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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3884/2026 & CM APPL. 19061/2026**

VENKTESH DASWANI

.....Petitioner

Through: Dr. Alakh Alok Srivastava, Mr. Arpit Dangi, Advs.

versus

NATIONAL BOARD OF EXAMINATION IN MEDICAL

SCIENCES AND OTHERS

.....Respondents

Through: Ms. Ruchira Gupta, Ms. Sumriddhi Agrawal, Mr. Mohtisham Ali, Mr. Nitender Yadav, Ms. Yashika Sharma, Advs. for R-1
Mr. Sandeep Kumar Mahapatra, CGSC with Ms. Mrinmayee Sahu, Mr. Tribhuvan, Mr. Deepansh Sharma, Advs. for R-2 to 4

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **25.03.2026**

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“a) Issue urgent appropriate writ, order, or direction to the Respondent Authorities to forthwith declare all the candidates, including the candidates whose details are mentioned in the above mentioned para 2 (xii) of the instant Writ petition (i.e., the candidates who are already pursuing/joined PG Medical Courses under “State Quota”), as ineligible and debar them from participating in any round



- of the Sponsored Post MBBS DNB Seats Counselling 2025 as per Clauses 2.3 and 2.4 of the NBEMS Handbook; and/or*
- b) Accordingly, issue urgent appropriate writ, order, or direction to the Respondent Authorities to forthwith publish a “Revised Vacancy List” for the Second Round of the Sponsored Post MBBS DNB Seats Counselling 2025 after removing the abovementioned ineligible candidates from the vacancy list dated 17.03.2026; and/or*
- c) Accordingly, issue urgent appropriate writ, order, or direction to the Respondent Authorities to forthwith permit the Petitioner herein and other eligible candidates to submit their fresh choices in terms of the aforesaid Revised vacancy list and participate in the Second Round of the Sponsored Post MBBS DNB Seats Counselling 2025 accordingly; and/or...”*
2. The case of the petitioner is that the petitioner is a MBBS Doctor and did his MBBS from Mahatma Gandhi Medical College & Hospital, Jaipur, Rajasthan, after which he joined Primary Health Centre at Amalda, District Bhilwara, Rajasthan as Medical Officer and is working at the said post.
 3. Later, the petitioner appeared in NEET – PG 2025 examination and secured All India Rank of 70279. Thereafter, the counselling for NEET-PG (MD/MS/DNB) 2025 was conducted, however, the petitioner was not allotted seat in any of the rounds i.e., Round No.1, 2, 3 or Stray Vacancy Round of counselling conducted by respondent No. 2 i.e., Medical Counselling Committee (“MCC”).



4. It is the case of the petitioner that, on the basis of his NEET-PG 2025 rank he was eligible to participate in centralized merit based online counselling for admission to the Sponsored Post MBBS Diplomate of National Board (“**DNB**”) seats for 2025 Academic Sessions, conducted as per the Handbook (“**Handbook**”) issued by the respondent No.1 i.e., National Board of Examinations in Medical Sciences (“**NBEMS**”).
5. On 20.02.2026, Provisional List of Candidates eligible to participate in the said Sponsored Post MBBS DNB Seats Counselling for 2025 Academic Session was published by respondent No. 1, wherein petitioner was at the Serial Number 77. The petitioner participated in the said counselling and on 02.03.2026, locked his programme choices in Centralized Allotment Processing System (CAPS) of the respondent No.1
6. On 06.03.2026, respondent No.1 declared the final Allotment Details of Sponsored Post MBBS DNB Counselling 2025 Academic Session (First Round), however, the petitioner’s name was mentioned at Serial Number 47 and he was allotted “Respiratory Medicine” course at the Medanta - the Medicity Hospital, Sector-38, Gurgaon, Haryana-122001, which was his 16th out of 18 locked choices.
7. It is petitioner’s case that the candidates, who were allotted seats, are already pursuing PG Medical Courses through State Quota and they should have been debarred under Clause No. 2.3 of the Handbook.
8. Being aggrieved, the petitioner submitted Grievance/ Representation dated 11.03.2026 with respondent No. 1 and also made a Representation *vide* email dated 11.03.2026 to the respondent



Authorities. However, the respondent Authorities did not redress petitioner's grievance.

9. Later, the NBEMS published the Vacancy List i.e., the Indicative Seat Matrix of Round-2 of Counselling for admission to Sponsored Post MBBS DNB Courses – 2025 Admission Session.
10. The petitioner again submitted a Representation on Grievance Redressal Portal of the NBEMS on 20.03.2026 and an email dated 20.03.2026 to NBEMS. However, the respondent authorities continue to proceed with the seat allotment process.
11. Hence, the present petition.
12. Mr. Srivastava, learned counsel for the petitioner, states that the petitioner is eligible for participating in counselling for admission to the Sponsored Post MBBS DNB seats for 2025 Academic Sessions. He further states as per Clause 2.3 of the Handbook of respondent No.1, the candidates who are already pursuing a Post Graduate course (MD/ MS/ DNB/ PG Diploma/ NBEMS Diploma) are not eligible for admission to Sponsored Post MBBS DNB seats of 2025 admission session. Clause 2.3 of the Handbook does not differentiate between the “All India Quota” or “State Quota”, meaning that if a candidate is pursuing or has joined/ admitted in a PG Course under “State Quota”, he/ she shall be ineligible to participate in the aforesaid Sponsored Post MBBS DNB 2025 Counselling. Hence, he states that the petitioner is entitled to a much higher choice.
13. For the said reasons, issue notice.
14. Ms. Gupta, learned counsel accepts notice on behalf of respondent No. 1 and Mr. Mahapatra, learned CGSC, accepts notice on behalf of



respondent Nos. 2 to 4.

15. Ms. Gupta, learned counsel for the respondent No.1, states that the admission process is still going on and the list will be prepared in accordance with Handbook of respondent No. 1. She states that Clause 2.3 of the Handbook is binding and will be followed in its true letter, spirit and intent.
16. Additionally, none of the candidates whose rights are proposed to be affected have been impleaded as party in the present petition.
17. Accordingly, the present petition is dismissed.
18. Consequently, pending applications, if any, are also disposed of.
19. As and when there is an infraction of the Handbook in the final list and as and when the candidates whose admissions are sought to be disturbed by the petitioner are impleaded, the petitioner shall be entitled to file a fresh petition.

JASMEET SINGH, J

MARCH 25, 2026/sp