. Sourabh Kumar, Mr. Vedant
Sood, Advs. for NMC

CORAM:**HON'BLE MR. JUSTICE JASMEET SINGH**



JUDGEMENT

1. *Vide* order dated 26.09.2025, this Court had deleted Judgment Debtor Nos. 1-3 as the order dated 12.08.2025, which the decree holders are seeking to enforce, has attained finality only with respect to Judgment Debtor No. 4 i.e., JHDU. Therefore it is clarified that the observations below are with respect to JHDU and HIMSR only, and not with respect to any other institutions functioning under JHDU.

EX.APPL.(OS) 1509/2025

2. This is an application filed by the Decree Holders under Application Order XXI, Rule 32 read with Section 51 and Section 151 of the Code of Civil Procedure, 1908 seeking the following direction:

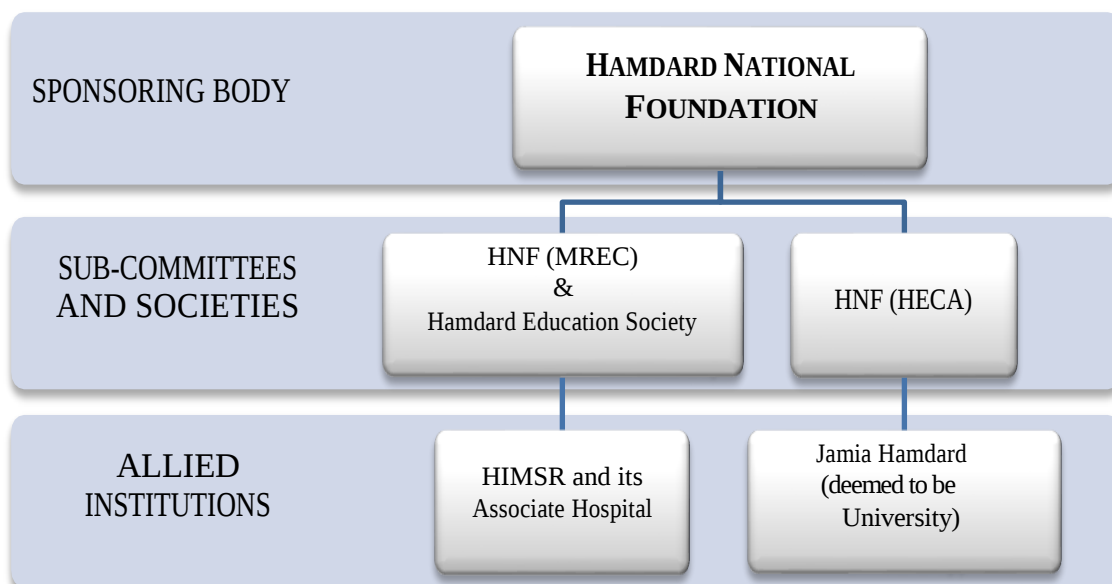
“pass directions to compel the Judgment Debtor to comply with the order dated 12.08.2025 and directions passed by this Hon’ble executing court vide order dated 10.10.2025, including but not limited to directing arrest, detention in civil prison and/or attachment of property, of all members of the Executive Council (previously Board of Management) and Registrar of the judgment debtor as mentioned in paragraph 8.2 and Annexure A-8 of the present application; AND/OR...”

FACTUAL BACKGROUND

3. The present proceedings arise from a long-standing dispute between two groups of the Hamdard family regarding the administrative control of Hamdard Institute of Medical Sciences & Research (**‘HIMSR’**), which, under the Family Settlement Deed (**‘FSD’**) dated 22.10.2019



and its Amended FSD dated 21.02.2020, was placed under the control of the Medical Relief & Education Committee (**'MREC'**) of the Hamdard National Foundation (**'HNF'**), represented by the Decree Holders. The below mentioned chart shows the distribution as per the FSD.



4. As per Clause 25 of the FSD, the assets and liabilities of HNF were to be managed by 2 independent committees namely Hamdard Education and Cultural Aid Committee (**"HECA"**) and MREC. As per Clause 26 of the FSD, HECA was to be under the control of the judgement debtors and MREC was to be under the control of the decree holders. As per Clause 27 of the FSD, both HECA and MREC, were to function independently and not interfere with each others working in any manner.
5. A methodology was put in place to ensure smooth implementation of the FSD, under which the other signatories assumed control of the



Jamia Hamdard (Deemed to be University) (“*JHDU*”) while the decree holders were entrusted with complete administrative, academic, and financial control of HIMSR. Accordingly, the highest executive body of the JHDU passed a resolution dated 03.07.2021 formally adopting the FSD and operationalising this arrangement.

