



\$~61

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

CNR No. DLHC010472592026

Date of decision: 15.10.2026

+ **W.P.(C) 14510/2026 & CM APPL. 67983/2026**

LEELAWATI DEVI EDUCATIONAL TRUST & ANR.

.....Petitioner

Through: Mr. Kirtiman Singh, Sr. Adv. with
Mr. Utkarsh Jaiswal, Mr. Ritwik
Saha, Advs.

versus

NATIONAL MEDICAL COMMISSION & ORS.

.....Respondent

Through: Mr. Raman Kapur, Sr. Adv. with
counsel
Ms. Avshreya Pratap Singh Rudy,
CGSC 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 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 Letter of Disapproval dated 13.07.2026 bearing



No. N-22011/21/2026- Assessment Cell/MARB (8396635) issued by the Respondent No. 2, whereby the Petitioners' scheme/application No. NMC/UGN/2026- 2027/0078 for the establishment of CRK Medical College & Hospital, Hajipur, District Vaishali, Bihar with an annual intake of 150 MBBS seats for the Academic Year 2026-27 has been disapproved;

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 order dated 13.08.2026 bearing No. CDN-16013/6/2026-CDNNMC passed by the Respondent No. 1 and communicated on 24.08.2026;

c. Issue a writ of CERTIORARI or any other writ, order or direction of a like nature quashing and setting aside the impugned order dated 25.09.2026 bearing No. V.11013/70/2026-ME-I passed by the Respondent No. 4 in the Petitioners' Second Appeal under Section 28(6) of the National Medical Commission Act, 2019;

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 physical assessment/inspection of the Petitioner College and of its teaching hospital within a period of seven days from the date of the order of this Hon'ble Court, taking into account the Blood Centre Licence dated 21.07.2026, the AERB Registrations dated 15.07.2026 and 16.07.2026 and the faculty appointment at the Petitioner College;



- e. Issue a writ of MANDAMUS or any other writ, order or direction of a like nature directing the Respondent Nos. 1 and 2 to take into consideration the assessment report so obtained and to take a reasoned and speaking decision having regard to the criteria specified in Section 29 of the National Medical Commission Act, 2019 and after affording an opportunity to rectify defects, if any, in terms of the proviso to Section 28(3) thereof, within a period of three days from the conclusion of the said assessment; ...”*
2. The brief facts of the case are that the petitioners established CRK Hospital at Hajipur, District Vaishali, Bihar. The petitioner thereafter sought to establish CRK Medical College & Hospital with an annual intake of 150 MBBS seats for the academic year 2026 - 2027 and submitted an application bearing No. NMC/UGN/2026-2027/0078 dated 28.01.2026 to the respondents.
 3. The petitioners contends that the proposed medical college is supported by an existing teaching hospital having 610 beds, the requisite building completion and occupancy certificates, an Essentiality Certificate dated 06.10.2025 issued by the Government of Bihar, and a Consent of Affiliation dated 22.01.2026 issued by the Bihar University of Health Sciences.
 4. On 22.04.2026, respondent No. 2 issued a Show Cause Notice under Clause 13 of the Regulations of 2023, raising nine documentary deficiencies. The petitioner submitted its point-wise response on 29.04.2026, along with supporting documents, and requested that the assessment be conducted.



5. Subsequently, on 13.07.2026, respondent No. 2 issued a Letter of Disapproval, citing, inter alia, AEBAS attendance data, the request for extension of the assessment, the absence of a licence for the college's own Blood Centre, and the absence of operational approval from the Atomic Energy Regulatory Board (AERB).
6. The petitioners contends that the deficiencies concerning the Blood Centre and the operational approval were subsequently rectified. The AERB issued registrations for the operation of the diagnostic X-ray equipment on 15.07.2026 and 16.07.2026, respectively, and the Blood Centre Licence was granted on 21.07.2026.
7. Aggrieved by the Letter of Disapproval dated 13.07.2026, the petitioner preferred a First Appeal under Section 28(5) of the National Medical Commission Act, 2019. The appeal was heard virtually on 04.08.2026, and the petitioner was informed on 06.08.2026 that the appeal had been rejected and that a detailed order would be issued separately.
8. The detailed order of the First Appellate Committee, bearing the date 13.08.2026, was communicated to the petitioner only on 24.08.2026. The petitioner thereafter preferred a Second Appeal under Section 28(6) of the Act on 19.08.2026 and subsequently filed a Supplementary Memorandum dated 26.08.2026, raising additional grounds against the decision of the First Appellate Committee.
9. The Second Appeal was heard on 09.09.2026 by the Technical Expert Group and the Committee of Officers of respondent No. 4. However, vide order dated 25.09.2026, the Second Appeal was rejected. Aggrieved thereby, the petitioner has approached this Court



challenging the Letter of Disapproval dated 13.07.2026, the First Appellate Order dated 13.08.2026, as communicated on 24.08.2026, and the Second Appellate Order dated 25.09.2026.

