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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010477392026

Date of decision: 14.10.2026

+ W.P.(C) 14693/2026 & CM APPL. 68746/2026
PRASAD MEDICAL COLLEGE AND HOSPITAL Petitioner
Through: Mr. T. Singhdev, Sr. Adv.with Mr.
Awadh Bihari Kaushik, Ms. Anum
Hussain, Ms. Saloni Mahajan, Advs.
versus
UNION OF INDIA AND OTHERS Respondents
Through: Mr. Raman Kapur, Senior Advocate
with Mr. Amit Meharia Mr. Abinash
Agarwal Mrs. Priya Sachin Bhalerao
Mrs. Shivangi Sengar Mr. Shashwat
Roy, Advs.
Ms. Avshreya Pratap Singh Rudy,
CGSC with Mr. Chirag Verma, GP
with Ms. Usha Jamnal, Ms. Nyasa
Sharma, Mr. Siddhant Nagar, Mr.
Abhinav Mall, Ms. Nishtha Dhall,
Advs.

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 directions thereby quashing and setting aside the impugned order dated 25.09.2026 (ANNEXURE-P-1) passed by the Central Government/ respondent No.1 whereby the



petitioner's second appeal filed under Section 28(6) of the NMC Act, 2019 has been rejected;

(B) Issue a writ of Certiorari or any other writ, order or directions thereby quashing and setting aside the impugned order dated 05.08.2026 (ANNEXURE-P-2) passed by the National Medical Commission/respondent No.2, upto the extent it has denied the full strength of proposed intake i.e., 150 MBBS seats to the petitioner rather, granted 50 seats only, without any justification.

(C) Issue a writ of Mandamus or any other writ, order or directions thereby declaring respondent No.1, 2 and 3 to grant/issue the Letter of Permission (LOP) to the petitioner for establishment of proposed medical college with an intake of 150 MBBS for the Academic Year 2026-27.... ”

2. The brief facts of the case are that the petitioner is a hospital situated in Unnao District, Uttar Pradesh, which was established on 02.05.2009 and is presently operating with 635 beds. The petitioner applied to the Medical Assessment and Rating Board (“**MARB**”) for grant of a Letter of Approval to establish a medical college offering an undergraduate MBBS course with an annual intake of 150 students for the academic year 2026-2027. However, the application was rejected vide Letter of Disapproval dated 13.07.2026, citing deficiencies in faculty and bed occupancy.
3. Aggrieved by the aforesaid decision, the petitioner preferred a first appeal under Section 28(5) of the National Medical Commission Act, 2019. The appeal was partly allowed by the National Medical



Commission (“**NMC**”) vide order dated 05.08.2026, whereby the petitioner was granted approval to commence the MBBS course with an annual intake of 50 seats. The petitioner thereafter preferred a second appeal under Section 28(6) of the NMC Act, 2019, which was dismissed by the Central Government vide the impugned order dated 25.09.2026, thereby upholding the decision of the first appellate authority.

4. The relevant paragraphs of the order dated 05.08.2026 passed by the first appellate authority read as under:



4. In this regard, the instant 1st Appeal has been admitted, and the Appeal Committee, constituted under the Chairmanship of Dr. Abhijat Chandrakant Sheth, Chairman, NMC and two Members, met on **29.07.2026** to consider the said Appeal filed by the Medical College. The following Appeal Committee members were present during the meeting:

- a. Dr. Abhijat Chandrakant Sheth, Chairman, NMC - Chairman
- b. Dr. D. K. Sharma, Medical Superintendent, Dr. Rajendra Prasad Centre for Ophthalmic Sciences, All India Institute of Medical Sciences (AIIMS), Delhi - Member
- c. Prof. (Dr.) Gangadhar Taduri, Department of Nephrology, Nizam's Institute of Medical Sciences (NIMS), Hyderabad, Telangana - Member

5. The Appeal Committee has given a virtual hearing to the Medical College on 29.07.2026, represented by the Dean/Principal/Vice-Principal/HoD. The Medical College presented its submissions and the Committee duly considered the submissions made by the Appellant and examined the records placed before it.

6. The Appeal Committee carefully examined the Letter of Disapproval, the memorandum of appeal, the representation/compliance submitted by the Appellant, the Physical Assessment Report, HIMS data, the updated faculty details, AEBAS records and all other documents placed on record before arriving at its conclusions.

7. The Appeal Committee has carefully considered the submissions made by the Appellant and independently examined the entire material placed on record, including the Letter of Disapproval, the Physical Assessment Report, the HIMS data for the period **29.06.2026 to 29.07.2026**, the updated faculty list dated **29.07.2026**, the AEBAS data for the period **April 2026 to July 2026**, and the other documents furnished during the appellate proceedings. The Committee observed that, the updated material demonstrates that the institution has substantially improved its level of compliance. The Committee is satisfied that the present infrastructure, hospital facilities, clinical material and teaching faculty are adequate to support commencement of the MBBS course with an annual intake of **50 MBBS seats only**. Having regard to the material presently available on record and keeping in view the statutory obligation to ensure that medical education is imparted only where the prescribed standards are demonstrably satisfied, the Committee is of the considered view that permission for establishment of the medical college can presently be granted only with an annual intake of **50 MBBS seats**. The Appellant shall be at liberty to seek enhancement of intake in accordance with the applicable statutory and regulatory framework after demonstrating compliance with the prescribed requirements for such enhancement in future.

