

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/LETTERS PATENT APPEAL NO. 584 of 2025
In R/SPECIAL CIVIL APPLICATION NO. 2520 of 2025**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/LETTERS PATENT APPEAL NO. 584 of 2025**

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KAILSH D/O SHANKARBHAI CHAVADA
Versus
THE STATE OF GUJARAT & ORS.

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Appearance:

MR N P CHAUDHARY(3980) for the Appellant(s) No. 1
MS.MANISHA LAVKUMAR SHAH, SENIOR COUNSEL WITH
MR.K. M. ANTANI, ASST.GOVERNMENT PLEADER for the
Respondent(s) No. 1,5
MR HARSHEEL D SHUKLA(6158) for the Respondent(s) No. 2
MR. KM ANTANI(6547) for the Respondent(s) No. 6

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**
and
HONOURABLE MR.JUSTICE D.N.RAY

Date : 16/06/2025

**ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

- 1) Pursuant to the order dated 08.05.2025, the affidavit in reply dated 28.05.2025 by the Deputy Director General (Medical Education), Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, on behalf of the respondent No.2, has been placed before us.
- 2) It is reiterated in paragraph Nos. '1' to '5' of the said affidavit that the status of the appellant was shown as "joined" and was shared, as such, by the State Counseling Authority on

04.01.2025 on the '*INTRAMCC Portal*', inasmuch as, State Counseling Authority are mandated by the orders of the Apex Court to submit the details of joined candidates on the portal of MCC. The appellant later cancelled her admission on 06.01.2025. The portal was opened by the respondent No.2 as per the schedule on 10.02.2025 till 11.02.2025 to upload the data of third round of NEET-PG Counseling. However, the State Counseling Authority gave no heed to delete the data of the candidate, who got her admission cancelled, even though the portal was opened several times after 04.01.2025.

3) It is further stated in Paragraph No. '6' of the said affidavit that in the affidavit filed by the State Counseling Authority, it has been mentioned that the name of the appellant did not feature in the list uploaded by them on 17.02.2025, but the fact is that mere uploading the fresh list will not amend the data which was previously uploaded by the State Counseling Authority. It is stated in the order to allow such candidate to participate in the further counseling, the respective State Counseling Authority had to delete the data of the particular candidate which was uploaded earlier.

4) It is further sought to be submitted that the State Counseling Authority had uploaded the data of joined candidates on two different occasions, i.e. 17.02.2025 and 10.03.2025, but the State Counseling Authority had ample opportunities to delete the data of the appellant herein so as to allow her participation in the stray vacancy round of NEET-PG Counseling.

5) The insistence, thus, is that the respective State Counseling Authority was required to delete the names of the candidates whose names were initially uploaded as admitted (joined), but subsequently admission was withdrawn / cancelled. Uniform policy is being adopted by the respondent No.2 and there is no error on the part of the respondent No.2, inasmuch as, the portal was working perfectly as many other State Counseling Authorities have updated / modified candidates after uploading of the list.

6) Apart from these vague assertions in the affidavit filed on behalf of the respondent No.2, there is no clarity as to how the data which was uploaded on 04.01.2025 on the INTRAMCC Portal, when the candidate was already admitted in a medical college against the state quota, could be deleted later. The stand of the State Counseling Authority namely respondent No.6 has been noted in the order dated 08.05.2025 to record that after completion of three rounds of State counseling, the updated list of admitted candidates in three (all) rounds of counseling was uploaded on the INTRAMCC Portal on 17.02.2025.

7) It is clearly stated by the respondent No.6 namely the State Counseling Authority that the name of the petitioner did not feature in the list of admitted candidates uploaded on 17.02.2025. The stand of the respondent No.2 that notice was given to all State Counseling Authorities to upload their data on 11.02.2025 was also confronted with the categorical stand

taken note of in the order dated 08.05.2025 to the effect that as per the NEET PG Schedule - 2024, after three rounds of counseling for the State quota, the lists of joined candidates by the State Counseling Authorities were to be uploaded on the INTRAMCC Portal by 16.02.2025. A copy of the schedule placed before us has been noted in the order. There is no response in the affidavit of respondent No.2 to the said stand of the respondent No.6.

8) It is noted in the order dated 08.05.2025 that the stray vacancy round for the All India quota was over on 18.02.2025 and the provisional result of seat allotment in the stray vacancy round for All India quota was uploaded at around 11:00 am on 19.02.2025. It is an admitted case that the stray vacancy round for the All India quota was conducted by respondent No.2 between 12.02.2025 to 18.02.2025 and even those candidates, who have been admitted earlier but cancelled their admission within the prescribed time as per the prescribed process, were allowed to participate in the stray vacancy round of All India quota and, as such, the petitioner had also participated. However, at the time of preparation of the result of stray round vacancy for All India quota, the petitioner was blocked on the premise that she was holding seat in the State quota, as per the list updated at the INTRAMCC Portal on 04.01.2025.

