

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15274 of 2025**

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PATEL STUTI VAISHALKUMAR
Versus
UNION OF INDIA & ORS.

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Appearance:

MR SHUBHAM JHAJHARIA(10231) for the Petitioner(s) No. 1
MR HARSHEEL D SHUKLA(6158) for the Respondent(s) No. 1,2
MR KV SHELAT(834) for the Respondent(s) No. 4
MS MANISHA LAVKUMAR(1010) for the Respondent(s) No. 5

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 17/11/2025****ORAL ORDER**

1. Heard Learned Advocate Ms.Kruti Shah with Learned advocate Mr.Subham Jhajariya for the petitioner, Learned Additional Advocate General Ms. Manisha Lavkumar Shah with Mr.Kanva Antani for respondent No.5 i.e. Admission Committee for Professional Under Graduate Medical Educational Courses (ACPUGMEC), Learned advocate Mr.Harsheel Shukla for respondent Nos.1 and 2, Learned advocate Mr.Vikas Nair for respondent No.3 Mr.K V Shelat for respondent No.4 and Learned Advocate, Mr. Anuj Trivedi for respondent No.6.

2. The matter was extensively heard on 13th and 14th November 2025, and detailed orders were passed on both days. As I am apprised of the fact that the fourth round of admission to the MBBS course is going on at present instead of

narrating the facts elaborately, the interest of justice will be served if the order dated 13th November 2025 is reproduced to give an idea about the controversy involved in the petition in question.

3. Following order was passed by this court on 13th, November 2025;

“ 1. It was appraised to the Court by learned advocate Ms. Kruti Shah appearing with Mr. Shubham Jhajharia that the petitioner is a meritorious student who initially sought admission in Dr. N. D. Desai Faculty of Medical Science and Research, Nadiad where she completed all the formalities which she was supposed to complete to get admission in MBBS Course. Later on, in the 3rd round of admission, she opted for respondent No.6 College – Narendra Modi Medical College where also, admission was granted to her. However, as per the procedure laid down by the Committee, after downloading the allotment order, upon payment of fees, a student would be given Provisional Admission Order and upon submission of that Provisional Admission Order, only his or her admission would be reported in the system and the seat would be shown as filled up. In the instant case, upto the payment of fees, the petitioner has followed the procedure, but thereafter, upon someone’s advice that now upon payment of fees, she is not required to submit the Provisional Admission Order on the helpdesk and, therefore, a seat was shown as vacant in the system of respondent No.5. Now, a situation has

arisen whereby the petitioner's admission would be cancelled and the seat for which she has already paid the fees would be allotted to someone else and despite payment of fees, her career would be ruined. Ms. Shah, therefore, prayed that in view of above bonafide mistake, it may not happen that the career of meritorious student is ruined as the petitioner has already secured admission and even studied the class of MBBS, she was also made a part of Whatsapp group created by the College and in the attendant sheet also, the petitioner has signed. Therefore, when there is a question about saving a student's career, the Court while considering Rules and technicalities may also consider that there is no fault on the part of the student and, therefore, a sympathetic view is required to be taken and her career is required to be saved as she is otherwise found to be meritorious and there is no allegation about any mal- practice or otherwise are alleged against her.

2. Learned advocate Mr. Kanva Antani appearing for respondent No.5 submitted that as such, as per the procedure laid down, the petitioner cannot be said to have taken admission in the respondent No.6 College since she did not report and could not be granted Provisional Admission Order. He further states that as the petitioner could not submit the Provisional Admission Order, her seat was not reported and, therefore, the same was shown as vacant and today, 4th round of admission is going on and it may be possible that during the course of the day or by now, the said seat might be allotted to someone. However, learned advocate Mr. Antani states

that considering the fact that the present petitioner has followed the same procedure while she was granted admission in Dr. N. D. Desai Faculty of Medical Science and Research, Nadiad as well as considering the fact that the petitioner has already taken appointment for submission of Provisional Admission Form at the Helpdesk, it is hard to believe the petitioner's version that the petitioner was advised by someone that submission of Form would not be required. He, therefore, prayed that once the petitioner has lost the chance to submit the Provisional Admission Form and once her seat has already been shown as vacant seat, the petitioner may not be given one more chance to claim the seat on which the admission was never granted to the petitioner.