6. Disputes arose regarding the functioning of HIMSR, alleging that certain signatories, along with the JHDU, sought to usurp control of the institution in violation of the FSD.
7. The Court, by its detailed judgment dated 20.09.2022, referred the said disputes to the learned Arbitrator and directed the parties to maintain the existing status of HIMSR as a constituent institution of the JHDU. The JHDU also furnished an undertaking to state that all the documents required to enable HIMSR to establish itself independently will be issued, consistent with UGC regulations. It was also stated that the JHDU will continue to cooperate with the decree holders and not take any steps which are inconsistent with the FSD.
8. Subsequently, in proceedings under Section 9 of the Arbitration and Conciliation Act, 1996 (“*the Act*”) this Court, by order dated 14.02.2023, held that even non-signatories to the arbitration Agreement would be bound by interim orders issued by the learned Arbitrator under Section 17 of the Act.
9. Thereafter, the learned Arbitrator, by an order dated 02.03.2023, directed the parties to maintain status quo as on 20.09.2022, which included maintaining HIMSR’s academic status, all of which are the subject matter of the present enforcement proceedings.
10. However, the opposite group, controlling JHDU through HNF- HECA,



wrote 2 letters dated 06.06.2025 and 11.07.2025 confirming withdrawal of CoA which led to withdrawal of seats, by the National Medical Commission (“NMC”) on 23.07.2025.

11. On 12.08.2025, the learned Arbitrator passed an order under Section 17 of the Act directing JHDU to extend full support to the Decree Holders and HIMSR for inclusion of the 150 MBBS seats in the 2025-26 counselling process, which attained finality after dismissal of the Section 37 appeal on 16.09.2025.
12. This Court, in execution proceedings on 10.10.2025, further directed JHDU to issue all necessary documents, including any necessary consent letters.
13. The order dated 10.10.2025 was challenged before the Division Bench in EFA(OS) 17/2025, wherein the Hon’ble Division Bench on 14.11.2025 modified para 7 of the impugned order and held as under:

“4. After arguing at length, learned counsel representing the parties have arrived at a consensus.

5. It has been agreed that the Paragraph No.7 of the Impugned Order passed by the learned Single Judge (Executing Court) shall be substituted with Paragraph No.13 of the order dated 16.09.2025 passed by the learned Single Judge in ARB.A.3/2025 & I.A. 20074/2025 captioned Jamia Hamdard Deemed to be University vs. AsadMueed&Ors, which reads as under:

“13. A reading of the aforesaid paragraphs reveals that the Arbitral Tribunal has given a direction to the respondents in the arbitration and the appellant,



to extend support to the claimants and HIMSR in their attempt to secure 150 MBBS seats for the academic year 2025- 26. However, the Arbitrator clarifies that the support has to be within the confines of the law. The impugned order further directs that the appellant should not create “purported legal hurdles” so as to deny the 150 MBBS seats to HIMSR for the academic year 2025-26. This would necessarily imply that if the claimants and HIMSR are not acting within the confines of law, the appellant need not support them.”

6. Consequently, Paragraph No.7 of the Impugned Order shall stand deleted and, in its place, Paragraph No.13 of order dated 16.09.2025 shall be incorporated as Paragraph No.7 in the Impugned Order.”

- 14.** Mr. Nayar, learned senior counsel for the decree holders, states that despite issuance of the NMC-prescribed format and a detailed requisition letter dated 16.10.2025, the Vice Chancellor, Registrar, and members of the Executive Council withheld the required Consent of Affiliation (“*CoA*”), even as the NMC counselling process was scheduled to conclude on 20.11.2025.
- 15.** According to him, JHDU’s conduct amounts to intentional and wilful disobedience of both the Arbitrator’s directions and this Court’s orders. Such actions, have frustrated the restoration of the 150 MBBS seats as well as the rights of eligible students. It is further stated that the



situation created by the judgment debtors in the execution proceedings is a *purported legal hurdle* precisely the kind of obstacle that the learned Arbitrator, in paragraph 35 of its order dated 12.08.2025, expressly directed the parties to avoid.

