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**\*IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Judgment reserved on: 19.01.2026*

*Judgment pronounced on: 02.02.2026*

**+ W.P.(C) NO. 78/2026**

MEET BHADRESH SHAH

...Petitioner

Through: Ms. Anushree Kapadia,

Mr. Pranay Bhardwaj, Mr.

Shivank Singh, Advs.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS.

...Respondents

Through: Mr. Anand Varma, Mr.

Ayush Gupta, Advocates.

Mr. Kanav Vir Singh  
(SPC) for R-2

Mr. Siddharth Garg (Adv),

Mr. Himanshu Chaubey

(Adv), Mr. Srijan Sinha

(Adv), Ms. Lihzu Shiney

Konyak (Adv), Mr. Srajan

Yadav (Adv), Ms. Trisha

Garimala (Adv) for R-3

Mr. Kapil Midha, Ms.

Muskaan Garg, Advs. for

R-5



Mr. T Singhdev, Mr.  
Abhijit Chakravarty, Mr.  
Tanishq Srivastava, Mrs.  
Yamini Singh, Mr. Vedant  
Sood, Advs. for NMC.

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

### **J U D G M E N T**

1. By way of this writ petition, the petitioner has approached this Court to challenge the rejection letter dated 02.01.2026 issued by the respondent No. 1 for cancelling the candidature of the petitioner for admission in DM Critical Care Medicine programme at the respondent No. 1 Institute.

### **FACTUAL MATRIX AS PER THE PETITIONER**

2. The petitioner is a candidate seeking admission to the DM Critical Care Medicine programme, for which he appeared in the Institute of National Importance Super-Specialty ("**INI-SS**") Entrance exam and secured an All India Rank of 4. The respondent No. 1 is the All India Institute of Medical Sciences, New Delhi ("**AIIMS**"), which conducted the INI-SS examination, the respondent No. 2 is the Union of India, the respondent No. 3 is the National Medical Commission, the respondent No. 4 is the Gujarat University, and the respondent No. 5 is the GCS Medical College, Hospital and Research Centre, Ahmedabad.



3. The petitioner completed his MBBS degree in 2021 at GCS Medical College, Ahmedabad and appeared for NEET-PG 2021 examination on 11.09.2021, through which he was allotted a seat in MD (Anaesthesiology). The NEET-PG 2021 examination was conducted during the COVID-19 Pandemic because of which it also got rescheduled twice.
4. National medical Commission ("**NMC**") and Post-Graduate Medical Education Board ("**PGMEB**") on 11.01.2022 issued a circular clarifying that due to COVID-19 pandemic, the academic session for the post graduate Course would commence from 01.02.2022.
5. The petitioner was allotted MD (Anaesthesiology) seat in Pramukhswami Medical College on 29.01.2022 through the first round of counselling conducted by Medical Counselling Committee ("**MCC**") and the Admission Committee for professional post graduate medical education Course. The petitioner joined the allotted College on commencement of the said Course i.e. 01.02.2022 and resigned from it on 15.02.2022, thereby undertaking his 15 days of PG residency in the department of Anaesthesiology.
6. On 02.03.2022 through 2nd round of counselling the petitioner got allotted AMC MET Medical College, Ahmedabad, and he took admission in PG residency/course (Dept. of Anaesthesiology) on 08.03.2022 and resigned from it on 30.04.2022, thereby undertaking 54 days of PG residency training in the department of Anaesthesiology.
7. On 29.04.2022, through 3rd round of counselling, the petitioner was allotted GCS Medical College, Ahmedabad. The petitioner joined the institution on 02.05.2022 and left it on 21.02.2025, thereby,



completing 1026 days of PG residency in the department of Anaesthesiology.