8. In view of the foregoing discussion, the Appeal Committee is satisfied that the Appellant has made out a case for partial interference with the Letter of Disapproval dated **13.07.2026**. The material presently available on record justifies grant of

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56

permission for establishment of the medical college with an annual intake of **50 MBBS seats only**.

9. Accordingly, the **First Appeal is partly allowed**. The Letter of Disapproval dated 13.07.2026 issued by the Medical Assessment and Rating Board in respect of Application No NMC/UGN/2026-2027/0036 submitted by Prasad Medical College and Hospital, Unnao, seeking permission for establishment of a new medical college with an annual intake of 150 for the Academic Year **2026-27** is modified to the extent that **permission is granted for establishment of Prasad Medical College and Hospital, Unnao, for the Academic Year 2026-27 with an annual intake of 50 (Fifty) MBBS seats**. MARB, NMC shall be at liberty to conduct inspections in future in accordance with regulatory norms to oversee compliance with the MSR.

5. Mr. Kaushik, learned counsel appearing for the petitioner, draws the attention of this Court to paragraph 7 of the order dated 05.08.2026 and submits that the first appellate authority was satisfied with the infrastructure, hospital facilities and clinical material available with the petitioner institution. However, despite recording such satisfaction, the authority restricted the annual intake to 50 MBBS



seats, without disclosing any reasons for restricting the intake to 50 seats instead of the 150 seats sought by the petitioner.

6. He submits that neither the order of the first appellate authority nor the order passed in the second appeal discloses any cogent reasons as to why the petitioner institution was found eligible for only 50 seats and not for the remaining 100 seats.
7. *Per contra*, Mr. Kapur, learned senior counsel appearing for the respondent Nos. 2-4, submits that the decision to restrict the intake to 50 seats was taken by an expert committee after a detailed examination of the infrastructure, hospital facilities, clinical material and teaching faculty available with the petitioner institution. He submits that this Court, while exercising jurisdiction under Article 226 of the Constitution of India, ought not to interfere with the subjective satisfaction of an expert body in a matter falling within its domain of expertise.
8. I am unable to agree with the submission advanced on behalf of the respondents. There can be no quarrel with the proposition that this Court, while exercising its writ jurisdiction, would ordinarily be slow to interfere with the assessment undertaken by an expert body in matters requiring specialised knowledge and expertise. However, the deference accorded to an expert body's assessment does not dispense with the requirement that its decision must disclose the reasons forming the basis thereof, particularly where the authority is exercising a quasi-judicial function and its decision adversely affects the rights and interests of the person concerned.



9. In the present case, the first appellate authority has partly allowed the petitioner's appeal and permitted the commencement of the MBBS course with an annual intake of 50 seats. However, the order, as placed before this Court, does not disclose the rationale for restricting the intake to 50 seats, particularly when the petitioner had sought approval for 150 seats. The reasons which persuaded the authority to grant approval for 50 seats, while declining approval for the remaining 100 seats, ought to have been clearly spelt out. A mere reference to the assessment undertaken by an expert committee cannot, by itself, substitute for the reasons underlying its decision.
10. The same is also in consonance with the judgment of **B.V. Nagesh and Another v. H.V. Sreenivasa Murthy, (2010) 13 SCC 530**, wherein the Court held as under:

“4. The appellate court has jurisdiction to reverse or affirm the findings of the trial court. The first appeal is a valuable right of the parties and unless restricted by law, the whole case is therein open for rehearing both on questions of fact and law. The judgment of the appellate court must, therefore, reflect its conscious application of mind and record findings supported by reasons, on all the issues arising along with the contentions put forth, and pressed by the parties for decision of the appellate court. Sitting as a court of first appeal, it was the duty of the High Court to deal with all the issues and the evidence led by the parties before recording its findings. The first appeal is a valuable



right and the parties have a right to be heard both on questions of law and on facts and the judgment in the first appeal must address itself to all the issues of law and fact and decide it by giving reasons in support of the findings. (Vide *Santosh Hazari v. Purushottam Tiwari* [(2001) 3 SCC 179 : *JT* (2001) 2 SCC 407] , SCC p. 188, para 15 and *Madhukar v. Sangram* [(2001) 4 SCC 756] , SCC p. 758, para 5.)”

11. Similarly in ***Kranti Associates Private Limited and Another v. Masood Ahmed Khan and Others***, (2010) 9 SCC 496, it was held as under:

“47. Summarising the above discussion, this Court holds:

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.



(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37] .)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ



405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions”.

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “due process”.

12. In view of the aforesaid, the first appellate authority is directed to reconsider the question of grant of approval as sought by the petitioner for the academic year 2026 - 2027 and pass a detailed, reasoned and speaking order, within a period of 10 days from today.
13. The petition is disposed of, along with pending applications, if any.

JASMEET SINGH, J

OCTOBER 14, 2026/sp

(corrected and uploaded on 16.10.2026)