

ITEM NO.7

COURT NO.8

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal(C) No(s). 11023/2026

[Arising out of impugned final judgment and order dated 04-02-2026 in WPC No. 1712/2025 passed by the High Court of Delhi at New Delhi]

NATIONAL MEDICAL COMMISSION

Petitioner(s)

VERSUS

SAHIL ARSH & ORS.

Respondent(s)

IA No. 89885/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 07-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :Mr. Gaurav Sharma, Sr. Adv.
Mr. Shashank Manish, AOR
Ms. Nidhi Sahay, Adv.
Ms. Pragati Singh, Adv.
Mr. Himasnhu Raj, Adv.

For Respondent(s) :Mr. Prashant Bhushan, AOR
Mr. Anurag Tiwary, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Issue notice.
2. Mr. Prashant Bhushan, learned counsel is appearing for the first respondent (writ petitioner), on caveat. He accepts notice on behalf of the first respondent. Service of formal notice on him is dispensed with.
3. Having heard Mr. Gaurav Sharma, learned senior counsel appearing for the petitioner-National Medical Commission¹ and Mr. Prashant Bhushan, we are *prima facie* of the view that instead of declaring Regulation 18 of the Graduate

¹ Commission

Medical Regulations, 2023 *ultra vires* the Constitution, the High Court could have read it down suitably to protect the interest of individuals who are entitled to the benefit of the Rights of Persons with Disabilities Act, 2016.

4. In such view of the matter, we stay the operation of paragraphs 53 and 56 of the impugned judgment and order. However, at the same time, we direct the petitioner-Commission to grant the prayer of the first respondent for migration, which has since been considered and allowed by the High Court, and permit his admission on migration to the medical college in Delhi.

5. Learned counsel appearing for the first respondent seeks and is granted six weeks' time to file counter affidavit. Other respondents may also file their counter affidavit within such time.

6. Rejoinder thereto, if any, may be filed by two weeks thereafter.

7. Re-list the special leave petition in the month of August, 2026.

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)