8. During his postgraduate study, the petitioner transitioned between three institutions in accordance with the authorised counselling process. The petitioner undertook the medical residency in the first and second rounds at different institutions for 15 and 54 days, respectively, until he got admission in his top preference university, i.e. the GCS Medical College, where he completed the remaining 1026 days of medical residency.
9. Based on this completion of tenure in accordance with NMC norms, the petitioner was awarded MD Degree with registration number. Thereafter, the petitioner was appointed as a Senior Resident in the department of Anaesthesiology, GCS Medical College and served there from 11.03.2025 to 14.06.2025.
10. The petitioner applied for the INI-SS exam for the DM Critical Care Medicine Programme (January 2026 session). The prospectus for the said exam in its Clause 4.3.2 required the requisite qualification, degree and tenure of 3 years i.e. 1095 days by the cut-off date of 31.01.2026.
11. The petitioner subsequently qualified all stages of the exam and secured an All India Rank of 4, pursuant to which, when the petitioner reported to AIIMS Delhi on 01.01.2026. He was informed about his lack of residency experience as the same was obtained from three different institutions.
12. The petitioner immediately wrote a representation to the Controller of Examination stating that no rule or regulation provided that the said experience has to be from a single institute or that cumulatively it was impermissible.



13. The petitioner received an email by the Academic Section (PG Cell) of the respondent No. 1 Institution, whereby the candidature of the petitioner was cancelled in the light of not fulfilling the eligibility criteria as laid in Clause 4.3.2 of the prospectus. The same required 3 years i.e. 1095 days to be completed by 31.01.2026 and as per the certificate issued by GCS Medical College the same was fulfilled.
14. The petitioner then made several representations and also made an offer to fulfil the eligibility by completing the remaining tenure of 15 days from Gujarat University before the cut-off date, however to no avail. Hence, the present petition.
15. This Court *vide* Order dated 19.01.2026, reserved the judgment and directed the respondent to not to allot the seat in question until the judgment is pronounced.

### **SUBMISSIONS ON BEHALF OF THE PETITIONER**

16. Ms. Anushree Kapadia, learned counsel for the petitioner, states that the impugned action of the respondent No. 1 Institution is baseless, arbitrary and also violates the principles of natural justice as the rejection was made without any reasons, formal or official hearing or show cause notice. Thus, the action violates Article 14 and 16 of the Constitution of India.
17. Ms. Kapadia, additionally submits that the petitioner has completed the required medical residency experience from three different institutions in piecemeal i.e. 15, 54, and 1026 days respectively. It is contended by the petitioner that there is no rule or regulation contained in the prospectus or the PGME regulations, 2023 or any circular, which states that the requisite experience has to be from a single institute and failing which the same will not be considered under



Clause 4.3.2 of the prospectus. It is also submitted that the petitioner transitioned institutions in accordance with the counselling procedure and all 3 institutes are duly recognised by the NMC.

18. The change of institutes is only because of the unprecedented overlap of counselling due to COVID-19 and Stay Order of the Hon'ble Supreme Court and is not attributable to the petitioner. Moreover, the NMC has not objected to many students completing their residency period cumulatively because of reshuffling.
19. Further, Ms. Kapadia, states that there is no intelligible differentia between the petitioner and other candidates and there is also no rational nexus between the rejection letter and the object for which INI-SS exam is conducted.
20. It is also submitted that the respondent No. 1 is estopped from raising issue of purported ineligibility of the petitioner for the subject seat at the final stage of selection by operation of the doctrine of legitimate expectation. The petitioner was not declared ineligible at any stage of the proceeding until the admission process culminated. In this regard reliance is placed on *Navjyoti Coop. Group Housing Society v. Union of India*<sup>1</sup> and *Union of India v. Hindustan Development Corporation*<sup>2</sup>.
21. In accordance with regulation 11.1 of the PGME regulations, 2023, only the NMC is empowered to make any addition, deletion, or any kind of amendment to the regulations. Further, the 3 years requirement emanates from regulation 2.1 of the PGME regulations, 2023. The interpretation adopted by the respondent No. 1 Institution amounts to

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<sup>1</sup> (1992) 4 SCC 477

<sup>2</sup> (1993) 3 SCC 499



an additional requirement to the PGME regulations, 2023, added by the respondent No. 1 Institution.

22. It is also submitted that this Court in its another decision titled ***Dr. Deepak Suresh Kumar v. All India Institute of Medical Sciences***<sup>3</sup>, has taken a liberal view and a similar view may be adopted in the instant petition as well.
23. Ms. Kapadia, also submits that the prospectus states 1095 days from the date of joining and does not state that it has to be from a single institute. Thus, once a degree certificate has been issued by the University, the respondent No. 1 Institution cannot do academic supervision by going behind the degree, it can only prescribe eligibility condition. The University has accordingly issued a certificate certifying 1095 days of required training. The relevant certificate is reproduced as under:

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<sup>3</sup> 2024 SCC Online Del 8946.





