



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 1<sup>ST</sup> DAY OF APRIL, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE JAYANT BANERJI**

**AND**

**THE HON'BLE MR. JUSTICE RAJESH RAI K**

**WRIT PETITION NO. 9586 OF 2026 (EDN-RES)**

**C/W**

**WRIT PETITION NO. 9825 OF 2026 (EDN-RES)**

**IN WP No. 9586/2026**

**BETWEEN:**

1. AKASH INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE BANGALORE,  
PRASANNAHALLI MAIN ROAD,  
NEAR KEMPEGOWDA INTERNATIONAL AIRPORT,  
DEVANAHALLI, BENGALURU-562 110.  
REP. BY ITS AUTHORIZED REPRESENTATIVE  
SRI.DR.N.C.SHIVAPRAKASH,  
PRINCIPAL,  
AGED ABOUT 62 YEARS.
2. EASTPOINT COLLEGE OF MEDICAL SCIENCES  
AND RESEARCH CENTRE,  
BANGALORE JNANA PRABHA,  
EAST POINT CAMPUS,  
VIRGO NAGAR POST, AVALAHALLI,  
BENGALURU-560 049.  
REP. BY ITS AUTHORISED REPRESENTATIVE,  
SRI.PREMKUMAR,  
AGED ABOUT MAJOR.





3. KANACHUR INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE MANGALORE, MANGALORE-THOKKOTTU KONAJE UNIVERSITY ROAD, DERALAKATTE, KOTEKAR, 575018. REP. BY ITS AUTHORIZED REPRESENTATIVE, SRI.DR.SHAHNAVAZ MANIPADY, DEAN, AGED ABOUT MAJOR,
4. M.V.J. MEDICAL COLLEGE AND RESEARCH HOSPITAL, BANGALORE, DANDUPALYA, 30<sup>TH</sup> KM MILESTONE, KOLATHUR P.O, NH 75, HOSKOTE-562114. REP. BY ITS AUTHORIZED REPRESENTATIVE SRI.B.RAVICHANDER, PRINCIPAL, AGED ABOUT 69 YEARS.
5. SHRIDEVI INSTITUTE OF MEDICAL SCIENCES AND RESEARCH HOSPITAL, TUMKUR SIRA RD, NH4, LINGAPURA, TUMKUR-572106, REP. BY ITS AUTHORIZED REPRESENTATIVE SRI.H.L.HARENDRA KUMAR, PRINCIPAL AGED ABOUT MAJOR
6. S.NIJALINGAPPA MEDICAL COLLEGE, HSK HOSPITAL AND RESEARCH CENTRE, NAVANAGAR, BAGALKOT REP. BY ITS AUTHORIZED REPRESENTATIVE SRI. DR.BHUVANESHWARI YELAMALI, DEAN, AGED ABOUT 60 YEARS.
7. DR.B R AMBEDKAR MEDICAL COLLEGE, KG HALLI, BENGALURU REP. BY ITS AUTHORIZED REPRESENTATIVE SRI. DR.HARSOOR S S, PRINCIPAL AGED ABOUT MAJOR.
8. NAVODAYA MEDICAL COLLEGE, RAICHUR MANTRALAYAM RD, NAVODAYA NAGAR,



RAICHUR-584103,  
REP. BY ITS AUTHORIZED REPRESENTATIVE  
SRI DR.GURUDATTA S PAWAR, DEAN,  
AGED ABOUT 62 YEARS.

