



\$~J

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

Judgment reserved on: 08.10.2026

Judgment pronounced on: 14.10.2026

+ **W.P. (C) 14706/2026 & CM APPL. 68805/2026**

RANAGHAT MANDAKINI EDUCATIONAL

WELFARE SOCIETY & ANR.

....Petitioners

Through: Mr. Anurag Ahluwalia Senior Advocate
With Ms. Shweta Singh, Mr. Sanjeet Kumar, Ms.
Vanshika Kapoor and Mr. Dipanshu Gava, Advs

versus

NATIONAL MEDICAL COMMISSION

& ORS.

....Respondents

Through: Mr. Raman Kapur Senior Advocate,
Mr. Amit Meharia Adv, Mr Abinash Agarwal Adv.
Mr. Vibhor Victor Adv, Mr. Divyansh Adv
for NMC
Mr Vinay Yadav, CGSC with Mr Vipul Kumar, GP
with advocates Ms Kamna Behrani, Mr Ansh Kalra
& Mr Neeraj P. Raj, Advs for R4

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

J U D G M E N T

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



“a. Allow the present writ petition and issue a writ of certiorari quashing and setting aside the impugned speaking order dated 14.09.2026 passed by the Respondent No. 2/ Medical Assessment and Rating Board, National Medical Commission;

b. issue a writ of mandamus directing the Respondent Nos. 1 and 2 to treat the application bearing Application ID No. NMC/UG/2025-26/000035 as a subsisting and live application for the Academic Year 2026-27 in terms of the Second Appeal order dated 19.12.2025 passed by the Respondent No. 4, and to grant and issue the Letter of Permission (LOP) to the Petitioners for establishment of Mandakini Institute of Medical Sciences & Hospital, Nadia, West Bengal, with an annual intake of 100 MBBS seats, from the running Academic Year 2026-27, on the basis of the "Zero Deficiency" inspection report dated 28.11.2025 and the subsisting compliance of the Petitioner institution, and consequently to direct that the seat matrix of the Medical Counselling Committee be immediately and appropriately updated with the proposed UG MBBS seats in favour of Mandakini Institute of Medical Sciences & Hospital, Ranaghat, for the Academic Year 2026-27, and that the said college participates effectively in the remaining counselling schedule for the Academic Year 2026-27, and further, without prejudice to the Petitioners' contention that the "Zero Deficiency" inspection report dated 28.11.2025 is



sufficient, that if the NMC requires any further inspection, assessment or compliance verification, the same be carried out after the conclusion of the counselling process while the college is operating, and shall not be a ground to withhold the LOP or the inclusion of the seats in the counselling;

c. declare that the compliance status of the Petitioner institution and the 'Zero Deficiency' surprise physical inspection report dated 28.11.2025 remain valid for consideration of the case of the Petitioners for the Academic Year 2026-27, in terms of the Second Appeal order dated 19.12.2025 passed by the Respondent

No. 4;

d. in the alternative, issue a writ of mandamus directing the Respondent Nos. 1 and 2 to forthwith carry out an assessment/inspection of the Petitioner institution in a timebound manner without insisting upon a de novo application, and to thereafter pass a reasoned and speaking order for the Academic Year 2026-27 within a fixed timeframe after affording the Petitioners an opportunity of hearing and of rectification in terms of the proviso to Section 28(3) of the National Medical Commission Act, 2019; and..."

FACTUAL MATRIX AS PER THE PETITION

2. The petitioner No. 1 is Ranaghat Mandakini Educational Welfare Society, which is a society registered under the West Bengal Societies Registration Act, 1961. The said society has established Mandakini



Institute of Medical Sciences and Hospital at Aishtala, Ranaghat, District Nadia, West Bengal.

3. The respondent No. 1 is the National Medical Commission ("*NMC*"), a statutory authority constituted under the National Medical Commission Act, 2019 ("*the Act*"). The respondent No. 2 is the Medical Assessment and Rating Board ("*MARB*"), an autonomous Board constituted under Section 16 (1)(c) read with Section 26 of the Act. The respondent No. 3 is the Undergraduate Medical Education Board constituted under Section 16 (1)(a) read with Section 24 of the Act. The respondent No. 4 is the Union of India, through Ministry of Health and Family Welfare.
4. On 17.01.2025, the petitioner No. 1 submitted an application bearing Application ID No. NMC/UG/2025-26/000035, in the prescribed form under Section 28 of the Act, seeking permission to establish Mandakini Institute of Medical Sciences and Hospital ("*the Institute*") with an annual intake of 100 MBBS seats. It is stated that the same was accompanied by the Essentiality Certificate dated 16.01.2025 issued by the State Government and Consent of Affiliation ("*CoA*") dated 17.01.2025 issued by the West Bengal University of Health Sciences.
5. On 26.05.2025, a Show Cause Notice was issued by the respondent Nos. 1 and 2 calling upon the petitioners to furnish certain documents required to process its aforesaid application.
6. In response to the aforesaid Show Cause Notice, the petitioners gave a detailed reply on 30.05.2025 along with supporting documents. The West Bengal University of Health Sciences also issued a revised Consent of Affiliation dated 11.09.2025, at the petitioner's request. Subsequent thereto, the same was supplied by the petitioners to the



respondent Nos. 1 and 2 *vide* email dated 21.09.2025.