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## ANNEXURE - 35

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No./Exam/ ૦૫ /2026

Date:-02/01/2026

To Whomsoever it may concern

This is to certify that Dr. Shah Meet Bhadrash was a registered postgraduate student at Gujarat University for M.D. Anaesthesiology (Branch – VI).

He started his PG residency in the department of Anaesthesiology at PS Medical College, Karamsad from 01.02.2022 to 15.02.2022, after reshuffling counseling process he worked in the department of Anaesthesiology as a resident doctor from 08.03.2022 to 30.04.2022 in AMCMET Medical College, Ahmedabad and after final counseling process he worked in the department of Anaesthesiology as a resident doctor from 02.05.2022 to 21.02.2025 in GCS Medical College, Ahmedabad.

As per the National Medical Commission/Medical Council of India PGMER, he has completed three (03) years (i.e. 1096 days) of residency program in the department of Anaesthesiology. His Three (03) years of residency program in the same subject in the different institutes is due to reshuffling counseling process of Government in the academic year 2021-22. He is entitled for award of the degree in MD Anaesthesiology by Gujarat University.

Dean  
Faculty of Medicine  
Gujarat University  
Ahmedabad

24. She also contends that there is no such rule that on each reshuffling the period commences afresh. The respondent No. 1 Institute cannot go





behind the degree, it can prescribe eligibility standards but cannot reinterpret or nullify any academic determination.

25. It has also been brought to the notice of this Court that the petitioner has additionally completed 96 days as a Senior Resident in the GCS Medical College in the Anaesthesiology department from 11.03.2025 to 14.06.2025, i.e. for a period of 96 days, and it being a higher qualification, fulfils the said eligibility criteria.

### **SUBMISSIONS ON BEHALF OF THE RESPONDENT NO. 1**

26. Mr. Varma, learned counsel for the respondent No. 1 Institution, states that the petitioner is seeking to read between the Clause 4.3.2 of the prospectus, to urge that the tenure at different institutes can be considered as one.
27. Further, it is stated that the prospectus provides for a Clause namely 3.3, whereby the respondent No. 1 retains its discretionary powers to decide any question. Moreover, the candidature of all candidates were provisional in nature and can be cancelled by the respondent No. 1. Mr. Varma, further contends that the sought interpretation will have grave consequences on standard medical training, whereby candidates can collate their piecemeal training to satisfy eligibility.
28. It is also contended that the Court should not interfere in academic policy matters, which are the domain of subject matter experts.
29. It is also submitted that the demanded interpretation if accepted would create havoc because students will then claim to have completed their training from several institutes during separate academic sessions. Further, the purpose of ensuring single institute is that it ensures a minimum threshold of knowledge and skill being imparted by the institute. It is also the contention of the respondent that the petitioner



cannot challenge the admission process after having duly participated in the said process.

30. Mr. Varma, further states that the respondent No. 1 Institution is not bound by the certificate issued by the Gujarat University for completion of degree, when it does not align with the AIIMS prospectus or PGME regulations, 2023. In this regard, the learned counsel heavily relies upon the judgment of a Coordinate Bench of this Court delivered in ***Dr. Deepak Suresh Kumar (Supra)***.
31. With regards to the certificate of Senior Residency dated 16.06.2025, it is submitted that the said certificate is issued in a very different capacity, wherein the petitioner was not completing his academic training but rather working as a professional. It is further submitted that the aspect of equivalence cannot be judicially reviewed.

### **ANALYSIS AND FINDINGS**

32. I have heard the learned counsels for the parties and perused the documents placed on record.
33. It is pertinent to refer to Clause 4.3.2 of the prospectus, which is the bone of contention between the parties in this matter, the said Clause reads as under:

*“4.3.2. The candidates must have completed the requisite qualification, degree and tenure by 31.01.2026. The candidates who are likely to complete their “3 years (365 × 3) = 1095 Days” tenure, qualification or degree after 31.01.2026 will not be eligible to appear in this examination.”*

34. At the outset, it is clear that the core controversy in the present petition is with respect to the question, whether the mandatory requirement of



1095 days in total can be considered as satisfied when the tenure is completed in piecemeal at different institutions.