3. Upon a query from the Court as to whether the respondent No.6 College has accepted the fees from the petitioner or not, learned advocate Mr. Anuj Trivedi appearing for respondent No.6 College submitted that the fees are directly paid to the Admission Committee represented by learned advocate Mr. Antani and upon acceptance of admission and submission of Provisional Admission Form, the same would usually be disbursed to the concerned College. Even learned advocate Mr. Antani could not dispute the aforesaid facts.

4. Be that as it may, the main question before the Court is that merely because a small mistake committed by the student, whether the authorities can be permitted to cancel her admission which would result in ruining her career and which would shatter her dreams of becoming

a Doctor can be permitted. It is also appraised to the Court that the 4th round of admission is going on today and the things would be clear only upon completion of 4th round of admission.

5. Considering the above facts, learned advocate Ms. Kruti Shah submitted that looking to the age of the petitioner and the controversy involved wherein except for the fact that the petitioner due to her innocence accepted the version of someone that now she is not required to submit the Provisional Admission Form, nothing can be alleged against the present petitioner and, therefore, the interest of the meritorious student is required to be protected by the Court and if today, one seat that is being occupied by the petitioner is not directed to be kept vacant, an irreparable loss would be caused to the career of the petitioner and, therefore, this Court may protect the career of the petitioner by directing the respondents to keep the seat held by the petitioner vacant.

6. In view of the above submission, looking to the overall facts and circumstances of the case, as it prima facie, that even the respondent No.5 also could not deny the fact that the petitioner is a meritorious student, and on her own merit, got the admission in respondent No.6 College and it is merely because of some misunderstanding, without going into the fact that whether it was a genuine misunderstanding or a blunder committed by the petitioner, as alleged by learned advocate Mr. Antani, the fact remains that she was fallen

in the merit and the seat held by her was actually allotted to the petitioner by respondent No.5, interest of justice would be served that till the next date of hearing, the respondents are directed to keep the seat held by the petitioner vacant for which she has paid the fees, but the said seat could not be reported and is shown as vacant. Accordingly, the respondents are directed to act accordingly.

7. At this juncture, upon an apprehension was shown by learned advocate Ms. Kruti M. Shah that as the 4th round of admission is going on, this Court directs that if the seat which is held by the petitioner is not allotted till 12.05 p.m., in that case, the above seat is directed to be kept vacant and may not be allotted to any other student till the next date of hearing.

Direct service is permitted today.

Learned advocates Mr. Kanva Antani, Anuj Trivedi, Harsheel Shukla and Vikas Nair are directed to appraise their respective clients about this order and they may forward the copy of this order to their respective clients as soon as it is made available to them.

Stand over to 14.11.2025.”

4. Thereafter, the matter was adjourned to the next day, i.e. 14th November 2025. On that day, upon a request made by learned Advocate Ms. Kruti Shah, the matter was adjourned to

today.

5. In the meantime, it was apprised that the fourth round of admission is going on today, and therefore, the matter was kept today.

6. Today, I have heard Learned Advocate Ms.Kruti Shah, Learned Additional Advocate General, Ms. Manisha Lavkumar Shah and Learned Advocate, Mr.Anuj Trivedi and all other counsels appearing for the respective clients.

7. As can be seen from the petition, the petitioner, who is a meritorious candidate, did not submit the previous round admission order as in the third round of admission, wherein, she opted for respondent No. 6 college, and her admission could have been regularized only upon submitting the previous round provisional admission order to the helpdesk, as in that case the helpdesk would upload the aforesaid provisional admission order and, on the basis of that, her seat could have been shown on the website as admitted.

