

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**=====
KAILSH D/O SHANKARBHAI CHAVADA**Versus****THE STATE OF GUJARAT & ORS.**
=====**Appearance:****MR N P CHAUDHARY(3980) for the Appellant(s) No. 1****GOVERNMENT PLEADER for the Respondent(s) No. 1,5****MR HARSHEEL D SHUKLA(6158) for the Respondent(s) No. 2****MS MANISHA L. SHAH, SR. ADVOCATE with MR KM ANTANI for
Respondent No.6.**
=====**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL****and****HONOURABLE MR. JUSTICE PRANAV TRIVEDI****Date : 08/05/2025****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. Having heard Mr. Harsheel D. Shukla, learned advocate appearing for the respondent no.2 Medical Counseling Committee in charge of counseling for All India Quota seats and the affidavit dated 06.05.2025 of the Deputy Director General (Medical Education) in the Directorate General of the Health Services, Ministry of Health and Family Welfare, Government of India, pertinent is to note that various objections raised in the affidavit about the maintainability of the present appeal challenging the

order of the learned Single Judge are without merit and hence hereby turned down. The fact remains that the Writ petitioner has approached this Court by filing the Writ petition on 24.02.2025 when she was not allotted All India Quota in the Stray vacancy round and a candidate below in merit than her was granted admission. During the pendency of the Writ petition, in the Stray vacancy round for the State quota conducted by respondent no.6, the petitioner, however, has secured a seat, in order to secure her admission in P.G. Medical course.

2. We are not convinced with the order of rejection of the Writ petition by the learned Single Judge on the ground that the factum of securing admission in the State quota and deposit of fees on 27.02.2025 was not disclosed to the Writ court. We may record that the Writ petition was dismissed on 28.02.2025 on the ground that the petitioner had accepted the admission offered to her in a medical college under the State quota by making payment of fee a day before, i.e. 27.02.2025. The learned Single Judge has simply recorded that the admission to the petitioner was offered on 24.02.2025 and the matter was heard on 27.02.2025, but the said fact was not disclosed by the petitioner and, thus, casting aspersion on the conduct of the petitioner, concluded that once the petitioner has paid fee in a college under State quota coupled with the fact that the deadline to complete the admission process was over on 28.02.2025 itself, which is the date when the writ

petition was dismissed, there was no question to reconsider the request of the petitioner.

3. We may record that the conduct of the petitioner in securing admission in a State quota during the hearing of the Writ petition where she was raising a dispute with regard to non-allotment of seat in the All India quota in spite of being a meritorious candidate having participated in the Stray vacancy round for All India quota, in no way shall have any effect on the claim of the petitioners in the Writ petition presented on 24.02.2025. It is an admitted fact of the matter 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. On the said date itself, the petitioner came to know that she was not allotted any seat in the All India Quota in the Stray round vacancy and candidates holding lower ranks than the petitioner were allotted seat in different colleges.
4. Having noted that, we have initiated our inquiries from the respondent no.2, namely the Medical Counseling Committee for All India Quota and the respondent no.6, the Admission Committee for Counseling for the State quota about the procedure for participation of a candidate in the Stray vacancy rounds, both under All India Quota and State Quota.
5. In the affidavit filed on behalf of the respondent no.2, it is stated that it is the duty of the State Counseling

Authorities to upload the data of the candidates who have blocked any seat, in the designated MCC portal, viz. "Intramcc Portal". As per the data uploaded by the State Counseling Authority of the joined candidate on the said portal, the name of the petitioner was shown having been allotted a seat in the State quota at the Parul Institute of Medical Science and Research as per the list uploaded on 04.01.2025.

6. It is further categorically stated that after uploading the latest data of candidates, the respective State Counseling Authorities were required to delete the names of such candidates admitted in the earlier round of counseling, who have cancelled their admission or were not holding any seat. In the instant case, after uploading the data, the State Counseling Authority had not deleted the name of the appellant from the list and, therefore, her name was shown to have been holding a seat in the aforesaid institute in the State quota.
7. The contention is that the Medical Council Committee/respondent no.2 vide notice dated 11.02.2025 requested all States to submit their data latest upto 5.00 PM of 11.02.2025 so that the candidates holding seats in the State quota colleges were excluded before the seat processing of stray vacancy round for All India quota conducted by the respondent no.2. A copy of the said notice is also appended as Annexure-RVI. It is, thus, sought to be submitted on behalf of the respondent no.2 by the respondent no.2 that since the petitioner was

allotted a seat in the State Quota and joined a college as per the data submitted by the State counseling authority, viz. respondent no.6 herein, she was blocked at the time of processing of result for Stray vacancy round for All India Quota conducted by the respondent no.2. In order to substantiate this submission, the document at page '46' of the affidavit of respondent no.2 is sought to be placed before us, which shows the roll number and name of the petitioner, the name of the institute allotted to her in the State quota and the date and time of submission of the information being 04.01.2025 at 10:13:09. It is the case of the respondent no.2 that this data was never corrected at the portal Intramcc, which was the duty of the State Counseling Authority.