9) We have noted in the order dated 08.05.2025 that the result was published on 19.02.2025, much after the State Counseling Authority had uploaded the list of admitted

students in three rounds of counseling on 17.02.2025. It was the stand of respondent No.6 that in the updated final list uploaded on 17.02.2025 on the INTRAMCC portal, the petitioner was shown as "holding no seat" in the State quota. The stand of the State Counseling Authorities that they have uploaded the updated list on 17.02.2025 on the INTRAMCC portal is also not disputed. Only this much is sought to be submitted in the affidavit of respondent No.2 dated 28.05.2025 that mere uploading of the updated list will not amend the data which was previously uploaded by the State Counseling Authority (respondent No.6).

10) We fail to understand as to how the respondent No.2 could have acted on an old data uploaded on 04.02.2025 and ignored the data uploaded on 17.02.2025 where the name of the appellant did not feature in the list of admitted candidates, more so, when the updated list was uploaded as the procedure prescribed. When the results were prepared after completion of the Stray round of counseling on or after 18.02.2025, i.e. after uploading of the data on 17.02.2025 by State Counseling Authority, in our prima facie opinion, it was incumbent upon the respondent No.2 to be apprised of the updated data, inasmuch as, the stray vacancy round for the All India quota was available for those candidates, who had not secured any seat in the State quota and have not been holding State quota seats. It is the case of the petitioner that the candidate to whom admission had been granted with the allocation of seats in the All India quota as per the provisional result declared on 19.02.2025 are lower in rank than that of

the petitioner. This stand of the petitioner is also not disputed by the respondent No.2.

11) It may also be relevant to note that the order dated 08.05.2025 was passed by the Court after consideration of the stand of the respondent No.2 in the affidavit filed on 06.05.2025, wherein it was stated that all State Authorities were mandated by the notice dated 11.02.2025 to submit the updated data latest upto 05:00 pm on 11.02.2025 so that the candidates holding the seat in State colleges were weeded out before seat processing of stray vacancy round of All India PG counseling conducted by the respondent No.2. We fail to understand how such an instruction could be issued when 16.02.2025 was the last date provided in the schedule for uploading of State admission data after three rounds of counseling.

12) We are also amazed by the fact that there is a complete silence in the aforesaid affidavit about the data uploaded by the State Counseling Authority on 17.02.2025 and the schedule given by the respondent No.2 to the State Counseling Authorities.

13) As noted hereinabove, the specific queries made in the order dated 08.05.2025 passed by this Court have not been answered in the affidavit dated 28.05.2025 filed on behalf of the Respondent No.2 by the Deputy Director General (Medical Education), Directorate of General Health Services, MoHFW, Government of India.

14) The manner in which two affidavits dated 06.05.2025 and 28.05.2025 have been filed by the Deputy Director General (M.E.), Directorate General of Health Services, MoHFW, show that there is an effort to conceal the material facts from the Court. The correct and complete information and the data pertaining to the matter, where the challenge has been raised by a candidate about denial of seat on frivolous grounds, has not been provided to the Court.

15) This is a serious matter, where a candidate who was otherwise eligible to seek admission in PG course has been denied seat on the premise of an old data uploaded on 04.01.2025, which was corrected on 17.02.2025 before the results for All India Quota were finalized on 19.02.2025.

16) We may note that earlier an effort was made on behalf of the officers representing respondent No.2 to get the writ petition dismissed on technical grounds and when the queries were made by this Court in the present appeal, they remained unanswered.

17) We, therefore, find that an inquiry into the manner in which the stray round vacancy counseling was conducted for All India Quota by the Medical Counseling Committee chaired by the Director General, Health Services, MoHFW, Government of India, is to be conducted by the Secretary, Department of Health and Family Welfare, MoHFW, Government of India. The inquiry report be submitted within the period of **six (6) weeks**.

18) This order be intimated to the concerned secretary by Mr.Harsheel D. Shukla, the learned advocate appearing for the respondent No.2 as also the office of the Registrar General of the High Court. The report be submitted on the next date fixed along with the affidavit of the competent officer from the office of the Secretary, Department of Health and Family Welfare, MoHFW, Government of India.

Put up this matter on **31.07.2025** at **01:00 PM**.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

SAHIL S. RANGER

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: SAHIL SAMIULLA RANGER(HC01898), PRIVATE SECRETARY, at High Court of Gujarat on 19/06/2025 11:26:10