

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA**

WP NO: 28409 OF 2026

Between

Hatkar Vinayak, S/o. Hatkar Sammaiah,

...Petitioner

AND

1. The State of Telangana, Through Its Principal Secretary, Health, Medical & Family Welfare Department, Government of Telangana, Secretariat, Hyderabad, Telangana.
2. Union of India, Through the Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi - 110011.
3. Medical Counselling Committee (MCC), Under the Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, 5th Floor, Pocket-14, Sector-8, CGO Complex, Lodhi Road, New Delhi - 110003.
4. Fernandez Hospital, Through its Medical Superintendent/Director, 8-2-698, Road No. 12, Bhole Nagar, Banjara Hills, Hyderabad, Telangana - 500034.
5. National Board of Examinations in Medical Sciences (NBEMS), Through its Secretary, Mahatma Gandhi Marg (Ring Road), Ansari Nagar, New Delhi - 110029.
6. National Medical Commission, Through its Secretary, Pocket-14, Sector-8, Phase-I, Dwarka, New Delhi - 110077.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to;

- a. issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of the Respondents in treating the withdrawal/removal of the two DNBSS Neonatology seats at Respondent No.4, Fernandez Hospital, from the Round-II seat matrix pursuant to Notice Ref. No. U-12021/01/2026-

MEC dated 04.06.2026 as having the effect of cancelling, withdrawing or extinguishing the Petitioners already allotted and joined Round-I seat, as illegal, arbitrary, contrary to the NEET-SS 2025 Counselling Scheme and violative of Articles 14 and 21 of the Constitution of India.

- b. consequently issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, directing Respondent Nos. 3 to 5 to restore and retain the Petitioner's Round-I allotment/admission in DNBSS Neonatology at Respondent No.4 - Fernandez Hospital, allotted pursuant to the Provisional Allotment Letter dated 17.03.2026, and permit the Petitioner to continue and complete the said course.
- c. issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, declaring that the Petitioners participation in Round-II counselling did not result in surrender, resignation, forfeiture or cancellation of his Round-I seat, the Petitioner having completed the admission formalities, having never resigned or surrendered the said seat and having not been allotted any seat in Round-II, in terms of Question No.32 of the NEET-SS 2025 Counselling Scheme.
- d. in the alternative, in the event restoration or continuation of the Petitioners Round-I seat at Respondent No.4 is found to be legally impossible for reasons not attributable to the Petitioner, issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, directing Respondent Nos.2, 3 and 5 to allot/accommodate the Petitioner against an equivalent/comparable sanctioned DNBSS Neonatology seat or other appropriate Super Specialty seat under the Paediatric Group, commensurate with his Rank 168, so that the Petitioner does not suffer the loss of the present academic year for circumstances entirely beyond his control.
- e. issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, directing Respondent Nos.3 to 5 to place before this Hon'ble Court the complete records relating to the withdrawal/removal of the two DNBSS Neonatology seats at Respondent No.4, including the communication received from Respondent No.4, the accreditation status of the said course and the basis upon which the Petitioner's already joined Round-I seat has been treated as unavailable.

I.A. NO: 1 OF 2026

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the Writ Petition, the High Court may be pleased to;

- a. pass an ex parte ad interim order directing Respondent Nos.3 and 5 to keep vacant and unfilled one sanctioned seat in DNBSS Neonatology at Respondent No. 4 Fernandez Hospital, if available, or in the

alternative, one equivalent/comparable sanctioned Super Specialty seat under the Paediatric Group commensurate with the Petitioner's Rank 168 and merit, pending further orders of this Hon'ble Court.

- b. direct Respondent Nos.3 to 5 to place before this Hon'ble Court the complete records relating to the withdrawal/removal of the two DNBSS Neonatology seats at Respondent No.4, including the communication received from Respondent No.4, the accreditation status of the said course for the relevant academic session and the basis upon which the Petitioners already allotted and joined Round-I seat has been treated as unavailable.
- c. pending consideration of the aforesaid records, and in the event the Petitioners Round-I seat at Respondent No.4 continues to be duly sanctioned/accredited, direct Respondent No.4 to permit the Petitioner to provisionally continue in the DNBSS Neonatology course, subject to further orders of this Hon'ble Court, pending disposal of Writ Petition No.28409 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and the grounds filed in support thereof and upon hearing the arguments of Sri. A. Venkatesh, learned Senior Counsel representing Sri. Vadeendra Joshi, Advocate for the Petitioner and GP FOR MEDICAL AND HEALTH, for the Respondent Nos.1 to 3, the Court made the following.

ORDER:

Admit. Rule nisi.

Call for records.

Sri T.Sharath, learned Government Pleader for Medical and Health accepts notice on behalf of respondent Nos.1 to 3. Hence, issuance of notice stands dispensed with.

Let the notice be issued to respondent Nos.4 to 6.

Learned counsel for the petitioner prays for interim protection and relied upon the order of the Delhi High Court in W.P.(C) No.11726 of 2026, wherein an interim order was passed on 21.08.2026.

The case of the petitioner is that the petitioner had participated in the NEET Super Specialty Counseling, 2025, and in the first round of counseling, the petitioner was allotted to seat in Fernandez Hospital i.e., respondent No.4 Hospital for the post of speciality of DNBSS-

Neonatology. However, it appears that the petitioner having tried his luck for a better institute in the second round of counselling, his name from the first allotted institute, i.e., respondent No.4 hospital seems to have been removed. Whereas, in the results that were published after the second round of counselling, the result showed that there has been no upgradation done in so far as the petitioner's case is concerned. If that be so, petitioner's admission to the Fernandez Hospital/ respondent No.4, for the DNBSS Neonatology Course ought to have been protected and it could not have removed from the round-II seat matrix, vide notice dated 04.06.2026.

Given the aforesaid factual matrix of the case, with prima facie strong materials has made out to show that the petitioner having allocated to the respondent No.4 hospital and taking admission for the said post, the removal of the petitioner name from the said hospital seems to be prima facie not properly justified.

In view of the same, there shall be interim direction that the seat allocated to the petitioner under the respondent No.4 hospital should be protected in his favour and he may be permitted to pursue his said course with the respondent No.4/hospital as allotted till the next date of hearing.

Let counter be filed and the matter be listed for hearing on 09.09.2026.

Sd/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Health, Medical & Family Welfare Department, Government of Telangana, State of Telangana, Secretariat, Hyderabad, Telangana.

2. The Secretary, Union of India, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi - 110011.
3. Medical Counselling Committee (MCC), Under the Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, 5th Floor, Pocket-14, Sector-8, CGO Complex, Lodhi Road, New Delhi - 110003.
4. The Medical Superintendent/Director, Fernandez Hospital, 8-2-698, Road No. 12, Bhole Nagar, Banjara Hills, Hyderabad, Telangana - 500034.
5. The Secretary, National Board of Examinations in Medical Sciences (NBEMS), Mahatma Gandhi Marg (Ring Road), Ansari Nagar, New Delhi - 110029.
6. The Secretary, National Medical Commission, Pocket-14, Sector-8, Phase-I, Dwarka, New Delhi – 110077 [By SPAD]
7. One CC to Sri. VADEENDRA JOSHI Advocate [OPUC]
8. Two CCs to GP FOR MEDICAL AND HEALTH, High Court for the State of Telangana, at Hyderabad [OUT].
9. One spare copy.

HIGH COURT

PSK, J & NNR, J

DATED: 25-08-2026

**NOTE: LET COUNTER BE FILED AND THE MATTER BE LISTED FOR
HEARING ON 09.09.2026**

ORDER

WP.No.28409 of 2026



INTERIM DIRECTION