...PETITIONERS

(BY SRI.BIPIN HEGDE., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA,  
REP. BY THE SECRETARY,  
MEDICAL EDUCATION,  
M.S.BUILDING, VIDHANA VEEDHI,  
BANGALORE-01.
2. UNION OF INDIA,  
REP. BY THE SECRETARY,  
DEPARTMENT OF HEALTH AND  
FAMILY WELFARE, NIRMAN BHAWAN,  
NEW DELHI-110011.
3. THE MEDICAL COUNSELLING COMMITTEE,  
REP. BY ITS SECRETARY,  
NIRMAL BHAVAN, RAJPATH AREA,  
SECRETARIAT, NEW DELHI-110002.
4. NATIONAL TESTING AGENCY,  
FIRST FLOOR, NSIC-MDBP BUILDING,  
OKHLA INDUSTRIAL ESTATE,  
NEW DELHI, DELHI-110020,  
REP. BY DIRECTOR GENERAL.
4. KARNATAKA EXAMINATION AUTHORITY,  
REP. BY EXECUTIVE DIRECTOR,  
18<sup>TH</sup> CROSS, SAMPIGE ROAD,  
MALLESHWARAM,  
BANGALORE-560012.
5. THE NATIONAL MEDICAL COMMISSION  
POCKET-14, SECTOR 8,



DWARAKA PHASE-I,  
NEW DELHI-110007.  
REP. BY ITS EXECUTIVE SECRETARY.

...RESPONDENTS

(BY SMT.MAMATHA SHETTY, AGA FOR R1;  
SRI.H.SHANTHI BHUSHAN, DSGI FOR R2 TO R4;  
SRI.N.K.RAMESH, ADVOCATE FOR R5;  
SMT.NIREEKSHA.D.J, ADVCOATE FOR  
SRI.H.R.SHOWRI, ADVOCATE FOR R6)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION DIRECTING THE RESPONDENT NO.5 TO EXTEND THE LAST DATE FOR ADMISSION OF THE UNFILLED VACANCIES IN THE MEDICAL PG COURSES FOR THE YEAR 2025-26 BY PERMITTING THE KEA TO CONDUCT ONE MORE ROUND OF COUNSELLING FOR THE VACANT SEATS; (B) ISSUE SUCH OTHER ORDER OR WRIT, DIRECTIONS.

**IN WP NO. 9825/2026**

**BETWEEN:**

1. SRI.CHAMUNDESHWARI MEDICAL COLLEGE,  
HOSPITAL AND RESEARCH INSTITUTE,  
CHANNAPATNA TALUQ,  
RAMANAGARA DISTRICT-562160.  
REP. BY ITS AUTHORIZED REPRESENTATIVE,  
SRI.DR.NAVEEN S, MEDICAL DIRECTOR,  
AGED ABOUT 52 YEARS.
2. A J INSTITUTE OF MEDICAL SCIENCES  
AND RESEARCH CENTRE,  
NH-66, KUNTIKANA,  
MANGALURU-575004,  
REP. BY ITS AUTHORIZED REPRESENTATIVE



SRI.DR.ASHOK HEGDE, DEAN,  
AGED ABOUT 63 YEARS.

...PETITIONERS

(BY SRI.BIPIN HEGDE., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA,  
REP. BY THE SECRETARY,  
MEDICAL EDUCATION,  
M.S.BUILDING, VIDHANA VEEDHI,  
BANGALORE-01.
2. UNION OF INDIA,  
REP. BY THE SECRETARY,  
DEPARTMENT OF HEALTH  
AND FAMILY WELFARE,  
NIRMAN BHAVAN,  
NEW DELHI-110011.
3. THE MEDICAL COUNSELLING COMMITTEE,  
REP. BY ITS SECRETARY,  
NIRMAL BHAVAN, RAJPATH AREA,  
SECRETARIAT, NEW DELHI-110002.
4. NATIONAL TESTING AGENCY,  
FIRST FLOOR, NSIC-MDBP BUILDING,  
OKHLA INDUSTRIAL ESTATE,  
NEW DELHI, DELHI-110020.,  
REP. BY DIRECTOR GENERAL.
5. KARNATAKA EXAMINATION AUTHORITY,  
REP. BY EXECUTIVE DIRECTOR,  
18<sup>TH</sup> CROSS, SAMPIGE ROAD,  
MALLESHWARAM, BANGALORE-560012.
6. THE NATIONAL MEDICAL COMMISSION,  
POCKET-14, SECTOR 8, DWARAKA PHASE-I,



NEW DELHI-110007,  
REP. BY ITS EXECUTIVE SECRETARY.