7. Thereafter, the respondent No. 2 issued a Letter of Disapproval dated 13.10.2025, under Section 28(3) of the Act, on two main grounds, namely the alleged absence of a valid CoA and also the alleged absence of ownership of the teaching hospital.
8. The petitioners preferred a First Appeal under Section 28(5) of the Act against the aforesaid Letter of Disapproval, which was rejected on 13.11.2025 by the respondent No. 1, stating a lack of a valid CoA leading to no physical inspection of the college, which is mandatory in case of the establishment of a new medical college.
9. Subsequently, the petitioners preferred a Second Appeal against the rejection on 13.11.2025, under Section 28(6) of the Act, before the respondent No. 4 and also approached this Court by way of writ petition bearing W.P.(C) 17509 of 2025.
10. On 18.11.2025, this Court directed the respondent No. 1 to conduct a physical inspection of the Institute and to place the report before the Court. Accordingly, the said physical inspection was conducted on 28.11.2025, and the report by the respondents thereof recorded that there were no deficiencies in the Institute.
11. Thereafter, on 19.12.2025, the respondents disposed of the aforesaid Second Appeal recording that the same had become infructuous for the academic year 2025-26, in view of the UG counselling timelines.
12. On 27.01.2026, in W.P. (C) 17509 of 2025, this Court expressly recorded that the issue of whether the earlier application of the petitioners can be considered for 2026-27 shall be adjudicated once the matter is heard by the Court.



13. Subsequently, on 03.09.2026, the aforesaid writ petition was disposed of by this Court with the directions that the respondent No. 1 should consider the order of the second appeal, i.e. follow due process for the academic year 2026-27 and pass a speaking order and further that the inspection report dated 28.11.2025 shall be considered, if required.

Impugned Order

14. In compliance with the Order of this Court dated 03.09.2026, the respondent No. 2 passed the order dated 14.09.2026 (***“Impugned Order”***) wherein it was held that the application bearing Application ID No. NMC/UG/2025-26/000035 that was submitted by the petitioners’ earlier cannot be treated as a subsisting application for academic year 2026-27 in the absence of a fresh application, and that the inspection report dated 28.11.2025 has also been duly considered but cannot be treated as a substitute for the inspection/ assessment required in respect of a fresh application for the said academic year 2026-27.
15. It was further stated that the petitioners shall be at liberty to submit a fresh application in accordance with applicable statutory and regulatory requirements and timelines for the relevant academic year and the same would be considered independently.
16. Hence, the present petition was filed.

SUBMISSIONS ON BEHALF OF THE PETITIONERS

17. Mr. Ahluwalia, learned senior counsel for the petitioners, at the outset, contends that the Impugned Order dated 14.09.2026 proceeds upon a fundamentally incorrect interpretation of the Order of this Court dated 03.09.2026 and erroneous construction of the expression “due process for the Academic Year 2026-27” occurring in the order dated



19.12.2025 whereby Second Appeal was rejected, without being decided on merits.

18. Reliance is placed on the judgment dated 20.03.2025 passed by the Patna High Court in CWJC 16800/2024 titled *Madhuri Sewa Nyas v. Union of India* wherein the earlier application of the college therein was directed to be treated as fresh for the current year. A challenge to the same by NMC was rejected, and the judgement of the High Court was upheld by the Supreme Court.
19. It is stated that the Impugned Order also violates the settled principle that a party ought not to suffer on account of the authority's default, as the Letter of Approval dated 13.10.2025 was issued nearly three months after the expiry of the six months as envisaged in Section 28 (3) of the Act. If the same were done on time, then the petitioners would have had ample opportunity to exhaust appellate remedies within the counselling calendar for the year 2025-26.
20. Learned senior counsel submits that the Impugned Order is internally self-contradictory insofar as it states that the inspection report dated 28.11.2025 has been duly considered in compliance of this Court's order dated 03.09.2026 while at the same time refusing to attach any significance to the same.
21. It is further contended that the respondents have acted in an arbitrary manner by wrongly disregarding the aforesaid inspection report which recorded zero deficiencies *qua* the Institute, especially in view of the fact that the inspection was conducted by the inspectors of the respondents themselves.
22. The said inspection report held that the Institute had no deficiencies in



respect of any parameters including faculties, infrastructure and clinical material.

23. Reliance is placed on *Dr. M.K. Shah Medical College and Research Centre v. Union of India 2022 SCC OnLine Del 938*.
24. It is stated that the Impugned Order proceeds on a factually incorrect premise that the inspection of 28.11.2025 was conducted with the prior knowledge of the petitioners and hence, could not be treated as an assessment under Section 28(7) of the Act. Firstly, it is contended that the inspection was a surprise inspection since no date or time was fixed at any point of time for the same and secondly, the respondents cannot disregard their own findings by disputing the genesis of the direction under which the inspection was occasioned.
25. It is contended that the finding in the Impugned Order that the petitioners wilfully did not submit a fresh application for the academic year 2026-27 has been arrived at without any show cause notice, opportunity of material or material. The rights of the petitioners with respect to its earlier application being considered for 2026-27 was kept sub-judice by this Court and the petitioners cannot be made to suffer the outcome of pending adjudication of proceedings.
26. Furthermore, the learned counsel submits that the Impugned Order travels beyond the basis on which neither the Letter of Disapproval dated 13.10.2025 nor the rejection order of the First Appeal dated 13.11.2025 were issued and therefore, the same travels beyond the scope of the limited remit conferred by Order of this Court dated 03.09.2026.
27. The Impugned Order further does not deal with the revised CoA dated 11.09.2025.