8. In the instant case, it is the case of the petitioner that though she tried to submit the aforesaid provisional admission order, on account of some misunderstanding or some wrong

advice given by the college staff, she did not submit the provisional admission order to the help center, and that is how her seat was not shown as admitted but was shown as not reported.

9. A detailed affidavit is filed by respondent No. 5 and today, a rejoinder is also filed by the petitioner. However, perusal of the affidavit-in-reply and the rejoinder would only indicate that it is a word against word, and though it is an admitted position that the petitioner did not submit the provisional admission order to the helpdesk in time, her admission was cancelled and the seat was shown as not reported, and that is how the petitioner is before this Court.

10. At the outset, learned Additional Advocate General Ms. Shah has stated that the petitioner was well aware about the fact that which procedure is to be adopted. It is a case of negligence on the part of the petitioner, as when the petitioner got admission in Dr. N. D. Desai Faculty of Medical Science and Research, Nadiad, she was required to submit the following documents at the help center;

- 1) Provisional Allotment Letter
- 2) Tuition Fee Receipt
- 3) Std 10th (SSC) Mark-sheet

- 4) Std. 12th (HSC) Mark-sheet
 - 5) Copy NEET UG-2025 Mark-sheet
 - 6) School leaving certificate/Transfer certificate (Compulsory) & Birth certificate/Passport (If Birth place is not mentioned in School Leaving Certificate/Transfer Certificate)
 - 7) Physical Fitness Certificate
 - 8) Category EWS (Economically Weaker Sections) certificate issued by Competent Authorities of Gujarat State only
- Candidate has to bring Envelope Size (11 x 15 inch).

11. It was elaborately stated before the Court that the aforesaid documents were required to be submitted at the helpdesk, and upon submission of the above documents only, the petitioner would get the provisional admission order, as the earlier document that was required to be submitted was termed as the provisional allotment letter, and the later document is termed as the provisional admission order.

12. Upon submission of the provisional admission order, the petitioner started studying in the college at Nadiad after payment of fees and thereafter, in the next round of admission, the petitioner upgraded her choice and opted for respondent No. 6 college. Upon updation, she also paid the difference of the fees, i.e. around Rs.1,63,000/-, which was duly accepted, and thereafter, just like the earlier procedure, the petitioner was issued a provisional admission order; but as

per the procedure, since in the first round, the petitioner's original documents were already submitted to the erstwhile college, this time all that was required to be done by the petitioner was to submit the original provisional admission order along with an envelope to the helpdesk. In the instant case, the petitioner failed to submit the original provisional round admission order along with an envelope to the helpdesk and therefore she was not given the admission order by the helpdesk, which she was required to submit before the respondent No.6 college to confirm her admission. Though the petitioner was added in a WhatsApp group for the students of first year MBBS and she started studying in the college, in view of the fact that the petitioner did not submit the original previous round admission order, she was not given the admission order of respondent No.6 college, and that is how her seat was not considered to be admitted but was considered to be not reported. That is how she was not allowed to study any further in the respondent No.6 college and her seat was reported as not admitted, and that is how the petition is preferred.

13. All that was argued by learned Advocate Ms. Shah in her rejoinder was that even if the petitioner's case can be termed as a case of sheer negligence, merely because of her

negligence, her career must not be allowed to suffer, as the petitioner is only an 18-year-old girl and there is no doubt about the fact that she is a meritorious candidate. Whatever mistake is attributed to her even if it is termed as negligence, though her case is that of some mistake, the same can be rectified by the Court by imposing an appropriate penalty upon the petitioner and by issuing suitable directions. Ms. Shah further submitted that the mistake or negligence, whatever it may be termed, remains a bona fide one on the part of the petitioner and, therefore, this Court may show some leniency upon the student considering her age and bright academic career, and accordingly this Court may regularize her admission by imposing suitable costs and by giving suitable directions to the respondents.