16. The relevant findings of the learned Arbitrator's order 12.08.2025 read as under:

“Accordingly, it is directed that the Respondents and Jamia Hamdard shall extend all support to the Claimants and HIMSR in their attempts before the appropriate forum/fora to be included in the counselling and admission process of the MBBS (150 seats) course for the academic year 2015-26. Of course, such support by the Respondents and Jamia Hamdard has to be within the confines of law. At the same time, the Respondents and Jamia Hamdard should be careful not to set up a purported legal hurdle, when none exists, so as to deny HIMSR the said 150 MBBS seats. Jamia Hamdard, though yet not a party to the present arbitration, is bound by its assurance and commitment given to the Hon'ble High Court that it will “facilitate the implementation of the directions given by the learned arbitrator”. ”

17. Mr. Nayar, learned senior counsel further contends that the CoA which is being sought in the present case, required under the NMC Regulations is wholly distinct from affiliation under the University Grants Commission (“UGC”) Regulations.
18. Under the National Medical Commission Act, 2019 and the



Establishment of Medical Institutions, Assessment and Rating Regulations, 2023, every proposal for establishing or continuing a medical college must be accompanied by an Essentiality Certificate and a CoA which is merely a written assurance from a recognized university agreeing to award degrees to students of the medical institution.

19. HIMSR was approved in 2011 by the then MCI (now NMC), and JHDU has since inception issued CoAs strictly to comply with NMC norms, including the letter dated 25.08.2011, much prior to any family settlement.
20. Such CoA does not confer affiliation under UGC Regulations and cannot be treated as such. NMC and UGC operate in separate statutory spheres: while NMC exclusively regulates medical education, UGC has no role in MBBS/MD admissions or standards. Therefore, issuance of a CoA to meet NMC requirements does not violate any UGC norms and is unrelated to the decree sought to be enforced in these proceedings.

SUBMISSIONS ON BEHALF OF THE JUDGEMENT DEBTOR

21. *Per Contra*, Mr. Gopal Jain, learned senior counsel and Dr. George, learned Counsel for JHDU submit that the learned Arbitrator's order pertains to MBBS admissions, which is a matter affecting the public at large and therefore involves rights in rem. Such matters are non-arbitrable and fall exclusively within the jurisdiction of statutory authorities such as the UGC and NMC, as well as constitutional courts. It is further submitted that the learned Arbitrator proceeded to pass directions despite writ proceedings on the same subject already pending.



22. Learned Counsels further contends that HIMSR is not an independent legal entity. Under the UGC Regulations, a deemed-to-be university is a unitary and non-affiliating institution, and all its constituent units including HIMSR form an inseparable part of JHDU. Treating HIMSR as an independent entity capable of admitting 150 MBBS seats separately would violate the UGC framework.
23. It is additionally argued that the issue regarding the legality and status of HIMSR is presently sub judice before the Writ Court, and that, in view of the modified directions issued by the Division Bench, cooperation by JHDU was required only if HIMSR was acting within the confines of law. Since the actions sought are allegedly contrary to UGC Regulations 2023¹, it is submitted that no cooperation or support is required from JHDU.
24. It is further argued that on 07.11.2022, the UGC forwarded the expert committee report which clearly mentioned that HIMSR could not function independently and also withheld the amount of 8 crores. Further, it is stated that UGC Regulations are geared towards unitary entities and bar affiliation by deemed to be universities as per Regulation 26. Even the Comptroller and Auditor General also noted illegal functioning of HIMSR, in light of this it has been argued that granting affiliation would be contrary to UGC Regulations which may lead to removal of Deemed University status, thereby affecting more than 11000 students.

SUBMISSIONS ON BEHALF OF THE UGC

25. Mr. Gaur, learned standing counsel appearing on behalf of the UGC

¹Regulations 26, 13, 17B, 24B, 31, 34.



which was impleaded as Respondent No. 5 *vide* order dated 18.11.2025 states that JH DU was duly informed that all Deemed to be Universities must function strictly in accordance with the UGC guidelines and regulations and the applicable Regulations of 2010, 2016, 2019, and now 2023.