### **SCOPE OF INTERFERENCE IN ACADEMIC MATTERS**

35. This Court is vested with the duty to protect fundamental and legal rights of the individuals but at the same time at some instances the Courts are required to exercise judicial restraint not as a matter of abdication but as a rule of prudence such as in cases involving policy matters or those requiring subject expertise. The scope of interference or judicial review of decisions in academic matters is well settled. The Hon'ble Supreme Court has categorically discussed this scope and made the following observations in the judgment of *All India Shri Shivaji Memorial Society v. State of Maharashtra*<sup>4</sup>:

*“32. This Court time and again has reiterated that the responsibility, of fixing qualifications for purposes of appointment, promotion, etc. of staff or qualifications for admissions, is that of expert bodies (in the present case, AICTE), and so long as qualifications prescribed are not shown to be arbitrary or perverse, the courts will not interfere.*

*33. In AICTE v. Surinder Kumar Dhawan [AICTE v. Surinder Kumar Dhawan, (2009) 11 SCC 726 : 3 SCEC 520] , this Court while dealing with the question regarding decision taken by AICTE whether a bridge course should be permitted to make diploma-holders eligible for engineering course, observed as under: (SCC p. 732, paras 15-17)*

*“15. ... AICTE consists of professional and technical experts in the field of education qualified and equipped to decide on*

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<sup>4</sup>(2025) 6 SCC 605.



*those issues. In fact, a statutory duty is cast on them to decide these matters.*

*16. The courts are neither equipped nor have the academic or technical background to substitute themselves in place of statutory professional technical bodies and take decisions in academic matters involving standards and quality of technical education. ...*

*17. The role of statutory expert bodies on education and the role of courts are well defined by a simple rule. If it is a question of educational policy or an issue involving academic matter, the courts keep their hands off. If any provision of law or principle of law has to be interpreted, applied or enforced, with reference to or connected with education, the courts will step in.”*

*34. In other words, normally, courts should not interfere with the decisions taken by expert statutory bodies regarding academic matter: may it relate to qualification for admission of students or qualification required by teachers for appointment, salary, promotion, entitlement to a higher pay scale, etc. However, this does not mean that courts are deprived of their powers of judicial review. It only means that courts must be slow in interfering with the opinion of experts in regard to academic standards and powers of judicial review should only be exercised in cases where prescribed qualification or condition is against the law, arbitrary or involves interpretation of any principle of law [Also see: Medical Council of India v. Sarang [Medical Council of India v. Sarang, (2001) 8 SCC 427 : 5 SCEC*



183] ]. Consequently, where a candidate does not possess the minimum qualifications, prescribed by an expert body, for appointment or promotion to a particular post in an educational institution, such a candidate will not be entitled to get appointed or will be deprived of certain benefits, which is the case we have in hand.”

**(Emphasis added)**

36. Further, a Coordinate Bench of this Court has addressed the pertinent scope of interference in the case of **Dr. Deepak Suresh Kumar (Supra)**, the relevant paragraph reads as under:

*“41. A bare perusal of the aforementioned judicial precedents would lead to an inexorable conclusion that Courts are not the domain experts to deal with academic matters, rather the powers vest in the expert body to ascertain the bona fide requirements of any course, more importantly, professional courses. It cannot be gainsaid that the dilution of academic standards, particularly in the case of professional education, is at all impermissible and there exists a self-imposed fetter on Courts to not interfere in the decisions concerning the academic matters...”*

**(Emphasis added)**

37. From a conspectus of the aforementioned observations, it is clear that the Court must be slow and reluctant to interfere in education matters as a rule of prudence, but at the same time the Court retains its power of judicial scrutiny when any arbitrary decision is in question.
38. I am of the view that before arriving at a conclusion on whether this Court has to interfere with the decision of the respondent No. 1



Institution, it is necessary to examine the nature and justifiability of the decision in the light of peculiar facts of the case.