8. In rebuttal, in the affidavit filed on behalf of the respondent no.6, it is stated that after the petitioner got cancelled her admission on 06.01.2025 with Parul University, where she secured admission as per the data uploaded on Intramcc portal on 04.01.2025, admittedly, the petitioner got her admission cancelled on 06.01.2025. Further, the third round of counseling for the State quota had been held between 04.01.2025 to 09.01.2025. In the third round of counseling for the State quota, the petitioner did not get a seat. It is the case of the respondent no.6 that the complete data of three rounds of admission in the State quota was to be uploaded by the respondent no.6 on the Intramcc portal, but the master of the portal, i.e. the respondent no.1 had

opened it only on 17.02.2025. The updated list was, then, uploaded on the portal, viz. Intramcc on 17.02.2025 itself. It is further contended that the said portal stood closed on 17.02.2025 itself after the respondent no.6 had uploaded the complete list of admitted students in three rounds for the State quota.

9. It is, thus, categorically stated in paragraph '3.7' of the affidavit of the Member Secretary, Admission Committee for Counseling for the State round on behalf of respondent no.6 that the petitioner's name did not feature in the final list of students securing admission in the State quota in the three rounds of counseling concluded by the State Counseling Committee, i.e. respondent no.6, which was uploaded on 17.02.2025, which means as per the list uploaded by the State Counseling Committee on 17.02.2025 on Intramcc portal, the petitioner was shown as holding no seat in the State quota.
10. It is an admitted case of the respondent no.6 that the Stray round vacancy for the All India quota was conducted by the respondent no.2 between 12.02.2025 to 18.02.2025 and all those candidates who have been admitted but cancelled their admission within the permissible time as per the prescribed process were allowed to participate in the Stray vacancy round of All India Quota seats, and as such, the petitioner had also participated. Admittedly, the result of Stray round vacancy for All India Quota was published on

19.02.2025, much after the list of admitted students of three rounds of counseling for the State quota was uploaded by respondent no.6 on 17.02.2025 itself. It is though stated by respondent no.2 that the data uploaded by respondent no.6 showed the petitioner having taken admission in the second round and holding the seat, but post cancellation, it is the case of the respondent no.6 that cancellation was duly reflected in the final list uploaded at the portal, namely Intramcc portal on 17.02.2025.

11. Taking note of the above stand of the respondent no.1 and respondent no.6, namely the Medical Counseling Committees for All India quota and State quota, it is clear that both the authorities are trying to shift their responsibility on each other.
12. Mr. Harsheel D. Shukla, learned advocate appearing for respondent no.1 has vehemently argued that the data which was required to be uploaded by the State Counseling Authority, i.e. respondent no.6 herein, was not uploaded and the name of the petitioner was not cancelled as a candidate holding the seat, having secured admission in the second round on 04.01.2025. Since the portal showed the petitioner holding a seat in the State quota during the counseling for Stray vacancy round of All India quota, there was no question to grant her admission against the available seats of All India quota, inspite of the fact that she was higher in merit than the candidates who were granted admission against

the stray vacancy round in the All India quota.

13. However, taking note of the specific stand of the respondent no.6 to the effect that the updated list of the admitted candidates in three rounds of counseling was uploaded on the Intramcc portal on 17.02.2025 and the name of the petitioner did not feature in the said list, having not secured admission in the third round after cancellation of her admission on 06.01.2025, a specific reply to the aforesaid stand of the respondent no.6 is required to be filed by the respondent no.2. Further, the stand of the respondent no.2 that a notice was given to All State counseling authorities on 11.02.2025 to upload their data seems to be misconceived, inasmuch as, third round of counseling by the State counseling committee was conducted between 01.02.2025 to 14.02.2025.
14. It is submitted by Ms. Manisha Lavkumar, learned senior advocate appearing for the respondent no.6 that as per the NEET-PG Schedule 2024, after the third round of counseling for the State quota, the list of joined candidates by the State Counseling Authorities was to be uploaded by 16.02.2025. The copy of the Schedule has been placed before us to substantiate the said submission. It is further categorically submitted that 16.02.2025 being Sunday, the Intramcc portal was not opened and it was opened by respondent no.1 only on 17.02.2025 when complete the data was uploaded as stated in the affidavit.

15. All these issues are required to be answered by a competent officer of the respondent no.2 by filing a proper affidavit within a period of three weeks from today, inasmuch as, the Court is closing for vacation and the learned advocate appearing for the respondent no.2 has shown his non-availability. A copy of the said affidavit shall be served upon the learned advocates for the petitioner and respondent no.6 or on before 29.05.2025. Reply to the said affidavit may be filed before the next date fixed.

Put up this matter on 09.06.2025 at 1.00 PM

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

BIJOY B. PILLAI

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: BIJOY BALAKRISHNA PILLAI(HC00202), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 14/05/2025 09:35:30