



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 4028 OF 2026 (EDN-RES)

BETWEEN:

1. PHYUSH DATTATRAYA PATIL,
AGED ABOUT 19 YEARS,
S/O DATTATRAYA,
PERMANENT RESIDENT OF
MOTI NAGAR LATUR,
MAHARASHTRA - 413514
NOW ORDINARILY RESIDING AT:
NO.T-9 PSR PAVILION,
GUDDADAHALLI MAIN ROAD,
HEBBAL, BANGALORE - 560 024.
2. PANHALE APURVA TUKARAM,
AGED ABOUT 19 YEARS,
D/O TUKARAM,
PERMANENT RESIDENT OF
UMARGA RETU, CHERA, LATUR,
MAHARASHTRA - 413 514
NOW ORDINARILY RESIDING AT:
NO.T-9 PSR PAVILION,
GUDDADAHALLI MAIN ROAD,
HEBBAL, BANGALORE - 560 024.



...PETITIONERS

(BY SRI. RAVI R., ADVOCATE)



AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
HEALTH AND FAMILY WELFARE
SERVICES (MEDICAL EDUCATION),
VIKASA SOUDHA,
DR. B.R.AMBEDKAR VEEDHI,
BANGALURU - 560 001.
2. KARNATAKA EXAMINATION AUTHORITY,
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BANGALURU - 560 005,
REPRESENTED BY ITS
EXECUTIVE DIRECTOR.
3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR - 8,
DWARAKA PHASE - 1,
NEW DELHI - 110 077.
REP., BY ITS SECRETARY.
4. MEDICAL COUNSELING COMMITTEE,
ROOM NO.354,
DGHS MINISTRY OF HEALTH
AND FAMILY WELFARE,
NIRMAN BHAVAN,
NEW DELHI - 110 011.
REP., BY ITS CHAIRMAN.
5. SRI. SIDDHARTHA ACADEMY OF
HIGHER EDUCATION
(DECLARED AS DEEMED TO BE UNIVERSITY)
U/S 3 OF UGC ACT, 1956,
SRI. SIDDHARTHA MEDICAL COLLEGE,
(CONSTITUENT COLLEGE OF SRI. SIDDHARTHA
ACADEMY OF HIGHER EDUCATION),
AGALAKOTE, B.H. ROAD, TUMAKURU - 572 107.



REPRESENTED BY ITS
REGISTRAR THE CHANCELLOR,
SRI. SIDDHARTHA ACADEMY OF
HIGHER EDUCATION, AGALAKOTE,
B.H.ROAD, TUMAKURU - 572 107.

6. THE CHANCELLOR,
SRI. SIDDHARTHA ACADEMY, T BEGUR,
SRI. SIDDHARTHA INSTITUTE OF
MEDICAL SCIENCE AND RESEARCH CENTRE
T BEGUR, NELAMANGALA TALUK,
BANGALURU - 562 123. KARNATAKA

...RESPONDENTS

(BY SRI. MAMATHA SHETTY AGA FOR R1,
SRI. S. RAJASHEKAR, ADVOCATE FOR R4,
SRI. CHANDRAKANTH R. GAULAY, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO a)ISSUE A WRIT OF MANDAMUS AND OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION CALLING UPON THE MEDICAL COUNSELLING COMMITTEE THAT IS RESPONDENT NOS.3 AND 4 TO ADMIT THE MERITORIOUS STUDENT FOR ADMISSION IN FILING UP WITH TWO SEATS WITH RESPONDENT NOS.5 AND 6 TO THE 1ST YEAR MBBS COURSE AS SPECIAL ADDITIONAL STRAY VACANCY ROUND TO BE CONDUCTED FOR THE PRESENT ACADEMIC YEAR 2025-2026 AND OFFER THE SAME TO THE ELIGIBLE STUDENTS FOR ADMISSION EXPEDITIOUSLY b)THAT PENDING ADMISSION HEARING AND FINAL DISPOSAL OF THE PRESENT WRIT PETITION, THIS HONBLE COURT MAY BE PLEASED TO DIRECT THE RESPONDENT NOS.3 AND 4 TO FILL UP ALL i.e., 2 UNFILLED SEATS BY CALLING SPECIAL ADDITIONAL STRAY VACANCY ROUND TO BE CONDUCTED FOR THE PRESENT ACADEMIC YEAR 2025-2026 AND OFFER THE SAME TO THE ELIGIBLE STUDENTS FOR ADMISSION AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard learned counsel for the parties.

2. This petition has been filed seeking the following reliefs:

"a) Issue a writ of mandamus and or any other appropriate writ, order of direction calling upon the medical counseling committee that is Respondent No.3 and 4 to admit the meritorious student for admission in filling up with two seats with Respondent No.5 & 6 to the 1st year MBBS course as Special Additional Stray Vacancy Round to be conducted for the present academic year 2025-2026 and offer the same to the eligible students for admission expeditiously,

b) That pending admission hearing and final disposal of the present writ petition, this Hon'ble Court may be pleased to direct the Respondent No.3 & 4 to fill up all i.e., 2 unfilled seats by calling Special Additional Stray Vacancy Round to be conducted for the present academic year 2025-2026 and offer the same to the eligible students for admission,

c) Grant any incidental relief which this Hon'ble Court may deem fit to grant in the circumstances to the case."

3. Learned counsel for the respondents has raised a preliminary objection as regard to the maintainability of this petition in view of the alternative remedy under



Section 5 of the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee), Act 2006 before the Admission Overseeing Committee. It is stated that the 'Admission Overseeing Committee' has power to regulate its own procedure in all matters arising out of the discharge of its functions, and shall, for the purpose of making any inquiry under the Act, have all the powers of a Civil Court, in respect of matters enumerated therein.

In view of the aforesaid alternative remedy, this petition is ***dismissed***, leaving it open for the petitioners to invoke the statutory remedy, if so advised.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

PK
List No.: 2 Sl No.: 2