26. All these regulations uniformly mandate that a deemed university must remain *unitary* in nature and cannot affiliate any institution. The 2019 Regulations further strengthened these restrictions by expressly prohibiting the addition of any constituent institutions and laying down detailed consequences for violations.
27. Despite these clear regulatory prohibitions, JH DU repeatedly submitted MoAs in 2021 showing HIMSR as its “constituent institution” and Hamdard National Foundation as its sponsoring body. The UGC clarified multiple times (letters dated 17.12.2021 and 17.01.2022) that no such notification had ever been issued and directed JH DU to restructure its MoA by showing HIMSR only as a school/centre of the university, not a constituent institution. However, the revised submissions continued to depict HIMSR as a constituent institution.
28. Mr. Gaur states that under the 2023 Regulations as well, JH DU cannot lawfully treat HIMSR as its constituent unit or grant it any form of affiliation. Any such misrepresentation constitutes a violation attracting penalties under Regulation 34, which include warnings, restrictions on expansion, bar on admissions, closure of programmes, and even withdrawal of deemed university status. If such withdrawal becomes necessary, the UGC clarifies that it will protect the interests of current students by allowing them to complete their courses and obtain



degrees.

SUBMISSIONS ON BEHALF OF THE NMC

29. Pursuant to notice issued by this Court on 18.11.2025, the NMC, a statutory body constituted under the NMC Act, 2019, has placed its position on record.
30. Mr. Singhdev, learned counsel appearing on behalf of the NMC states that the Commission functions through four Autonomous Boards, including the Medical Assessment & Rating Board (**'MARB'**), which is responsible for permissions relating to establishment of medical colleges, commencement of courses, and increase of seats.
31. Section 28 of the NMC Act, 2019 mandates that no medical college may be established, nor seats increased, without prior permission of MARB, which must be sought through a statutory application accompanied by all documents required under the 2023 Regulations. Regulation 9(b) further mandates that a valid CoA issued by a recognised university is an essential pre-condition for consideration of any such application.
32. The Decree Holders' Medical College, HIMSR, had relied upon multiple CoAs issued by the JH DU since inception, all of which had been submitted to the NMC for grant and renewal of permissions. However, *vide* letter dated 22.07.2025, JH DU informed NMC that these CoAs had been withdrawn for the academic year 2025-26.
33. Acting solely on this communication, the Undergraduate Medical Education Board, *vide* order dated 23.07.2025, declined renewal of permission for 150 MBBS seats for 2025-26. A further clarification dated 24.07.2025 recorded that the decision was confined to the said



academic year and that admissions already made would remain unaffected. A similar position was adopted for postgraduate seats, as reflected in the Notice dated 30.10.2025 and the order of the Division Bench dated 31.10.2025 in LPA 658/2025.

34. It is further stated that NEET-UG counselling for the current academic session has already concluded on 20.11.2025, and NEET-PG counselling is underway, scheduled to conclude on 31.01.2026.

ANALYSIS AND FINDINGS

35. From the facts narrated above, it is clear that this Court in the present petition is required to ensure execution of the order 12.08.2025 passed by the learned Arbitrator.
36. The present application, therefore, requires this Court to determine whether JHDU's act of withdrawing, and thereafter declining to re-issue, the CoA to the Decree Holders is hit by para 35 of the order dated 12.08.2025. Further, whether such conduct amounts to creating a "purported legal hurdle," which the learned Arbitrator expressly prohibited JHDU from raising.
37. It is well-settled that an executing court cannot go behind the decree, re-examine its correctness, or reopen issues that have attained finality. The direction of the Court and the learned Arbitrator under Section 9, Section 17, the dismissal of the Section 37 challenge, and the order dated 10.10.2025 (as modified) bind the parties and must be enforced in its entirety. The only interpretive space available arises from the modification introduced by the Division Bench, which clarifies that the judgment debtors are required to extend cooperation to the Decree Holders "within the confines of law" while refraining from raising



“purported legal hurdles.”

38. The main contention of the JHDU is that issuance of the CoA would contravene the UGC Regulations because a Deemed University is non-affiliating and unitary in structure. Reliance is placed on Regulation 26 of UGC Regulations 2023 which reads as under:

“26. Institution deemed to be University to be unitary.— The institution deemed to be University shall be unitary in nature and shall not affiliate any other institution.”