...RESPONDENTS

(BY SMT.MAMATHA SHETTY, AGA FOR R1;  
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THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION DIRECTING THE RESPONDENT NO.5 TO EXTEND THE LAST DATE FOR ADMISSION OF THE UNFILLED VACANCIES IN THE MEDICAL PG COURSES FOR THE YEAR 2025-26 BY PERMITTING THE KEA TO CONDUCT ONE MORE ROUND OF COUNSELLING FOR THE VACANT SEATS; (B) ISSUE SUCH OTHER ORDER OR WRIT, DIRECTIONS.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI  
and  
HON'BLE MR. JUSTICE RAJESH RAI K

**ORAL ORDER**

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

The petitioners are private medical colleges, who seek the following reliefs:

*"(a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent No.5 to extend the last date for admission of the unfilled vacancies in the medical PG courses for the year 2025-26 by permitting the KEA to conduct one more round of counselling for the vacant seats.*



*(b) Issue such other order or writ, directions as may be deemed fit in the circumstances of the case in the interest of justice."*

2. The petitioners - colleges offer postgraduate medical course in different subjects for eligible MBBS candidates. Various rounds of counselling were conducted by the Karnataka Examinations Authority,<sup>1</sup> that is respondent No.5 herein, for allotment of postgraduate seats to eligible candidates in various colleges across the State. It is submitted that 783 postgraduate medical seats remained unfilled even after the stray vacancy round was published on the KEA website. It is stated that a circular was issued by the KEA on 10.03.2026 giving a small window to those eligible candidates to submit the demand draft of full fees and the original documents for purpose of allotment of seats in the colleges by 11.03.2026. It is stated that many of the candidates were unaware of the option available and due to the time constraint, 744 seats, even after the stray vacancy allotment, have remained vacant. It is stated that as far as the petitioner-colleges are concerned, 85 seats of various courses are lying

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<sup>1</sup> KEA



vacant. The contention is that these 85 seats would go waste if the last date for admission is not extended by the KEA.

3. Reference has been made to an order passed by the Supreme Court on 03.02.2021 in Civil Appeal No.867/2021, **[Index Medical College, Hospital and Research Centre vs. The State of Madhya Pradesh and Others]** to contend that Sub-Rule 8(a) of Rule 12 of the Admission Rules (Madhya Pradesh Chikitsa Shiksha Pravesh Niyam), 2018 which provided that the vacant seats as a result of allotted candidates from MOP-UP round not taking admission or candidates resigning from admitted seat shall not be included in the college level counselling (CLC) being conducted after MOP-UP round, was held to be ultra-vires Articles 14 and 19(1)(g) of the Constitution. Further reference has been drawn to the order passed by the Bombay High Court on 26.02.2026 in Writ Petition No.2668 of 2026 **[ Dr. N. Y. Tasgaonkar Institute of Medical Science and Another vs. State of Maharashtra and Others]** which is an interim order passed by the Bombay High Court. It was argued before the Court that under Rule 14 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions to the Full Time



Professional Post Graduate Medical and Dental Courses) Rules, 2017 as amended by the 2018 Rules, holding of Institutional Level Round for vacant seats after CAP MOP-UP rounds has been provided. It was submitted that after stray vacancy rounds and mop-up rounds, 18 vacant seats remained. Having regard to another petition, the Bombay High Court observed after considering an order passed in the context of Rule 16 for UG course which was similar to Rule 14 for PG Course, the Bombay High Court arrived at a *prima facie* view that a circular dated 24.07.2023 issued by NMC<sup>2</sup> prohibiting institutional level stray vacancy round, was in the form of an Executive Instruction and could not operate in a manner that would run counter to Rule 16. Therefore, it was directed by the Bombay High Court that necessary steps be taken in accordance with Rule 14 of the Rules to enable the vacant seats to be filled up by the petitioner - Institution after the CAP/stray vacancy rounds coming to an end through Institutional Level Round with the prior approval of the Competent Authority.