### **INTERPRETATION OF THE RULES & REGULATIONS**

39. The Clause 4.3.2 of the prospectus is based on the premise that regulation 2.1 of the PGME regulations, 2023 also provides a similar framework for Qualifications, Duration of the Course and Components of Post-Graduate Training, and the regulation reads as under:

#### **CHAPTER II**

##### **LIST OF QUALIFICATIONS AND DURATION OF THE COURSES**

2.1 List of qualifications, duration of the course and components of Post-graduate Training shall be as indicated below:

S.No.	Name of Qualification	Duration of Course (including period of examination)
i.	Post-graduate broad-speciality Qualifications ( <b>Annexure-1</b> )	3 Years/ 2 years*
ii.	Post-graduate super-speciality Courses ( <b>Annexure-2</b> )	3 Years
iii.	Post-graduate diploma Courses ( <b>Annexure-3</b> ) @	2 Years
iv.	Post-Doctoral Certificate Courses (PDCC) ( <b>Annexure-4</b> )	1 year
v.	Post-Doctoral Fellowship (PDF) Courses ( <b>Annexure-5</b> )	2 years
vi.	D.M./M.Ch. (6 years Course) ( <b>Annexure-6</b> )	6 years

\* The period of training, including the period of examination, shall be two years for the students, who possess a recognized two-year post-graduate diploma course in the same subject.

40. A plain and conjoint reading of both, the Clause 4.3.2 and the regulation 2.1, to my mind, shows that it requires “*requisite qualification, degree and tenure*” being 3 years by the prescribed date. The aforesaid Clause is totally silent on the fact that the 3 year requirement has to be from a single institute or the same can be considered when fragmented in durations. The respondent’s argument that such a requirement is implicit and in the interest of ensuring professional competence is bereft of reasoning. Any eligibility condition must be clear, explicit and uniformly applicable. This condition is treated as fulfilled by the prior educational Institutes,



however the same is not considered as applicable for the purpose of the aforesaid admission process to the respondent No. 1 Institution.

41. The respondent No. 1 Institution issued prospectus to all the candidates with no special clause or condition which explicitly excluded such candidates, who have completed their residency tenure from different institutions in fragmentations. Moreover, as pointed out by the learned counsel for the petitioner, the delay in commencement of the prior PG Course was triggered by several factors including COVID-19 pandemic and Stay order by the Hon'ble Supreme Court. The delay or even the transitional inconsistency is not attributable to the petitioner.
42. The respondent No. 5, namely, GCS Medical College and Research Centre has considered the three periods of training by the petitioner at three institutes, and thereafter granted an MD (Anaesthesiology) degree. The respondent No. 4, namely, Gujarat University has also certified that as per the PGME regulations the petitioner has completed 3 years i.e. 1096 days of residency programme in the department of anaesthesiology. The said certificate is recognised, valid and has not been set aside. However, the same is not considered as applicable for the purpose of admission process to the respondent No. 1 institute.
43. The Clause 4.3.2 of prospectus issued by the respondent no. 1 Institution, only requires 1095 days of residency requirement and not that the same has to be continuous and from one recognised institution only. Once the language of prospectus is clear and unequivocal, it cannot be left to the discretion of the respondent No. 1 Institution to add words and interpret in a way which is not borne out from the plain reading. To my mind, there is no doubt that the impugned rejection





letter has been issued by the expert body which is the respondent No. 1 Institution, but the same does not meet the restricted test of judicial scrutiny in education matters.

### **ADDRESSING THE 1095 DAYS CONUNDRUM**

44. Essentially, it is the mandate of Clause 4.3.2 of the prospectus that as on the cut-off date there has to be a completed tenure of possessing experience of 1,095 days as MD (Anaesthesiology). In the instant case, the following distribution of dates is pertinent for arriving at a conclusion:

Institute	Relevant Dates	No. of days of training	Affiliated University
Pramukhswami Medical College, Gujarat.	01.02.2022-15.02.2022	15 days	Bhaikaka University.
AMC MET Medical College.	08.03.2022-30.04.2022	54 days	Gujarat University.
GCS Medical College, Hospital and Research Centre.	02.05.2022-21.02.2025	1026 days	Gujarat University.