28. It is also stated that the Impugned Order incorrectly places reliance on Explanation 2, Clause 9 of the Establishment of New Medical Institutions, Starting of New Medical Colleges, Increase of Seats for Existing Courses & Assessment and Rating Regulations, 2023 (***“MARB Regulations”***) and fails to appreciate that the petitioners did what the said provision itself stated by obtaining a fresh/revised CoA.
29. The Impugned Order, while recording ‘passage of substantial time’ since the inspection of 28.11.2025 as a relevant consideration, fails to state that the same was a result of delay caused by the respondents. The Letter of Disapproval dated 13.10.2025 was beyond the statutory limit provided Section 28(3) of the Act and furthermore, the Impugned Order came nine months after 19.12.2025 and only when this Court directed that the same be done.
30. Learned senior counsel further contends that the Impugned Order is disproportionate and has been passed without any application of mind, and the finding of complete exclusion of the Institute from the academic year 2026-27 is grossly disproportionate to the alleged procedural lapse. Continued denial of permission to an institute which is fully ready, as verified by the inspectors of the respondents themselves, running into a third academic year will lead to grave prejudice to the petitioners and rights of the petitioners under Article 14, 19(1)(g) and 21 of the Constitution.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

31. Mr. Kapur, learned senior counsel, for the respondent Nos. 1 to 3, submit that that as per Section 28 of the Act, no person can establish a new medical college without prior permission of respondent No.



2/MARB. In fact, Section 28 (7) of the Act empowers respondent No. 2 to conduct evaluation and assessment of any medical institution at any time and without any prior notice.

32. It is submitted that the application of a prospective applicant is to be determined in accordance with the MARB Regulations. The same clearly states that once an application is rejected, the respective applicant can only apply when the window for the next academic session opens.
33. The learned senior counsel contends that no application was admittedly filed by the petitioners for the academic year 2026-27. Therefore, the petitioners cannot now at this belated stage seek benefit of their wrongs/omissions, when the third round of counselling is already going on.
34. The present writ petition neither challenges the Act nor MARB Regulations and further, the petitioners haven't sought any interim relief before this Court when the application window for the academic year 2026-27 was still open. Even the prayer in the earlier writ petition bearing W.P. (C) 17509 of 2025 was made to consider the application for the academic year of 2025-26 and not that of 2026-27.
35. It is further stated that no new seats can be added in the stray round of counselling since the same is a residuary round only done to fill the vacant seats. Doing the same now shall cause prejudice to the applicants who have already followed the due process and applied earlier. It is also stated that any directions passed by this Court to consider the petitioner's application now would derail the timeline for the next session since applications for the same are to open in a few days. It is



stated that the petitioners' reliance on *Madhuri Seva Nyas (supra)* is not applicable to the present case since the petitioner therein had filed a fresh application, unlike the petitioners in the present writ petition.

36. The Second Appeal order having been passed on 19.12.2025, it is stated that the petitioners only approached this Court belatedly and therefore, the present petition is hit by delay and laches.
37. It is also submitted that the aforesaid inspection conducted on 28.11.2025 cannot be considered for the academic year of 2026-27 since the same was done for the year of 2025-26.

ANALYSIS AND FINDINGS

38. I have heard the learned senior counsels for the parties and perused the documents on record.
39. The main issues that arise for consideration are whether the Impugned Order dated 14.09.2026 deserves to be set aside and whether the petitioners' application bearing Application ID No. NMC/UG/2025-26/000035 for the academic year 2025-26 should be considered as a valid and subsisting application for the academic year 2026-27.
40. In view of the aforesaid, I shall now deal with rival contentions of the parties.

Interpretation of "due process for the Academic Year 2026-27"

41. The petitioners have contended that the Impugned Order dated 14.09.2026 is based on an erroneous construction of the expression "*due process for the Academic Year 2026-27*" and that the same must be read as the earlier application being carried forward as subsisting for the academic year 2026-27, especially in view of the Order of this Court dated 03.09.2026.



42. On the other hand, the respondents have contended that the phrase “*due process*” must necessarily include compliance with statutory provisions, whereby, after rejection, the applicant should submit a fresh application for the next session, and the same had not been done by the petitioners herein.
43. Section 28 of the Act with respect to the procedure for establishment of a new medical college reads as under:-

“28. Permission for establishment of new medical college.—

(1) No person shall establish a new medical college or start any postgraduate course or increase number of seats without obtaining prior permission of the Medical Assessment and Rating Board.

(2) For the purposes of obtaining permission under sub-section (1), a person may submit a scheme to the Medical Assessment and Rating Board in such form, containing such particulars, accompanied by such fee, and in such manner, as may be specified by the regulations.

(3) The Medical Assessment and Rating Board shall, having due regard to the criteria specified in section 29, consider the scheme received under sub-section (2) and either approve or disapprove such scheme within a period of six months from the date of such receipt:

Provided that before disapproving such scheme, an opportunity to rectify the defects, if any, shall be given to the person concerned.



(4) Where a scheme is approved under sub-section (3), such approval shall be the permission under sub-section (1) to establish new medical college.