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<sup>2</sup> National Medical Commission



4. Further reference has been made to a judgment passed by this Court on 25.02.2026 in Writ Petition No.2386 of 2026 wherein, while considering the petition filed by certain in-service candidates for admission to PG course on the basis of reservation, extension of time for seat allotment was granted by this Court. The learned counsel for respondent No.6 has also referred to certain judgments passed by the Supreme Court and other High Court to contend that the relief being sought for by the petitioners cannot be granted.

5. The petitioners before this Court are private medical colleges. It is not as if the candidates eligible for admission to the PG courses have filed the petition. The mandamus being sought for in the instant petition could only be considered for grant had the petitioners been able to demonstrate any legally enforceable right conferred by any statute that was not being observed by the respondents. This has not been done. The judgments of the Bombay High Court and the Madhya Pradesh High Court are in the background of a different set of facts and different provisions of law, which, admittedly, has not been shown to be applicable in this State.



6. The judgment of the Supreme Court that is being relied upon in **Index Medical College**, considered the vires of Rule 12(8)(a) of the Admission Rules of 2018 as applicable in Madhya Pradesh. It is not demonstrated by the counsel that any such college level counselling, as is referred to in Rule 12(8)(a) of the Admission Rules is permissible in the State of Karnataka. The learned counsel for respondent No.5 also states that there is no provision for college level counselling in the state of Karnataka. We are in respectful agreement with the observations made by the Supreme Court in the judgment. However, that judgment is not applicable in the facts and circumstances of the present case.

7. Learned counsel for respondent No.6 has referred to the judgments of the Supreme Court in the case of **Ashish Ranjan and others vs. Union of India and others** [2016(11) SCC 225] in which decision the Supreme Court directed that the order be sent to the Chief Secretaries of all the States so that they can ensure that all the stakeholders follow counselling the schedule under the Post Graduate Medical Regulations in letter and spirit and not make any deviation there from. It is



stated that a Miscellaneous Application was moved bearing Miscellaneous Application No.500 of 2026 in the case of **Ashish Ranjan** for modification of time schedule for completion of process of admission in the postgraduate Medical course for the Academic Session 2025-26. The Supreme Court allowed the Miscellaneous Application and extended the last date of admission to the postgraduate Medical Courses to 28.02.2026 for All India Quota as well as Deemed & Central Institutes and State Counselling for the Academic Year 2025-26. Accordingly, for the NEET-PG Schedule, 2025, for the All India Quota / Deemed / Central State Quota, 28.02.2026 was the last date fixed by the MCC.

8. In the aforementioned judgment dated 25.02.2026 passed by this Court, this Court was considering the writ petition filed by eligible candidates seeking a direction to the respondents to offer five de-categorized in-service seats, which remained unfilled after the second round, to the in-service petitioners who can choose the said seats on first priority/preference basis before the commencement of the third round. In that case, it was admitted to the respondents that



the requisite Form - H which provided for creamy layer certification of OBC candidates was not available at the relevant time since, firstly, the petitioners had no information about availing Form - H nor were they provided Form - H by the Tahsildar until after directions were issued by this Court in another petition. Under those facts and circumstances, relying upon observations made by the Court in Writ Petition No.11014/2025, orders were passed by the Court directing that the two petitioners be treated as in-service candidates and they be offered first preference in the order of merit along with the petitioner of Writ Petition No.11014/2025 to choose from the available regular PG seats and seats for DNB courses which are offered only to Health and Family Welfare in-service Candidates. In view of the order passed, extension of time for conclusion of the Mop-up round and the stray vacancy round was provided with a further direction that the entire process be concluded on or before 18.03.2026. The facts of that case are distinguishable from the present case.

9. Accordingly, the KEA had taken steps and as per the instructions received by the learned counsel for the KEA,



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**WP No. 9586 of 2026**  
**C/W WP No. 9825 of 2026**

the process was completed on 12.03.2026 which was the last date for reporting to the colleges concerned.

8. Therefore, we find these petitions to be without merit and thus they are accordingly dismissed.

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

**Sd/-**  
**(RAJESH RAI K)**  
**JUDGE**

KG  
List No.: 2 SI No.: 3