45. To buttress his submission that the respondent no. 1 is entitled to interpret the prospectus, Mr. Verma has heavily relied on the observations of the Coordinate Bench decision of this Court in the case of *Dr. Deepak Suresh Kumar (Supra)*, wherein the Court has



denied to interfere with the decision of the respondent No. 1 Institution in a matter pertaining to interpretation of a term of the prospectus and has categorically held that it is the Institution which is the best judge in terms of any eligibility condition and the said Course being a skill based course, the minimum requirement is a sacrosanct condition, which needs to be complied with and no dilution of the condition can be permitted. The relevant paragraphs of the judgment heavily relied by the respondent No. 1 Institution read as under:

*“91. It appears that there are two spheres, one relates to the postgraduate course and its examination while the other relates to the eligibility criteria to take part in the INI-SS examination. At the outset, no doubt, both these spheres appear to be deeply integrated, however, in no uncertain terms, it can be concluded that the PGIMER Chandigarh shall not be governed by the eligibility criteria set by AIIMS.*

*92. Thus, the very factum of the internal adjustment for availment or non-availment of leaves etc. and consequences thereto cannot be construed as attempting to dilute the stipulation of three completed years of the period of training, as required by AIIMS. Rather, it only focuses on the eligibility or pre-condition to appear in the postgraduate examination. If three completed years are sought to be interpreted by AIIMS to mean 36 months (1095 days), this interpretation cannot be faulted merely on the ground that certain relaxations are provided by PGIMER Chandigarh as per its notification or under leave rules etc. to appear in the examination.*



93. What logically flows from the aforesaid analysis is that for a postgraduate student to be eligible to undergo a super speciality course, one may have to complete three years period of training imparted during the postgraduate course by the cut-off date prescribed by AIIMS. As can be seen that the period of examination is a part of three completed years and therefore, even after the examination is over, postgraduate students can continue to undergo the requisite training so as to correct the deficiency, if any, to meet the requirement of three completed years. Thus, the sacrosanct condition which emerges is that the 36 months (1095 days) training is to be undertaken by the postgraduate students. Moreover, it is pertinent to bear in mind that the concerned course is not just academic in nature rather the course is skill based, wherein, the aspect of practical training is a quintessential concomitant of the course. Any interpretation to relax or tinker with the requisite prescription of training period in a skill based course would ultimately defeat the objective that the course strives to achieve. Though certain internal benefits may be given by the concerned institute within these 36 months to enable the students to appear in internal examinations, etc., however, these benefits in no way intend to dilute the mandatory prescription of three completed years of the period of training. Any other interpretation based on the institute- specific applicable norms would result in diluting the mandatory prescription of three completed years of the period of training.



94. *In a given case, if any institute imparting postgraduate course decides to take into consideration the weekly offs and other holidays to be working days and thus, extends the option to the students to attend the training during the weekly offs and other holidays, the 36 months of training would then be squeezed in a smaller period, which perhaps is a preposterous proposition and may lead to bizarre conclusions. This conclusion, if accepted, would open the pandora's box as then the entire medical education of this country would be virtually left at the sole discretion of the specific institutes which may devise their own conditions and any objective of coherence between the institutes could never be fulfilled, further leading to inherent inconsistencies and chaos. Furthermore, the affidavit tendered by AIIMS also states that it does not appear that any other institute is granting any benefits of such nature to shorten the mandatory prescription of 1095 days.*

95. *This institute-specific understanding of the mandatory prescription of three years period would also certainly impact the academic calendar, thereby, create anomalies in the conduction of other competitive examinations. The elephantine burden of this futile exercise would ultimately be borne by the students who will again have to traverse through the procedural maze of technicalities and institutional norms, thereby, ultimately knocking on the doors of Constitutional Courts to materialize their dreams in getting a quality education. Such an interpretation cannot be countenanced and must be thwarted.*



...

110. Therefore, the Court does not deem it appropriate to interfere in the understanding of the AIIMS regarding the interpretation of three years tenure as it is supported by the prospectus as well as the NMC's understanding."