(5) Where a scheme is disapproved under sub-section (3), or where no decision is taken within six months of submitting a scheme under sub-section (1), the person concerned may prefer an appeal to the Commission for approval of the scheme within fifteen days of such disapproval or, as the case may be, lapse of six months, in such manner as may be specified by the regulations.

(6) The Commission shall decide the appeal received under sub-section (5) within a period of forty-five days from the date of receipt of the appeal and in case the Commission approves the scheme, such approval shall be the permission under sub-section (1) to establish a new medical college and in case the Commission disapproves the scheme, or fails to give its decision within the specified period, the person concerned may prefer a second appeal to the Central Government within thirty days of communication of such disapproval or, as the case may be, lapse of specified period.

(7) The Medical Assessment and Rating Board may conduct evaluation and assessment of any medical institution at any time, either directly or through any other expert having integrity and experience of medical profession and without any prior notice and assess and evaluate the performance,



standards and benchmarks of such medical institution.

Explanation.—For the purposes of this section, the term “person” includes a University, trust or any other association of persons or body of individuals, but does not include the Central Government.”

- 44.** Furthermore, Regulation 9 of the MARB Regulations, which details the requirements that must accompany an application made under Section 28 of the Act, reads as under:-

“9. No application submitted by the eligible entity shall be entertained unless it is accompanied with –

a. Essentiality Certificate (EC) issued by the concerned State Government or Union Territory administration or the appropriate authority as the case may be unless otherwise specified. The EC shall be valid at the time of application; and

b. A Consent of Affiliation (CoA) letter obtained from a recognized university, issued in the name of the applicant entity in writing. The CoA shall be valid at the time of application; and

c. Documentary proof indicating the establishment of a corpus fund by the entity dedicatedly applicable to functioning of the new medical institution year after year; and

d. A solvency certificate issued by a Chartered Accountant within ninety days prior to the last date of submission of the application as mandated by the Notification issued by the



MARB; and

e. Documents by way of proof that such reasonable area of land is either owned or arranged under lease or such other arrangement by the eligible entity; and

f. Capabilities with regard to the provision of required basic infrastructure, administrative and financial support of the applicant, if the eligible entity is other than Central or a State Government or Union Territory administration; and

g. Documentary proof of owning or running a hospital of required capacity as indicated in the MSRs.

h. Proof indicating remittance of prescribed application fee and bank guarantee; and

i. Any such other documents are to be notified from time to time by the MARB.

Explanation 1—the period of validity of the EC indicated in (a) above shall be in accordance with that mentioned by the issuing authority for a period of three years from the date of issue or an earlier date if the issuing authority has specified.

Explanation 2 – the CoA obtained from a recognized university issued in the name of the eligible entity shall lose its validity after the application for which it was used. The eligible entity shall obtain a new CoA if the application is rejected.

Provided the CoA shall have a total life of three years from the date of its issuance or an earlier date if the issuing



authority has specified.

Explanation 3– Established medical institutions applying for seats for new medical courses, may be exempted from some of these documents as will be specified while calling the applications.

Provided any incomplete applications received, meaning applications without the mandated documents specified in the present Regulation, shall be rejected by the MARB.

Provided further that once rejected the eligible entity shall lose the chance of reapplying till the next window of opportunity in calling for the applications.”

45. The letter dated 19.12.2025 forwarded the second appeal of the petitioners on the ground of having become infructuous for the current academic session, in view of the timelines of counselling for 2025-26 having been elapsed. The said letter reads as under:-



2/3826356/250 140

BY SPEED-POST
o/c ANNEXURE P-14

No. / 11013/138/2022-ME-I (FTS 8195494)
Government of India
Ministry of Health & Family Welfare
Department of Health & Family Welfare
(Medical Education-I)

Nirman Bhawan, New Delhi
Dated: 19-12-2025

To

The Secretary,
National Medical Commission,
Pocket-14, Sector-8, Dwarka,
New Delhi-110077

Subject: 2nd appeals received in the ministry filed under the provisions of NMC Act, 2019 after stipulated time. -reg.

Sir,

I am directed to refer to the matter of 2d appeals received in the Ministry filed under the provisions of the National Medical Commission (NMC) Act, 2019 and to inform that the Ministry has received few 2nd appeals after 11.11.2025 in respect of Undergraduate (MBBS) matters for the Academic Year 2025-26. The details of these appeals are as under:

S No.	Name of the college	Subject
1	TRR Institute of Medical Sciences, Telangana	Increase intake of 100 MBBS seats from 150 to 250
2	Mandakini Institute of Medical Sciences and Hospital, Ranaghat, Nadia, West Bengal	Establishment of new medical college with 100 MBBS seats
3	MediCiti Institute of Medical Sciences, Telangana	Increase in intake of 50 MBBS seats from 150 seats to 200 seats
4	Mauli Medical College Hospital & Research Centre (MMC), Buldhana, Maharashtra	Establishment of new medical college with 150 MBBS seats

2. In this regard, it is informed that in accordance with the timelines of UG counselling after the approval of the Hon'ble HFM, this Ministry vide letter dated 25.11.2025 has conveyed that the 2nd appeals of medical colleges which were not considered till then have become infructuous for the current Academic Year 2025-26. Accordingly, NMC was directed to follow due process for the next Academic Year i.e. 2026-27 in respect of all such cases. It was further decided that no further

1

No. V.11013/138/2022-ME-I (Computer No. 8195494)

Signed By: ANSH
SRIVASTAVA
Signing Date: 14.10.2026
18:06



2nd appeal for UG courses for the Academic Year 2025-26 shall be accepted by this Ministry.