39. It is argued that HIMSR is an inseparable constituent unit of JHDU and cannot be treated as an institution that may independently receive affiliation. To my mind, this submission, however, fails to appreciate the distinction between affiliation under the UGC Act and CoA as envisaged under the NMC Act, 2019.
40. The two Acts serve different statutory purposes and operate in distinct fields. UGC “affiliation” is related to recognition of a college by the association of such a college with the University, while the NMC “CoA” is merely an assurance required for grant of approval of medical seats and degrees and would not confer the status of an affiliated institution.
41. In my view, the consent of affiliation mandated by the NMC serves a specific purpose: it ensures that the degree awarded by the university aligns with recognised medical education standards. The UGC framework does not regulate the intake of MBBS seats, and therefore, no statutory conflict arises between the issuance of a CoA by NMC and the provisions of the UGC Act.
42. I am further of the opinion that Regulation 26 of the UGC Regulations,



2023 is confined to the process of granting affiliation to a university and does not extend to the issuance of a CoA by the NMC for the establishment or operation of a medical college. The UGC Act and the NMC Act, 2019 operate in distinct spheres, each with its own purpose and regulatory scope, and there is no overlap between them.

43. The historical conduct of the JH DU further undermines its present argument. For more than a decade, JH DU has issued the very same CoA without objection. Neither the UGC nor any other authority questioned this practice. The NMC itself, through its Standing Counsel, has confirmed before this Court that several Deemed Universities across the country operate medical colleges in this manner. JH DU is therefore incorrect in asserting that such an arrangement is contrary to UGC Regulations. Nothing in law prevented the JH DU from issuing the CoA.
44. Dealing with the second issue which is whether withdrawal of consent by the JH DU *vide* its letter dated 11.07.2025 was within the confines of law, the factual background indicates that several binding orders governed the parties' conduct prior to the withdrawal which had directed that status quo with respect to the FSD. Further, the CoA that had been consistently issued since 2011 and was part of the existing arrangement and the JH DU's had unilaterally departed from that arrangement.
45. The letters which have been written by JH DU on 06.06.2025, 11.07.2025 and 22.07.2025 seeking withdrawal of seats read as under:



2025:DHC:11038



جامعہ ہمدرد
JAMIA HAMDARD
(A Government Aided Deemed to be University)

registrar@jamiahamdard.ac.in

F.No. JH/RO/HIMSR/UG-admissions/2025-26/ECOR/75

Dated: 06th June 2025

To

The Director General of Health Services/
Medical Counselling Committee (MCC)
Nirman Bhawan.
New Delhi 110001

Subject: Request for Withdrawal of MBBS Seats for Academic Session 2025-26 –
Regarding

Sir,

In continuation to our letter of even No. 62, dated 09.05.2025 regarding forwarding C&AG Audit Report submitted by the O/o the Director General of Audit (Central Expenditure) New Delhi related to the functioning of the Hamdard Institute of Medical Sciences and Research (HIMSR), a school/institution established by the Jamia Hamdard seeking login credentials for MCC website for UG & PG Medical Admissions for 2025-26 by the Jamia Hamdard.

Please find enclosed herewith a copy of letter JH/RO/HIMSR/UG-admissions/2025-26/ECOR/74, dated 06.06.2025 on the above captioned matter for taking necessary action for the withdrawal of MBBS (150 seats) in Hamdard Institute of Medical Sciences & Research (HIMSR), Jamia Hamdard, New Delhi for the new academic session 2025-26.

Kindly acknowledge the receipt of this letter.

Yours faithfully,

(Dr. Sarfraz Ahshan)
Registrar (Officiating)

Encl: As above

Registrar (Offg.)
Jamia Hamdard
(Deemed to be University)
Hamdard Nagar
New Delhi-110062

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2025:DHC:11038



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JAMIA HAMDARD
(A Government Aided Deemed to be University)



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F.No. JH/RO/HIMSR/Legal-WP/2025/ECOR/92

Dated: 11th July 2025

To
Shri Shukh Lal Meena,
Director, Undergraduate Medical Education Board (UGMEB)
National Medical Commission
Sector-8, Dwarka, New Delhi-110077
Email: ug@nmc.org.in

Sub: Seeking clarification regarding consent of affiliation to Hamdard Institute of Medical Sciences and Research (HIMSR)

Sir,

With reference to your letter No. U-11021/Legal-UGMEB/24878/NMC/2 dated 10.07.2025 on the above subject, I am directed to write to clarify the following facts: -