10. Learned senior counsel appearing on behalf of the petitioner submits that the impugned order dated 25.09.2026 fails to consider the additional grounds raised in the Supplementary Memorandum dated 26.08.2026. It is contended that the assessment initiated by respondent No. 2 was never completed, and no fresh date was fixed despite the request for extension having been countersigned by all three assessors.
11. Learned senior counsel further submits that the Letter of Disapproval relied upon AEBAS attendance data, which had not been put to the petitioner before the disapproval was issued. It is also submitted that the deficiencies concerning the Blood Centre Licence and the AERB approvals had been rectified before the First Appeal was filed. In these circumstances, the rejection of the appeals without an effective consideration of the petitioner's submissions is stated to be arbitrary and contrary to the principles of natural justice.
12. Mr. Kapur, learned senior counsel appearing on behalf of respondent Nos. 1 and 2, supports the impugned order and submits that the petitioner's application was examined in accordance with the applicable Regulations and was disapproved on account of substantive deficiencies. He further submits that the Second Appellate Committee considered the petitioner's submissions and found no ground to interfere with the decision of MARB.
13. Having heard learned senior counsel for the parties and perused the



material placed on record, I am of the view that the principal issue requiring consideration is whether the Second Appellate Committee duly considered the grounds raised by the petitioner in its Supplementary Memorandum dated 26.08.2026.

14. In this regard, it would be appropriate to refer to the relevant portions of the impugned order dated 25.09.2026. Paragraph 10, sub-paragraphs (vi) to (x), of the said order read as under:

“10. vi. Aggrieved by the decision of MARB, the College preferred a First Appeal before NMC vide letter dated 26.07.2026, and the appeal was heard virtually on 04.08.2026. Thereafter, NMC communicated to the College vide email dated 06.08.2026 that the Appeal Committee had rejected the appeal and that a detailed order would be issued separately.

vii. The Committee noted that the principal ground raised by the College in the present Second Appeal relates to non-receipt of the detailed and reasoned First Appeal order and the request made by the College to NMC for a fresh and effective hearing before finalisation of the detailed order. However, the record establishes that the First Appeal was heard by NMC on 04.08.2026, and the Appeal Committee thereafter communicated its decision to reject the appeal. The order was issued on 13.08.2026.

viii. The Committee considered the submissions made by the College regarding the absence of the detailed First Appeal order. However, the said procedural grievance does not by



itself address or displace the substantive deficiencies recorded by MARB in respect of the College's application. The deficiencies relating to faculty, statutory approvals and other essential requirements had been specifically considered during the assessment and had formed the basis for disapproval of the proposal.

ix. The Committee further observed that the College was afforded an opportunity to address the deficiencies through the Show Cause Notice dated 22.04.2026, and the College submitted its compliance on 29.04.2026. Nevertheless, the deficiencies were not satisfactorily resolved, as evident from the subsequent findings of MARB. The material placed before the Committee in the Second Appeal also does not establish that the fundamental deficiencies existing at the relevant stage had been satisfactorily removed.

x. In view of the above, the Committee is of the considered view that the grounds raised by the College in the Second Appeal, including the grievance regarding non-availability of the detailed First Appeal order do not provide sufficient basis for interference with the decision of MARB, particularly when the substantive deficiencies forming the basis of disapproval have not been satisfactorily addressed.”

15. A perusal of the aforesaid paragraphs indicates that the Second Appellate Committee primarily considered the grievance concerning the non-availability of the detailed First Appellate Order and the



substantive deficiencies recorded by MARB. However, the order does not demonstrate that the additional grounds raised by the petitioner in the Supplementary Memorandum dated 26.08.2026 were considered and adjudicated upon.

16. To my mind, the purpose of a statutory appeal is to examine the grounds of challenge raised by the aggrieved party against the order under appeal. Where additional grounds are brought to the notice of the appellate authority, particularly grounds directed against the reasons subsequently furnished in support of the original decision, the authority is required to consider those grounds and render an appropriate decision thereon.
17. In the present case, the detailed First Appellate Order was communicated to the petitioner only on 24.08.2026, whereas the Second Appeal had already been preferred on 19.08.2026. The petitioner thereafter submitted a Supplementary Memorandum dated 26.08.2026, raising additional grounds. In these circumstances, the Second Appellate Committee was required to consider the additional grounds while deciding the appeal. The impugned order does not reflect such consideration.
18. I am, therefore, of the view that the Second Appellate Order dated 25.09.2026 does not effectively adjudicate the grounds raised by the petitioner and cannot be sustained on this ground. The matter consequently warrants reconsideration by the competent appellate authority.
19. Having said that, it is also necessary to clarify that this Court, in exercise of its jurisdiction under Article 226 of the Constitution of



India, is not equipped to undertake the technical assessment required to determine whether the petitioners satisfies all the statutory and regulatory requirements for establishing a medical college with an annual intake of 150 MBBS seats. Such assessment falls within the domain of the competent expert authorities.

20. In view of the aforesaid discussion, the writ petition is disposed of with a direction to respondent No. 4 to reconsider the petitioners' Second Appeal dated 19.08.2026, along with the Supplementary Memorandum dated 26.08.2026, and pass a fresh, reasoned order after considering the grounds raised therein.
21. Since the counselling process for the academic year 2026 - 2027 is underway, respondent No. 4 is directed to undertake the aforesaid exercise expeditiously and, preferably, within seven days from the date of uploading of this order.
22. It is clarified that this Court has not expressed any opinion on the merits of the petitioners' eligibility for establishing the proposed medical college. All questions concerning compliance with the applicable statutory and regulatory requirements shall be considered by the competent authority in accordance with law.
23. With the aforesaid directions, the writ petition stands disposed of.
24. The counter affidavit handed over in Court today is taken on record.

JASMEET SINGH, J

OCTOBER 15, 2026/sp
(corrected and uploaded on 17.10.2026)