14. Learned Additional Advocate General Ms. Shah vehemently opposed the petition and submitted that the admissions are governed by the Rules framed by the governing body governing the admission, and even the slightest deviation from the Rules would disentitle the petitioner from claiming admission. However, she was not in a position to dispute the fact that the only shortcoming on the part of the petitioner was that she did not submit her provisional round admission order to the respondent No. 6 college, and could obtain a

fresh admission order from the helpdesk and could not submit it to respondent No.6 college. It is also an undisputed fact that the petitioner has paid a difference of fees to the tune of Rs.1,63,000/- and she has studied in the respondent No.6 college for a few days. Further, there is no dispute about the petitioner's merit, as she is higher in merit compared to the students who are applying for medical admission in the stray round, that is, the fourth round, and therefore Ms. Shah, while vehemently opposing the petition, submitted that such kind of practice is not required to be encouraged and such practice is required to be deprecated. Hence, she prayed for dismissal of this petition.

15. Learned advocate Mr. Anuj Trivedi also vehemently opposed the submission of Ms. Shah, learned advocate for the petitioner, which would attribute the negligence to the staff of the college. At this juncture, considering the larger issue about the career of a student, I do not propose to go into allegations and counter-allegations and choose to leave the issue there itself.

16. I have heard learned advocates for the counsels for the parties and perused the record.

17. On perusal of the record, I found that there is nothing against the present petitioner which can be termed as any misconduct or any malpractice attributable to the present petitioner. The fact remains that the present petitioner has a brilliant academic career, and on that basis, she secured sufficient marks in the NEET examination to be considered for admission to the MBBS course. Of course, it is true that the petitioner could not follow the procedure prescribed for seeking admission, as during the course of submissions, learned Additional Advocate General Ms. Shah also submitted that the entire procedure was given wide publicity and was made known by way of various posters, hoardings and placards which were displayed at various places in the helpdesk as well as in the college premises, and therefore this is certainly a case of negligence on the part of the petitioner. But at the same time, sometimes it so happens that a person who may be having a brilliant academic career has not focused on other aspects of life and therefore she has missed out the procedure, which must not prove costly to a meritorious student because ultimately, even if the Rules do not permit even the slightest deviation, if her admission is cancelled, the resultant effect would be that a meritorious candidate would be deprived of admission to the MBBS course and that seat would go to a less meritorious student, which ultimately is not in consonance

with the scheme of admission, which is framed by the governing body. At this juncture, this Court asked learned advocate Ms. Kruti Shah whether the petitioner, who is only an 18-year-old girl and has committed a mistake by not following the procedure prescribed by the Rules, is ready and willing to serve in the rural areas after becoming a doctor for an additional period of 6 months over and above the period prescribed by the Rules. Ms. Shah, upon instructions, has readily agreed that the petitioner would serve in the rural area as a doctor after completing the MBBS course for an additional period of 6 months, and such an undertaking shall be filed by the petitioner, who is present in the Court, by the end of the day.

18. If the rural areas of the State are going to get 6 months' additional service of a qualified medical doctor, in such circumstances, by imposing a token cost of Rs.5,000/-, such procedural lacuna, which can be solely attributed to the petitioner, can be cured according to this Court.

19. Resultantly, the petition is required to be allowed. The petitioner's admission to the 4th round of the MBBS course is directed to be regularised as per order dated 13.11.2025. The petitioner is directed to be allotted one seat in the respondent

No. 6 college in the 4th round, as the direction was issued to allot the seat on which the petitioner was already studying to her.

20. The petitioner is directed to follow the procedure prescribed for admission to the MBBS course immediately, forthwith during the course of the day, and thereafter only her admission would be confirmed.

21. With the aforesaid observations and directions, upon the petitioner giving an undertaking before this Court as observed above and a copy of the same being given to all the respondents, the petition is allowed. A token cost of Rs. 5,000/- is imposed upon the petitioner just to ensure that such mistake is not committed in future. Upon deposit of the above amount of cost with the Registry of this Court, the Registry is directed to disburse the said amount of cost in favour of Gujarat State Legal Services Authority forthwith.

Rule made absolute. Direct service is permitted.

BHAVIN MEHTA

(NIRZAR S. DESAI,J)