- i. **Jamia Hamdard is Unitary in nature with no powers to grant affiliation to other Institutions:** As stated earlier in our letter of even No. ECOR/89, dated 01.07.2025 in response to your previous communication dated 30.06.2025, Jamia Hamdard being a deemed to be University has no powers to grant affiliation to other institutions being run under a third party. In this regard UGC communication addressed to the Registrar, Jamia Hamdard vide letter F.No.F.2-10/2023(AC-Policy) dated 09.07.2024 may be referred to. In the said communication while rejecting the application for conferment of autonomous status to HIMSR, it was informed by the UGC that a Deemed University, cannot be an affiliating University as per clause 26 of the UGC Institutions Deemed to be Universities Regulations, 2023. Further, the matters regarding grant of affiliation of colleges under a University are governed by UGC (Affiliation of Colleges by Universities) Regulations, 2009 and according to which, they shall apply only to universities established or incorporated by or under a Central Act, a Provincial Act or a State Act. It shall not apply to a deemed to be University which has been created under section 3 of the UGC Act, 1956. (Annexure-1/Colly) Consequently, Hamdard Institute of Medical Sciences and Research (HIMSR) cannot be treated as an affiliated institution of Jamia Hamdard and it is a constituent of the Jamia Hamdard.
- ii. **HIMSR has no legal status of its own and established by Jamia Hamdard:** Hamdard Institute of Medical Sciences and Research is an institution established by the Jamia Hamdard (Deemed to be University) and HIMSR has no legal status of its own. It is not a registered society nor granted any autonomous status by the UGC. As on date it is part and parcel of the Jamia Hamdard for all purposes. Hence there is no question of granting any affiliation to it by Jamia Hamdard for its independent functioning without the interference of the Jamia Hamdard in its day-to-day administration. Hence, the NMC cannot directly deal with the HIMSR bypassing the authority of the Jamia Hamdard (Deemed to be University) Regulations, 2023 which has originally made the application for establishment of the Medical College – HIMSR to be run by the Jamia Hamdard in its own campus/institutional land.
- iii. **HIMSR is an Institution of Jamia Hamdard and not an affiliated college/institution as per the law:** The supporting letter of consent for grant of award of Degree of MBBS to the student of MBBS was issued by the Jamia Hamdard on the strength of the 60th Meeting of

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Hamdard Nagar, New Delhi - 110082, India. Contact No.: 011- 26059688 (12 Lines)
Website : www.jamiahamdard.ac.in



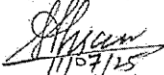
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Executive Council Resolution held on 17.03.2010 and 63rd Meeting of the Executive Council of Meeting held on 05.12.2012 wherein it was resolved to establish a Medical College in the name and style of 'Hamdard Institute of Medical Sciences & Research by Jamia Hamdard (Deemed to be University) in its own campus at Hamdard Nagar, New Delhi. A formal application to MCI was submitted by the Registrar, Jamia Hamdard on 27.09.2010 after obtaining Essentiality Certificate from the Govt. of NCT of Delhi. Accordingly, the Letter of Permission (LoP) was granted by the MCI in favour of the Jamia Hamdard. Jamia Hamdard at no point of time gave any affiliation to HIMSR. (Annexure-2/Colly).

- iv. **Resolution of the Executive Council not to offer MBBS/MD/MS Programmes in HIMSR for new academic year 2025-26 because of large scale violations of UGC Regulations, 2023:** The Executive Council in its 70th Meeting held on 27.02.2025 because of larger violations of UGC (Institutions Deemed to be Universities) Regulations, 2023 in relation to admission of students, illegal fee collection and diversion of university funds to third party bank accounts, it was resolved to not to include the medical programmes (MBBS/MD/MS) in the University Admission Prospectus for the new academic year 2025-26 to stop further violations by third parties. The EC also resolved that NMC be informed once again about the decision of the University bodies to stop illegal admissions by unauthorised persons using the name of Jamia Hamdard on the MCC portal in the academic year 2025-26. The ADG (Medical Education) and Secretary, NMC was informed about the decisions taken by the Academic Council and Executive Council related to the admission of medical students in HIMSR vide letter F.No. JH/RO/HIMSR.2025/ECOR/55, dated 25.04.2025, followed by a second letter of even No.ECOR/62, dated 09.05.2025 (Annexure-3). But unfortunately, none of these communications were taken cognizance by the NMC or MCC which ultimately resulted into filing of a Civil Writ Petition No. 6511 of 2025 by Jamia Hamdard in which Ministry of Health and Family Welfare, NMC and MCC are parties. Finding no alternative and in order to protect the interest of the Jamia Hamdard and prospective medical students, a formal letter requesting withdrawal of MBBS (150 seats), MD/MS 49 seats in HIMSR for the academic session 2025-26 was sent to the NMC as well as MCC vide letter of even No. ECOR/74 & 75 dated 06.06.2025. In the said letter, the Jamia Hamdard had categorically stated that a stage has been reached where it may not be possible for the Jamia Hamdard to offer the MBBS and MD/MS programmes for the new academic year 2025-26.

