



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 18<sup>TH</sup> DAY OF FEBRUARY, 2025**

**PRESENT**

**THE HON'BLE MRS. JUSTICE ANU SIVARAMAN**

**AND**

**THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL**

**WRIT PETITION NO. 4723 OF 2025 (EDN-RES)**

**BETWEEN:**

1. DR. RAKSHITHA V.  
D/O M.G. VIJAY KUMAR  
AGED ABOUT 27 YEARS  
R/O. No.364  
OLD POST OFFICE ROAD  
GUNIGANTIPALYA  
MULBAGAL  
KOLAR-563 131  
NEET RANK: 19,475
2. DR. GAUTAM M.M.  
S/O MANJUNATH M.L.  
AGED ABOUT 28 YEARS  
R/O No.1048/2  
3<sup>RD</sup> CROSS, 2<sup>ND</sup> MAIN  
KTJ NAGARA  
DAVANAGERE-577 002  
NEET RANK: 34,685

...PETITIONERS

(BY SMT. HIREMATH AKKAMAHADEVI, ADVOCATE)

**AND:**

1. UNION OF INDIA  
DIRECTORATE OF HEALTH SERVICES  
MINISTRY OF HEALTH AND FAMILY WELFARE  
DGHS HEADQUARTERS, F-17  
KARKARDOOMA





NEW DELHI-110 032  
REPRESENTED BY ITS DIRECTOR

2. NATIONAL MEDICAL COMMISSION  
POCKET 14, SECTOR 8, DWARAKA  
NEW DELHI-110 007  
REPRESENTED BY ITS SECRETARY

3. MEDICAL COUNSELLING COMMITTEE  
DIRECTORATE GENERAL OF HEALTH SCIENCES  
MINISTRY OF HEALTH AND FAMILY WELFARE  
GOVERNMENT OF INDIA  
No.354, NIRMAN BHAVAN  
DELHI-110 011  
REPRESENTED BY DIRECTOR

4. STATE OF KARNATAKA  
DEPARTMENT OF MEDICAL EDUCATION  
VIKAS SOUDHA, BENGALURU-560 001  
REPRESENTED BY ITS SECRETARY

5. KARNATAKA EXAMINATIONS AUTHORITY (KEA)  
18<sup>TH</sup> CROSS ROAD, SAMPIGE ROAD  
MALLESHWARA-560 012  
BY ITS EXECUTIVE DIRECTOR

...RESPONDENTS

(BY SRI. H. SHANTHI BHUSHAN, DSGI FOR R1 & R3;  
SRI. N. KHETTY, ADVOCATE FOR R2;  
SRI. M.N. SUDEV HEGDE, AGA FOR R4;  
SRI. N.K. RAMESH, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO (a) ISSUE A WRIT OF CERTIORARI, QUASHING THAT PART OF THE ELIGIBILITY CONDITION WHICH PERMITS PARTICIPATION IN THE STRAY VACANCY ROUND VIDE THE 2<sup>ND</sup> BULLET POINT IN THE NOTICE DATED 12.02.2025 IN No.REF.U-1202/04/2024-MEC, (ANN-C) INsofar AS IT STATES IN BULLET POINT 2 THAT "HOWEVER, 'NOT REPORTED' CANDIDATES OF ROUND-3 OF MCC COUNSELLING CAN PARTICIPATE IN THE STATE PG COUNSELLING AND ETC.



THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN  
and  
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

### **ORAL JUDGMENT**

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

This writ petition is filed seeking the following reliefs:

- a) *Issue a Writ of Certiorari, quashing that part of the eligibility condition which permits participation in the Stray Vacancy Round vide the 2<sup>nd</sup> Bullet Point in the Notice dated 12.02.2025 in No.Ref.U-1202/04/2024-MEC,(Ann-C) insofar as it states in Bullet Point 2 that "However,'Not Reported' Candidates of Round 3 of MCC Counseling can participate in the State PG Counseling", and*
- b) *Issue a writ of mandamus, directing the 5<sup>th</sup> respondent to not include the candidates in the ensuing State Stray Vacancy Round who were allotted seats in the Round 3 of the All India Quota Counselling;*
- c) *Such other writs or orders as this Hon'ble Court deems fit in the circumstances of the case.*



2. Heard Smt. Akkamahadevi Hiremath, learned counsel for the petitioners as well as Sri. H. Shanthi Bhushan, learned DSGI appearing for respondents No.1 and 3, Sri. M N Sudev Hegde, learned AGA for respondent No.4 and Sri. N K Ramesh, learned counsel for KEA-respondent No.5.

3. It is submitted by the learned counsel for the petitioners that Annexure - A judgment of this Court in W.P.No.2848/2025 specifically directed the cancellation of PG-Medical seats wrongly allotted in violation of the provisions of the Brochure in the mop-up round of KEA counseling. However, the MCC has further issued Annexure-C notice dated 12.02.2025 permitting persons, who did not report for round-3 of MCC counseling also to participate in the State-PG counseling in the stray vacancy round. Clauses 2 and 3 of Annexure-C notice dated 12.02.2025 read as follows:-

*"Candidates who did not join their seats allotted through MCC in Round-3 are **Not Eligible** to participate in Stray Vacancy Round of PG Counselling 2024 of MCC. However,*



*'Not Reported' candidates of Round-3 of MCC counselling can participate in state PG counselling.*

*Candidates who have joined State quota seats through earlier Rounds are not eligible to participate in Stray Vacancy Round of PG Counselling 2024 of MCC."*

The learned counsel for the petitioners contends that persons who are found ineligible by this Court in Annexure-A judgment would also be permitted to participate in the light of Annexure-C notice.

4. Learned DSGI appearing for respondents No.1 and 3 however contends that the words "not reported" are specifically intended to mean candidates, who did not report or participate in the third round of MCC counseling and that it does not mean that those persons who had participated in the third round of MCC counseling but had not joined the allotted colleges would be permitted to participate in the KEA counseling in the stray vacancy round.

5. It is submitted that this aspect of the matter is specifically clarified by a further notice dated 14.02.2025



which is also duly web hosted. It is submitted that the said notice dated 14.02.2025 specifically clarifies that candidates who did not join the seats allotted to them in MCC Round-3 are not eligible to participate in the stray vacancy round of PG-Counseling 2024. However, not reported candidates of Round-3 MCC counseling can participate in the State-PG Counseling. It is stated that the clarificatory notice dated 14.02.2025 specifically makes it clear that persons who had participated in the MCC third round of counseling and were allotted seats but did not join the allotted seats will not be eligible to participate in the counseling. However, candidates who did not report or participate in the 3<sup>rd</sup> round of MCC counseling can participate in KEA stray vacancy round. It is submitted that this is in consonance with the directions issued by this Court in Annexure-A, judgment.

6. The said submission is recorded.

7. It is made clear that the eligibility for the stray vacancy round of counseling to be conducted by the KEA



will be strictly in accordance with Annexure-A judgment as well as the notice of the MCC dated 14.02.2025. Accordingly, the writ petition stands ***disposed of.***

8. Registry shall take appropriate steps to see that this order is uploaded today itself and the copy will be made available to all the concerned. The KEA as well as the MCC shall also take the appropriate steps to see that the order is web hosted.

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

**Sd/-  
(VIJAYKUMAR A. PATIL)  
JUDGE**

RAK  
List No.: 1 Sl No.: 10