46. The judgment of the Coordinate Bench relied upon by the respondent is fundamentally distinguishable from the facts of the instant petition on the basis that the core issue involved in that case was regarding the delay in joining the postgraduate course and the subsequent authorised adjustment against the sanctioned leaves by PGIMER, Chandigarh i.e. whether the unavailed leaves by the petitioners could be utilised to shorten the mandatory training period required.
47. On the other hand, in the facts of the instant case the Court is not dealing with any relaxation or any adjustment accorded by the prior educational Institutes. It was only in pursuance of the counselling norms that the petitioner transitioned between different institutions in his post-graduation training period. The core controversy in the present case is only concerned with whether the completion of training of 1095 days has to be from a single institution or that can be considered as completed when pursued from different institutions in fragmentations, that too in light of no clear and specific exclusion of such fragmented completion of training from different institutions.
48. Thus, the facts of the present case are distinguishable from the judgment of **Dr. Deepak Suresh Kumar (Supra)** as relied upon by the respondent No. 1 Institution. Also, in the present case the core issue is substantially different, as the petitioner has duly undertaken the required training of 1095 days.



49. In the present case the petitioner has not concealed or hidden his experience/tenure, the same were duly available with the respondent No. 1 Institution. The application for the said entrance examination was duly accepted by the respondent No. 1 Institution on 18.11.2025, in pursuance thereof an admit card was also issued. Thereafter on 11.12.2025, a list of ineligible candidates was published in which the name of the petitioner was not included. Consequently, the petitioner was interviewed on 12.12.2025 and his name was included in the declaration of final result dated 19.12.2025. The issue concerning his residency experience was not raised in the first round of counselling conducted on 29.12.2025. The respondent No. 1 Institute did not object at any time prior that the residency experience of the petitioner was violative of Clause 4.3.2 of the prospectus. In similar circumstances in the case of **Dr. Deepak Suresh Kumar (Supra)** the Coordinate Bench of this Court observed as follows:

*“69. At the first instance, if AIIMS was aware about the mandatory prescription of 1095 days' period of training, the same ought to have been reflected in clear and unequivocal terms in the information bulletin itself.*

*70. Furthermore, the AIIMS had another opportunity to mention its prescription of 1095 days of period of training when it published the list of ineligible candidates on 27-5-2024. However, at the said juncture as well, they failed to do so, thereby, giving assurances to the petitioners that the completion certificate uploaded by them adhered to the prescribed AIIMS guidelines.*



71. Thereafter, AIIMS had another opportunity to clarify if there was any discrepancy at all when they conducted counselling and the petitioners were allotted seats at AIIMS, vide offer letter dated 19-6-2024. At this point as well, AIIMS did not object to the candidature of the petitioners. AIIMS was very well within its right to examine the petitioners' completion certificates as provided by PGIMER Chandigarh and to ascertain whether those certificates complied with the mandatory prescription of 1095 days. Instead of allotting the seats to the petitioners, AIIMS could have withheld the results of the petitioners, examined the records, sought clarifications from the petitioners and then, eventually declared the results.

72. However, AIIMS not only allowed them to participate in the counselling process but also allotted them seats and eventually, they were issued an acknowledgement slip confirming their admission.

73. The entire castle of mandatory nature of 1095 days of the period of training was built brick by brick only through affidavits tendered by AIIMS and the arguments advanced during the court proceedings. The court appreciates the arduous efforts taken by AIIMS during the court proceedings to justify their unflinching stance on 1095 days of period of training, however, even if an iota of this careful exercise had been done during the conduction of examination, right from the framing of information bulletin to the declaration of results and endeavours were made to





*clear the ambiguity, the entire conflict would not have even arisen at the first instance.*

74. The foregoing discussion clearly leads to an infeasible conclusion that AIIMS has failed to scrupulously follow the utmost professional standards while handling the case of the petitioners or even conducting the INI-SS examination, which otherwise it was reasonably expected to do. Being an Institute of National Importance, a bona fide duty is cast on AIIMS to not only adhere to the extant regulations but to also reflect a clear understanding in the brochures/prospectus/bulletin issued by it. An act on the part of the institution which takes the candidates by surprise at the sheer end of the selection process does not meet the judicial scrutiny, specifically because of the fact that the institution had ample opportunities of course correction in the facts of the case.”