3. In light of the above, the four (04) 2nd appeals mentioned above are hereby forwarded to the National Medical Commission for taking further necessary action in accordance with due process for the Academic Year 2026-27, as per the aforementioned Ministry's letter dated 25.11.2025.

4. This issues with the approval of the competent authority.

Digitally

RAJNI BALA

Date: 19-12-2025

15:07:25 (Rajni Bala)

Under Secretary to Government of India

Tel No: 011 -23061342

46. The aforesaid letter dated 19.12.2025 neither adjudicated the second appeal on merits nor required the petitioners to file a fresh application. It forwarded the appeal to respondent No. 1 for further action in accordance with due process for the academic year 2026-27. If read as merely permitting the petitioners to apply afresh under Section 28 of the Act, then the word 'forwarded' to respondent No. 1/NMC mentioned in paragraph 3 of the said letter dated 19.12.2025 becomes meaningless.
47. The said letter dated 19.12.2025 does not entirely close the application of the petitioners but forwards the same to respondent No. 1. Had the respondent Nos. 1 and 2 intended that the Institute begins afresh, it would have directed the same while disposing of the said second appeal.
48. Furthermore, paragraph 2 of the said Letter dated 19.12.2025 records that the second appeals have become infructuous for the current academic year 2025-26 and that respondent No. 1 was directed to follow due process for the next academic year, i.e. 2026-27. This reference was specifically with regard to the appeals that had remained undecided. In fact, it is pertinent to note that the same paragraph also records that "*no further 2nd appeals for UG courses for the Academic Year 2025-26 shall*



be accepted". This shuts out appeals that were not yet filed. On the other hand, the pending appeals are forwarded for action in the next session.

49. The letter dated 19.12.2025 states that the second appeal has become infructuous due to the lapse of the counselling timeline for the academic year 2025-26. No findings as to the merits were recorded.
50. What follows from the absence of adjudication on merits is that the controversy between the petitioners and respondents remained undecided. If the respondents neither examined nor decided the second appeal on merits, the only coherent reading of the direction in the letter dated 19.12.2025 to the respondent No. 1 is that further necessary action in accordance with due process is to be taken, and the application of the petitioners would receive the examination on merits which the timelines had prevented, in the next academic session.
51. The aforesaid is further reinforced by the Order of this Court dated 27.01.2026 passed in W.P. (C) 17509/2025 which reads as under:-

"The issue whether the petitioners' earlier applications can and will be considered for 2026-27 shall be adjudicated once the petitions are heard and appropriate findings shall be rendered regarding the same."
52. Therefore, the question as to whether the earlier application could be considered for the academic session of 2026-27 was still open, and the determination of the same was expressly deferred to the hearing of the said writ petition bearing W.P. (C) 17509/2025 and connected matters.
53. The petitioners from the date of the aforesaid Order, i.e. 27.01.2026, were litigating before this Court. On 03.09.2026, the said writ petition



was disposed of. The Order dated 03.09.2026 reads as under:-

“6. Mr. Ahluwalia, learned senior counsel for the petitioners, draws my attention to an order of 19.12.2025 wherein the second appeal filed by the petitioners was disposed of. Paragraph No. 2 of the said order reads as under:-

"In this regard, it is informed that in accordance with the timelines of UG counselling after the approval of the Hon'ble HFM, this Ministry vide letter dated 25.11.2025 has conveyed that the 2nd appeals of medical colleges which were not considered till then have become infructuous for the current Academic Year 2025-26. Accordingly, NMC was directed to follow due process for the next Academic Year 1.e. 2026-27 in respect of all such cases. It was further decided that no further 2nd appeal for UG courses for the Academic Year 2025-26 shall be accepted by this Ministry."

7. He, on instructions states that the respondent No. 1 may be directed to follow the due process of law for the academic session 2026-27 and consider the case of the petitioners in accordance with its extant rules, regulations and guidelines.

8. Mr. Singh, leamed senior counsel for the respondent No. 1, on instructions states that due process would mean that the petitioner No. 1 would have had to make an application for the academic year 2026-27, which has not been so done.

9. However, since the second appeal directs the respondent



*No. 1 to follow due process for the academic year 2026-27.
I am of the view that respondent No. 1 should consider the
order of the second appeal and pass a speaking order.
10. In case the report of 28.11.2025 is required to be
considered, the same shall also be considered.”*

54. This Court in the aforesaid order clearly directed consideration of the inspection report dated 28.11.2025, if the same was so required. A report prepared, based on the assessment done for the earlier application, would serve no purpose before the authority if that application was deemed closed.
55. Therefore, it was incumbent upon the respondents to accordingly adjudicate the application for the petitioners on merits. However, the same was not done by the Impugned Order dated 14.09.2026. The operating reasoning in the Impugned Order is that in the absence of a fresh application, the earlier application cannot be treated as a fresh or subsisting application for the Academic Year 2026-27, and similarly, that the earlier inspection report dated 28.11.2025 cannot be considered at this stage. Therefore, the Impugned Order defeats the purpose of the directions by the Order of this Court dated 03.09.2026 as well as that of the letter dated 19.12.2025.
56. The foundation of the respondent Nos. 1 to 3's argument is that the petitioners did not file a fresh application for the academic year of 2026-27 overlooks the earlier sequence of events. The petitioners had applied on 17.01.2025 which well within time for the academic session of 2025-26. However, the Letter of Disapproval received by the petitioners on 13.10.2025, which was beyond the statutory timeline provided under



Section 28(3) of the Act, thereby leading to the delay in the adjudication of the appeals filed by the petitioners under the Act.