2. In the light of the decisions of the Academic Council and Executive Council of the Jamia Hamdard and in order to stop the larger scale violations of UGC (Institutions Deemed to be Universities) Regulations, 2023 by third parties, I am hereby reconfirming the withdrawal of all the previous letters of consent for offering MBBS, MD/MS programmes in HIMSR issued by the Jamia Hamdard (Deemed to be University) for the new academic year 2025-26.

Yours faithfully,


(Dr. Sarfaraz Ahsan)
Registrar (Offg.)

Encl: As above

Copy to:-

1. The President, PGMEB, NMC New Delhi
2. The Secretary, NMC, New Delhi



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2025:DHC:11038



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جامعہ ہمدرد
JAMIA HAMDARD
(A Government Aided Deemed to be University)

DOCUMENT-3



F.No. JH/RO/HIMSR/Legal-WP/2025/ECOR/100

Dated: 22nd July 2025

To

The Secretary

National Medical Commission

Sector-8, Dwarka,

New Delhi-110077 Email: secyoffice-nmc@nic.in

Sub: Seeking clarification regarding consent of affiliation to Hamdard Institute of Medical Sciences and Research (HIMSR)

Ref:

- (1) JH letter F.No. JH/RO/HIMSR/UG-admissions/2025-26/ECOR/74, dt.06.06.2025
- (2) Dir, UGMEB, NMC ltr No. U-11021/Legal-UGMEB/24878/NMC/2 dt. 10.07.2025
- (3) JH Letter F. No. JH/RO/HIMSR/Legal-WP/2025/ECOR/92, dt.11.07.2025
- (4) JH Letter F. No. JH/RO/HIMSR/Legal-WP/2025/ECOR/98, dt.21.07.2025

Sir,

This has reference to the discussions held today with Shri Shukh Lal Meena, Director-UGMEB & UGMEB officials today i.e. 22.07.2025 (AN) at the office of the Secretary, National Medical Commission on the above matter.

2. As informed earlier vide our letter 3rd cited, the Jamia Hamdard in response to the NMC letter 2nd cited has withdrawn all the previous letters of consent for offering MBBS, MD/MS programmes issued by the Jamia Hamdard (Deemed to be University) for the academic programmes for 2025-26.

3. In this regard, I am directed to reconfirm the withdrawal of consent letters once again for the following MBBS, MD/MS programmes being run in Hamdard Institute of Medical Sciences & Research (HIMSR) by Jamia Hamdard for the year 2025-26: -

MBBS Programme

S.No.	Name of the Programme	No. of approved seats	Date of approval	Date of consent letter issued by the Registrar, Jamia Hamdard (Deemed to be University)
1.	MBBS (initial intake approval)	100	29.06.2012	At the time of initial application submitted by the Registrar, Jamia Hamdard for grant approval for starting the Medical College in the name and style of HIMSR.
2.	MBBS (2 nd approval with addl. 50 seats)	150	03.01.2022	11.08.2022



[Signature]

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Hamdard Nagar, New Delhi - 110062, Contact No.: 011- 26059688 (12 Lines)

Website: www.jamiahamdard.ac.in

**MD/MS Programme**

S.No.	Name of the Programme	No. of approved seats	Date of approval by the MCI and NMC	Date of consent letter issued by the Registrar, Jamia Hamdard (Deemed to be University)
1.	MD (Radio Diagnosis)	03	21.02.2020	01.04.2019
2.	MS (Orthopaedics)	03	26.02.2020	01.04.2019
3.	MD(Paediatrics)	04	15.10.2019	01.04.2019
4.	MD (General Medicine)	04	26.02.2020	01.04.2019
5.	MS (General Surgery)	04	15.10.2019	01.04.2019
6.	MS (Obstetrics & Gynaecology)	04	15.10.2019	01.04.2019
7.	MS (Ophthalmology)	03	21.02.2020	01.04.2019
8.	MS (Otorhinolaryngology)	02	15.10.2019	01.04.2019
9.	MD (Anaesthesiology)	04	18.10.2019	01.04.2019
10.	MD (Pathology)	03	11.09.2020 & M/o Health and Family Welfare letter dt. 28.02.2017	Not readily available
11.	MD (Microbiology)	03	15.10.2019	01.04.2019
12.	MD (Social and Preventive Medicine/Community Medicine)	03	11.09.2020 & M/o Health and Family Welfare letter dt. 28.02.2017	
13.	MD (Anatomy)	03	15.03.2023 & M/o Health and Family Welfare letter dated 28.02.2017	Not readily available
14.	MD (Biochemistry)	02	15.10.2019	01.04.2019
15.	MD (Pharmacology)	04	15.10.2019	01.04.2019
Total seats		49		