***(Emphasis added)***

50. Moreover, in the aforementioned judgment as relied by the respondent No. 1, the Court has also highlighted the aspect that mechanical considerations should not be allowed to prevail over meritocracy. In this regard the Court observed:

“100. In essence, it would be a travesty of merit as also a blot on the unflinching faith reposed by the common man in the State, if such doctors brimming with brilliance are meted out with a treatment which endeavours to test their calibre not on merit but, unfortunately, on their ability to



interpret unsaid terms and to navigate through bureaucratic mazes. It is disheartening to note that the deserving candidates who have gained the highest echelons in a gruelling examination process are made to suffer on account of overly convoluted procedural interpretations and also due to a lack of organisational coherence between the institutions of the same cluster. As a natural corollary, the selection process, which should otherwise be grounded on merit, has been overshadowed by mechanical considerations. While the Court does not dispute the authority of the respondents to define eligibility criteria, which is undeniably their exclusive domain, but what needs to be ensured at the very least is that the same must be clear and certain so as to weed out any form of arbitrariness or negate any chances of fostering inequality.

101. On a jurisprudential plane, since the right to equal and fair treatment is an inevitable component of Article 14 of the Constitution of India, it is the utmost duty of the State to ensure that such right is not jeopardized by any of the actions of its instrumentalities. In the case at hand, the repudiation of the claim of admission by the meritorious candidates and consequently, leaving them in the lurch cannot merely be ascribed to an administrative failure, rather the same amounts to an infraction of their rights.

...



*113. It is pertinent to point out that the need for interference in the present case is predicated on the peculiar facts and circumstances canvassed before this Court.*

*114. In the present case, the AIIMS had an opportunity to reflect the prescription of 1095 days of period of training, when it published the list of ineligible candidates on 27.05.2024. But admittedly, AIIMS failed to do so and did not include the names of the petitioners in the list of ineligible candidates.*

*115. Thereafter, AIIMS had another occasion to clarify the situation when they conducted counselling and the petitioners were allotted seats at AIIMS, vide an offer letter dated 19.06.2024. At this point as well, AIIMS did not object to the candidature of the petitioners. In fact, the AIIMS not only allowed them to participate in the counselling process but also allotted them seats and eventually, they were issued an acknowledgement slip confirming their admission.*

*116. As a result of the actions of AIIMS, they completed all the requisite formalities and on 21.06.2024, after verification of all the documents and upon deposition of security amount of Rs. 3,00,000/-, they were issued an acknowledgement slip confirming their admission.*

*117. It is only at the last stage when the medical examination was scheduled that the AIIMS issued the impugned orders indicating that the petitioners are ineligible to take admission in the postgraduate program in*



Cardiothoracic and Vascular Surgery and in Gastrointestinal Surgery in AIIMS as they have not completed their three years course as on cut-off date of 31.07.2024 i.e., within three calendar years.

***(Emphasis added)***

51. The respondent No. 1 Institution had several occasions to specify the peculiar position of the petitioner and to afford him an opportunity of hearing or an opportunity to make a representation. I am of the view that the Courts are duty bound to act in order to protect the interest of meritorious students and the same cannot be allowed to be violated by adopting interpretations, which is contrary to the clear and express language of the prospectus. It is pertinent to note that the right to pursue higher education even though not explicitly spelt out as a fundamental right in the Constitution, it is an affirmative obligation on part of the state to ensure that the same is not curtailed lightly on merely technical or procedural grounds<sup>5</sup>. The action taken by the respondent No. 1 Institution is devoid of reasons and lacks the essence of justifiability.
52. I am of the view that merit and fairness prevails over technicalities and the contention of the petitioner if not accepted would result in substantial harm to his higher education prospects and a travesty to merit.

### **CONCLUSION**

53. Therefore, it is held that the petitioner's tenure even if physically fragmented in parts totalling to 1095 days in the same discipline falls

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<sup>5</sup>Farzana Batool v. Union of India, (2024) 15 SCC 818.



within the parameters of Clause 4.3.2 of the prospectus for the Institute of National Importance Super-Specialty Entrance Test for the January 2026 session issued by the respondent No. 1 Institution. Consequently, the impugned rejection letter dated 02.01.2026 is hereby quashed and set aside.

54. The petition is allowed in the aforesaid terms.
55. The documents handed over in Court are taken on record.

**JASMEET SINGH, J**

**FEBRUARY 2, 2026/SS**