57. The petitioners had exhausted all their statutory remedies under the Act, first appeal under Section 28(5), second appeal under Section 28(6) on the first appeal having been rejected and even approaching this Court under writ jurisdiction simultaneously with filing of the second appeal.
58. The delay cannot be said to be attributable to the petitioners in the present case. The Letter of Disapproval was issued about three months beyond the statutory period. The second appeal was not decided before counselling for 2025-26 closed. After the respondent No. 4's letter dated 19.12.2025 forwarded the case to respondent No. 1 for action, no decision was taken by the respondent No. 1 until this Court, *vide* Order dated 03.09.2026, called for a speaking order, which was passed on 14.09.2026, after the date which was indicated for the same in the Order, i.e. 09.09.2026, had already passed.
59. In the aforesaid context, the petitioners have rightly placed reliance on ***Madhuri Sewa Nyas (supra)*** wherein the principle that no party should suffer due to procedural delays was affirmed and it was held that earlier application of the petitioner therein should be held as valid and subsisting for the current year if the delay is not attributable to the petitioner. The relevant paragraphs read as under:-

“44. With respect to the determination of the pertinent academic year, it is manifest from the factual matrix and evidentiary record that the academic year 2024-25, for which the Petitioner College had sought the grant of the Letter of Permission, has already lapsed. Consequently,



with the commencement of the new academic year 2025-26, the doctrine of actus curiae neminem gravabit mandates that no party should suffer due to procedural delays will apply here. In light of the foregoing, I am of the considered view that the Petitioner College's earlier application dated 16.09.2023 for the grant of the Letter of Permission ought to be duly considered for the current Academic Year 2025-26, ensuring compliance with the principles of ex debito justitiae.

45. Further it is evident from the records presented by Respondents No. 2, 3, and 4 that the National Medical Commission has issued a fresh Public Notice dated 19.12.2024 for the establishment and recognition of new medical colleges for the Academic year 2025-26, stipulating a one-month period for the submission of applications from the date of its issuance. Since the deadline for submitting applications along with all requisite documents has lapsed, thus considering the facts and circumstances of the case, the following directions are hereby issued, which shall be duly implemented and complied with by the concerned parties:
... ”

(emphasis supplied)

60. Therefore, I am of the view that the expression “*due process for the Academic Year 2026-27*” in the Letter dated 19.12.2025, read with Orders of this Court dated 27.01.2026 and 03.09.2026, is to be understood as preserving the application of the petitioners for the



preceding year for consideration by respondent No. 1 for the academic year of 2026-27 on merits, and not as merely recording their liberty to apply afresh in the next session as the time had already elapsed.

The “Zero Deficiency” inspection report dated 28.11.2025

61. The petitioners contend that the inspection report dated 28.11.2025 was prepared by respondent No. 1’s own inspectors, on a court-directed inspection, and recorded zero deficiencies in the Institute. The same cannot be disregarded by disputing the nature of the inspection, and the passage of time is the respondent No. 1’s own fault. On the contrary, the respondents contend that the inspection which was conducted for the academic session of 2025-26 cannot be used for the academic session of 2026-27 and that the same was also done with the prior knowledge of the petitioners.
62. The inspection report dated 28.11.2025 was prepared pursuant to the direction of this Court dated 18.11.2025, by the inspectors of the respondents themselves, and it records the position of the Institute with respect to faculty, infrastructure and various other parameters on which an institution is assessed under the statutory requirements. Certain relevant portions of the inspection report dated 28.11.2025 read as under:-



5. Salient points of assessment-

S No.	Major categories		Deficient/ Adequate
1	Manpower	Deficiency of Teaching Faculty (% deficient)	NIL
		Deficiency of Tutor/ Residents/Demonstrators(% deficient)	NIL
2	College Infrastructure		Available and Adequate
3	Availability of Equipment in each Department		Available and Adequate
4	Hostel facility		Fully furnished with A.C Facility Available and Adequate
4	Committees		Available and Adequate
5	Skill Lab		Available and Adequate
6	Quality medical education and evaluation process (MEU, Curriculum, T- L Methods, Feedback, Assessment methodology etc.,)		Available and Adequate
7	Faculty (Professor, Associate Professor, Asst. Professor & Sr Resident)		Available and Adequate. In most of the departments there is Excess faculty, Sr. Residents & Tutor/Demonstrators
8	Teaching facility		Available and Adequate
9	Research Lab		Available and Adequate
10	AEBAS (Aadhar Enabled Biometric Attendance System)		Available, Adequate and verified
11	Hospital Infrastructure		Available and Adequate
12	Clinical Material		
	Investigations (numbers adequate or not)		Adequate
	Equipment available as per schedule III of UG MSR 2023		Available and Adequate
13	Variety of Surgical Procedures		Available and Adequate

63. I am of the view that inspection of a medical college's faculty and infrastructure is important for grant of permission. The last inspection was conducted on 28.11.2025 by the respondents of the Institute and the inspection report for the same showed zero deficiencies. That being said, a substantial time has lapsed since the last inspection was conducted. Accordingly, if the respondents so desire, they have the liberty to carry out a fresh inspection of the Institute as per extant rules and regulations, keeping in view the timelines for counselling of the academic year 2026-27.

