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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010420782026

Date of decision: 08.09.2026

+ **W.P.(C) 12987/2026 & CM APPL. 60329/2026**
LOTUS EDUCATIONAL SOCIETY & ANR.Petitioner
Through: Mr. Jain, Adv. (Appearance not
given)
versus
NATIONAL MEDICAL COMMISSION & ORS.Respondent
Through: Ms. Avshreya Pratap Singh Rudy,
Adv. (CGSC) Ms. Usha Jamnal, (GP). Ms. Nyasa
Sharma, Adv. Mr. Siddhant Nagar, Adv Mr.
Abhinav Mall, Adv Ms. Nishtha Dhall, Adv for
UOI/R4
Mr. Amit Meharia Mr Abinash Agrawal and Mr.
Shashwat Roy, Advs. for R1-3

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“a. Issue a writ of CERTIORARI or any other writ, order or direction of a like nature quashing and setting aside the impugned Order for Rejection of Online Application/ Scheme dated 10.06.2026 bearing No. N - 22011 / 58 / 2026-Assessment Cell/ MARB (8396918) / 013743 passed by the Respondent No. 2, whereby the Petitioners’ scheme/application No. NMC / UGN / 2026 – 27 / 0108



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for the establishment of Jaipur Medical College and Hospital, Jaipur, Rajasthan with an annual intake of 100 MBBS seats for the Academic Year 2026-27 has been rejected;

b. Issue a writ of CERTIORARI or any other writ, order or direction of a like nature quashing and setting aside the impugned First Appeal rejection order dated 20.08.2026 passed by the Respondent No. 1 in Appeal No. NMC-Apl-MARB-2026/27-115, together with any detailed order issued in continuation thereof;

c. Issue a writ of MANDAMUS or any other writ, order or direction of a like nature directing the Respondent Nos. 1 to 3 to take on record and duly consider the Essentiality Certificate issued by the Government of Rajasthan and the Consent of Affiliation issued by the Rajasthan University of Health Sciences, Jaipur in favour of the Petitioner College, to treat the Petitioners' scheme/application No. NMC/UGN/2026-27/0108 as a complete and valid scheme under Section 28(2) of the National Medical Commission Act, 2019, and to process the same in accordance with law;

d. Issue a writ of MANDAMUS or any other writ, order or direction of a like nature directing the Respondent Nos. 1 to 3 to conduct a comprehensive assessment/inspection of the Petitioner College — whether physical, virtual or hybrid — within a period of



seven days from the date of the order of this Hon'ble Court, and thereafter to take a reasoned and speaking decision upon the Petitioners' scheme having regard to the criteria specified in Section 29 of the said Act within a further period of seven days, after affording the Petitioners a reasonable opportunity of being heard and of rectifying any deficiency in strict compliance with the proviso to Section 28(3) of the said Act;

e. Issue a writ of MANDAMUS or any other writ, order or direction of a like nature, in the alternative, directing the Respondent No. 4 to decide the Petitioners' Second Appeal dated 24.08.2026 preferred under Section 28(6) of the National Medical Commission Act, 2019 by a reasoned order within a period of seven days from the date of the order of this Hon'ble Court, after taking into consideration the Essentiality Certificate and the Consent of Affiliation of the Petitioner College, in the same manner in which the Respondent No. 4 has decided the second appeals of five similarly situated medical colleges during the present admission season, including by its order dated 24.08.2026 bearing F. No. V.11013/43/2026-ME-I;

f. Issue a writ, order or direction quashing paragraph 8 of the impugned Order dated 10.06.2026 insofar as it makes the refund of 75% of the application fee conditional upon the said order "not being challenged



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*before any court of law, or any other competent forum”,
and directing the Respondent No. 2 to refund the said
amount unconditionally in the event the rejection is
sustained;....”*

2. The brief facts of the case are that the petitioner No. 1 is an educational society duly registered under the Rajasthan Societies Registration Act, 1958 and it has submitted an application for starting a medical college to the respondent No. 2.
3. The aforesaid application was submitted on 02.02.2026. Admittedly, when the application was made, two important documents namely, Consent of Affiliation and Essentiality Certificate were not available with the petitioners.
4. The respondent No. 2 rejected the application of the petitioners on 10.06.2026 for the lack of aforementioned two documents.
5. Thereafter, the petitioner obtained both the documents before filing of the first appeal before the respondent No. 1. Despite these certificates being uploaded, the first appellate authority rejected the appeal of the petitioners for lack of two documents.
6. My attention has been drawn to the Order dated 13.11.2025 passed in W.P. (C) 17090/2025 titled As ***Jagannath Gupta Institute of Medical Sciences and Hospital v. Union Of India And Ors.*** and more particularly paragraph Nos. 21 and 22 of the same, which read as under:-