4. A copy of approval letters for the above UG and PG medical programmes issued by the Ministry of Health and Family Welfare, Govt. of India, MCI and NMC received from time to time were already supplied to the NMC vide our letter 1st cited. However, the same is again enclosed herewith for your ready reference.

5. It is, therefore, once again requested to ensure that the above MBBS and MD/MS seats are not included in the seat matrix of Hamdard Institute of Medical Sciences & Research (HIMSR), Jamia Hamdard (Deemed to be University) for the academic year 2025-26 on the grounds as explained in our previous letters cited above. A line of confirmation in this regard from NMC is still awaited.

Yours faithfully,

(Signature)
(Dr. Sarfaraz Ahsan)
Registrar (Offg.)

Encl: As above

Copy to:-

The Director, UGMEB/MARB, NMC, New Delhi



--True Copy--



46. A perusal of paragraphs 2 to 4 of the letter dated 11.07.2025 makes it abundantly clear that the JH DU had communicated to the NMC the withdrawal of previously issued CoA letters for the academic year 2025 - 26. This communication formed the sole basis on which the NMC declined to grant renewal of permission to the Decree Holders.
47. Learned counsels for JH DU, Mr. Jain and Mr. George, sought to justify the timing of this withdrawal on the ground that the JH DU had been consistently corresponding with the NMC regarding alleged irregularities and had even filed W.P.(C) 6511/2025, which is pending adjudication. They contend that the withdrawal of consent must be viewed in the context of these communications and the pendency of the said writ petition.
48. I am unable to accept this justification. JH DU was fully aware of the subsisting obligations flowing from the letter dated 07.11.2022, as well as the orders of this Court and the directions of the learned Arbitrator. In these circumstances, there was no legally tenable basis for the JH DU to unilaterally withdraw the CoA. The pendency of a writ petition or prior correspondence with the NMC cannot override or dilute binding directions of the Court and the learned Arbitrator.
49. JH DU issued the impugned letter only on 06.06.2025, 11.07.2025 and 22.07.2025 almost three years after the letter dated 07.11.2022 of UGC. The manner of the withdrawal demonstrates that it was not driven by any statutory compulsion. JH DU did not raise any concern relating to UGC Regulations in its correspondence preceding the withdrawal. It continued to grant admission for MBBS/MD seats for the years 2023-2025.



50. If the contention urged by JHDU is taken to be correct that JHDU could not have issued CoA to HIMSR as per UGC regulations then there was no reason for JHDU to issue the CoA for the academic years starting from 2023-24, 2024-25 and 2025-26 and then abruptly withdrawing for 2025-26. To my mind the same shows that the intent behind withdrawal was to frustrate the arbitral process and the ongoing admissions cycle, rather than any legal compulsion.
51. The NMC's refusal to renew the 150 MBBS seats for the academic year 2025-26 was based solely on the withdrawal of consent by the JHDU which is in the nature of a legal hurdle, and it cannot take advantage of its own wrongful act. The effect of such a withdrawal has the effect of undermining the order of the learned Arbitrator and defeating the rights of students, despite the learned Arbitrator's directions having attained finality and, in my view, the defence now advanced is an afterthought.
52. The learned Arbitrator, in paragraph 35 of its order dated 12.08.2025, had already cautioned that the Judgment Debtors must not create a "purported legal hurdle" so as to deny the inclusion of the 150 MBBS seats in the counselling process.

CONCLUSION

53. For the reasons stated above, I am of the view that the withdrawal of CoA by JHDU was not within the confines of law.
54. In view of the above, JHDU shall comply and issue necessary CoA to the decree holders within 7 days of this order, failing which the decree holders will have the liberty to revive the instant application.



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55. Pending application is allowed and disposed of.

JASMEET SINGH, J

DECEMBER 08, 2025/DE