Validity of the Impugned Order

64. The petitioners have contended that the Impugned Order dated 14.09.2026 is perverse on its face since the same travels beyond the basis of earlier scrutiny of the petitioners' application being rejected and directions of the Court *vide* order dated 03.09.2026. The Impugned



Order also ignores Explanation 2, Clause 9 of the MARB Regulations, wherein only a fresh CoA was required after rejection. On the other hand, the respondents contend that the Impugned Order is in accordance with the Act and MARB Regulations, under which a rejected applicant can apply only when the next window opens, and no application was filed by the petitioners for 2026-27.

65. *Vide* order dated 03.09.2026, this Court had clearly stated that since the second appeal directs respondent No. 1 to follow due process for the academic year 2026-27, respondent No. 1 should consider the order of the second appeal and pass a speaking order, and that the report dated 28.11.2025 should also be considered if it is so required.
66. However, the Impugned Order does not do so. Its operative reasoning is that, in the absence of a fresh application, the earlier application cannot be treated as subsisting for 2026-27. An order which, in the guise of compliance, adopts a position that already existed before the court's express direction for consideration and passing of a speaking order, and thereby leaves nothing to be considered, cannot be said to be a consideration of this court's Order dated 03.09.2206 and respondent No. 4's letter dated 19.12.2025.
67. The relevant portion of the Impugned Order reads as under:-
- “NOW, THEREFORE, having regard to the facts and circumstances of the case, the applicable statutory and regulatory framework, the proceedings arising out of Application ID No. NMC/UG/2025-26/000035, the second-appeal proceedings, the inspection report dated 28.11.2025, and the directions contained in the order dated 03.09.2026*



passed by the Hon'ble High Court of Delhi in W.P. (C) No. 17509/2025, it is hereby ordered as follows:

- 1. The application bearing Application ID No. NMC/UG/2025-26/000035, having been submitted for Academic Year 2025-26, cannot be treated as a fresh or subsisting application for Academic Year 2026-27 in the absence of a fresh application submitted by the applicant for the said academic year.*
- 2. The inspection report dated 28.11.2025 has been duly considered. However, the same cannot be treated as a substitute for the inspection/assessment required in respect of a fresh application for the Academic Year 2026-27.*
- 3. The applicant's request for consideration of its earlier application (having a deficiency for AY:2025-26 itself) for Academic Year 2026-27 cannot, therefore, be acceded to in the absence of a fresh application for Academic Year 2026-27.*
- 4. The applicant shall be at liberty to submit an application in accordance with the application process applicable to the relevant academic year, subject to the applicable statutory and regulatory requirements and timelines. Any such application shall be considered independently and on its own merits in accordance with the law.*
- 5. The present order is passed as a reasoned and speaking order in compliance with the directions contained in the order dated 03.09.2026, passed by the Hon'ble High Court*



of Delhi in W.P. (C) No. 17509/2025.”

68. The Hon’ble Supreme Court in ***State of Uttaranchal v. Sunil Kumar Vaish, (2011) 8 SCC 670*** observed that any judicial conclusions reached without a material foundation amount to miscarriage of justice. The relevant paragraphs read as under:-

“18. Judicial determination has to be seen as an outcome of a reasoned process of adjudication initiated and documented by a party based mainly on events which happened in the past. Courts' clear reasoning and analysis are basic requirements in a judicial determination when parties demand it so that they can administer justice justly and correctly, in relation to the findings on law and facts. Judicial decision must be perceived by the parties and by the society at large, as being the result of a correct and proper application of legal rules, proper evaluation of the evidence adduced and application of legal procedure. The parties should be convinced that their case has been properly considered and decided.

19. Judicial decisions must in principle be reasoned and the quality of a judicial decision depends principally on the quality of its reasoning. Proper reasoning is an imperative necessity which should not be sacrificed for expediency. The statement of reasons not only makes the decision easier for the parties to understand and many a times such decisions would be accepted with respect. The requirement of providing reasons obliges the Judge to respond to the



parties' submissions and to specify the points that justify the decision and make it lawful and it enables the society to understand the functioning of the judicial system and it also enhances the faith and confidence of the people in the judicial system.”

69. The Impugned Order travels beyond the remit of the Order of this Court dated 03.09.2026. It reproduces the entire list of discrepancies noted during the scrutiny of the application for 2025-26. The relevant portion of the Impugned Order reads as under:-

3. WHEREAS, the said application was scrutinised in accordance with the statutory and regulatory framework applicable to Academic Year 2025-26 and certain deficiencies, including deficiencies relating to the Consent of Affiliation, were noticed as under;

Sl. No	Application ID	Discrepancies observed during the scrutiny of the application
(a)	NMC/UG/2025-26/000035	In light of the comments of the Legal section and the US (UGMARB) w.r.t. the above application, the following deficiencies are also observed, i. Para 6 (CoA) - CoA dated 17-01-2025 is from 50 to 100 seats, whereas the college has not even started. Clarification may be sought. ii. Para 4 (Constitution) - There is overwriting by hand in the name of the Society in the Memorandum of Association of the Society. Further, this document doesn't mention the power/objective of the Society to establish a Medical College.