“21. Insofar as the objection that EC was not submitted with the application is concerned, first and foremost, this is clearly not the ground or reason for withdrawing the



order granting permission to set up the new medical college at the first instance by the First Appellate Committee. Secondly and significantly, prima facie Petitioner has been able to demonstrate that in several cases in the past, ECs have been accepted even though they were submitted by the institutions later and were not filed with the applications for grant of permission to establish the new medical colleges and/or extension etc. Illustratively, reference has been made to five institutions as aforementioned and thus the case of the Petitioner is not the first of its kind. Response of Respondents No. 2 and 3 that three out of five institutions cited by the Petitioner, were granted LoPs in the year 2024 is neither here nor there, inasmuch as if the mandate of the Regulations is that in no case application will be accepted without EC, then it was not open to the Respondents to exercise any discretion and condone the delay in submitting ECs and grant LoPs for any reason whatsoever. Recent case of Takshashila Medical College is a glaring example of acceptance of EC in June, 2025 after condoning the delay, terming the same as 'slight delay'. If that be so and criteria for relaxing the mandatory condition is the extent of delay, then the delay ought to have been condoned for the Petitioner as the EC was submitted in May, 2025. In a desperate attempt to justify condonation of delays in submitting the ECs in



cases referred to by the Petitioner, it is repeatedly argued on behalf of Respondents No.2 and 3 that if there was plausible explanation for the delay and/or where ECs were given at the stage of First Appeal, they were accepted. This argument itself runs contrary to the main plank of the argument of the Respondents that in no case an application can be entertained if it is not accompanied with mandatory documents, including the EC.

22. Beyond a doubt, acceptance of ECs at stages post the date of submission of the applications in some cases, dents the case of the Respondents that EC must accompany the application. Pertinently, if this position was cast in stone, even in the case of the Petitioner, the application should have been rejected at the outset. However, this was not done and instead NMC proceeded to carry out physical assessment on 09.07.2025 and submitted a report and importantly, even the First Appellate Committee allowed the appeal, knowing that the EC was issued only on 08.05.2025. Albeit this order was withdrawn but not for the reason that application was filed without the EC. In all the instances cited by the Petitioner, ECs were filed later and were accepted and LoPs were issued but a different yardstick is applied for the Petitioner. Such selective treatment is arbitrary, discriminatory and violative of principles of equality and fair administrative action. No objective criteria or



rational basis is shown for accepting ECs filed belatedly or rejecting the case of the Petitioner. Selective exercise of discretion demonstrates an unequal and capricious exercise. Principles of administrative fairness require that policies and rules must be applied uniformly to all and in my prima facie view, arbitrary refusal to grant LoP to the Petitioner and that too when the EC has been restored, constitutes unequal treatment and also violates Petitioner's right to substantive due process and academic equity. Non-arbitrariness, fairness in action, transparency and application of uniform standards are the hallmarks and corner stones, which must guide the decision making process and the action of the Respondents does not pass muster when tested on the anvil of these principles."

7. A perusal of the same shows that the Court has accepted submissions of certificates even post the date of submission of applications and permitted inspection during the pendency of the second appeal. Hence, there is no reason for me to take a contrary view.
8. The petition is therefore allowed and disposed directing the second appellate authority to decide the petitioner's second appeal within a period of 1 week from the date of uploading of the order keeping in mind the observations as reproduced above. Additionally, the respondent Nos. 1 to 3 shall conduct the inspection of the petitioner Institute within 1 week from today.
9. With these directions and in this view of the matter, the grievance of



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the petitioner stands satisfied. Accordingly, Mr. Jain, learned counsel for the petitioner does not press the present petition.

10. The present petition stands disposed in the aforesaid terms along with pending applications, if any.

JASMEET SINGH, J

SEPTEMBER 8, 2026 / (MS)

(Corrected and uploaded on 17.09.2026)