	iii. Para 9 (Managerial Capability) - Not clearly mentioned the head of the existing hospital. iv. Para 12 (Market Survey) - The document attached seems to be an old document, as it referred year 2022 & 2023 as future years in a number of places in the document. May not be accepted. v. Para 13 (Site Characteristics) - Permissible floor space index, Ground coverage, Building height, Road access, Availability of public transport, Electric supply, Water supply, Sewage connection, Communication facilities - Not found. vi. Para 17 (Manpower program) - Salary structure, Recruitment procedure, and recruitment calendar are not available. vii. Para 18 (Building Program) - Required details not found. viii. Para 21 (Project Cost) - Required details not found. ix. Para 26 (Proof of ownership of existing hospital) - The College doesn't own any hospital. It has made an agreement with a hospital to supplement the requirements of the hospital for the Medical College. Further, the Hospital got its registration renewal certificate for the period from 06-12-2024 to 24-03-2025. x. Para 27 (Details of existing hospital) - All required details not found. xi. Para 28 to 41 (Documents related to Expansion/updated program) - required details not found.
--	--

70. However, the Letter of Disapproval dated 13.10.2025 rested on two grounds only, i.e. absence of a valid CoA and the absence of the ownership of the teaching hospital. Subsequently, the first appeal was rejected only on the basis of a valid CoA not having been submitted in due time and the fact that a physical inspection could not be conducted. The order dated 03.09.2026 did not authorise a fresh scrutiny of the petitioners' application or resurrection of grounds on which the respondents themselves had not relied in the earlier adjudication of the petitioners' application.
71. The Impugned Order also does not deal with the revised CoA dated 11.09.2025, issued by the West Bengal University of Health Sciences



and forwarded to the respondents *vide* email dated 21.09.2025, prior to the Letter of Disapproval.

72. Furthermore, the reliance placed by the Impugned Order on Regulation 9 of MARB Regulations is also misplaced. The said Explanation provides that the CoA shall lose its validity after the application for which it was used, and that the eligible entity shall obtain a new CoA if the application is rejected. The petitioners have obtained the revised CoA on 11.09.2025, which, as per the proviso to Explanation 3, has a life of three years from its issuance.
73. The respondents also rely on the final proviso to Regulation 9, which provides that once an application is rejected, the eligible entity loses the chance of reapplying until the next window. However, the same is in the context of a preceding proviso concerning incomplete applications and operates in cases where an application is rejected for want of the documents mandated by the Regulation. The said proviso cannot be said to be applicable in the present case, insofar as the revised CoA dated 11.09.2026 has not been considered by the Impugned Order.
74. Furthermore, the Impugned Order states that the petitioners wilfully did not file a fresh application for academic year 2026-27. The relevant extract reads as under:-

“26. AND WHEREAS, the applicant wilfully not submit a fresh application for the establishment of a new medical college for the Academic Year 2026-27 in accordance with the application process notified by the Commission.”

75. *Vide* Order of this Court dated 27.01.2026, the question whether the earlier application could be considered for 2026-27 was pending before



this Court and was expressly kept open. A litigant who awaits the outcome of such adjudication cannot be said to have acted to its detriment by not applying afresh.

76. I am of the view that the consequences imposed upon the petitioners are disproportionate. The effect of the Impugned Order is to exclude the Institute from the academic year 2026-27 altogether, and the same does not flow from any adverse finding on the merits of the application, but from the absence of a subsequent application, the necessity of which was itself the question pending before this Court.
77. In the face of a report of the respondents' own inspectors recording no deficiency, the exclusion of the Institute without a reasoned examination on merits is arbitrary and violative of Article 14 of the Constitution.
78. In view of the aforesaid, the Impugned Order dated 14.09.2026 cannot be sustained and is liable to be set aside.

CONCLUSION

79. In view of the findings recorded above, I am of the opinion that the Institute has already been denied consideration for the last academic session on account of timelines substantially lost in the hands of the respondents. In the said circumstances, there is no justification for requiring the petitioners to wait for yet another session.
80. It cannot be overlooked that the petitioners have incurred huge expenditure in setting up the Institute, including developing infrastructure and payment of salaries to its teachers. The same has to be kept in mind by the Court while granting relief.
81. Accordingly, the writ petition is allowed in terms of the following directions:-



- i. The respondents shall treat the earlier application bearing Application ID No. NMC/UG/2025-26/000035 as a valid and subsisting application for the academic year 2026-27.
 - ii. Accordingly, the respondents shall be at liberty to carry out a fresh inspection of the Institute, in accordance with the provisions of the Act as well as the MARB Regulations. The same must be done keeping in view the counselling timelines for the academic year 2026-27.
 - iii. If the respondents, after the fresh inspection, find the Institute in order, the petitioners shall be entitled to participate in the counselling for the academic year 2026-27, in the third round (i.e. stray round/spot round) or, if the said round has concluded, in the next available round, and the respondents shall take all consequential steps to ensure the same.
- 82.** In view of the aforesaid, the petition is disposed of, along with pending applications, if any.
- 83.** The documents handed over in court are taken on record.

JASMEET SINGH, J.

OCTOBER 14th, 2026/(SR)