

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11<sup>TH</sup> DAY OF JANUARY, 2024

PRESENT

THE HON'BLE MR. JUSTICE P.S. DINESH KUMAR

AND

THE HON'BLE MR. JUSTICE T.G. SHIVASHANKARE GOWDA

**WRIT PETITION NO. 22695 OF 2023 (EDN-RES)**

**BETWEEN:**

1. ANIKETH S. PHOOLBHAVI  
S/O SANJAYKUMAR PHOOLBHAVI  
AGED ABOUT 22 YEARS  
REG NO.21M8298
2. SUBRAMANYA .G.K  
S/O KOTRESH .G  
AGED ABOUT 21 YEARS  
REG NO.21M8409
3. MANOJ .C.R  
S/O RAMESHA .C.T  
AGED ABOUT 21 YEARS  
REG NO.21M8342
4. SUBRAMANYA UMESH BENCHANAMARDI  
S/O UMESH NAGAPPA BENCHANAMARDI  
AGED ABOUT 21 YEARS  
REG NO.21MB8410
5. RIFAQUAT TAMMIM MOHAMMED ILIYAS PATHAN  
S/O M.A. PATHAN  
AGED ABOUT 20 YEARS  
REG NO.21M8380.

6. PEERZADE MOINUDDIN SHARFODDIN  
S/O SHARFODDIN PEERZADE  
AGED ABOUT 20 YEARS  
REG NO.21M8364
7. BIYA BIJU  
D/O BIJU KURIAN  
AGED ABOUT 22 YEARS  
REG NO.21M8314
8. KHUSHI .M  
D/O H. MANJUNATH  
AGED ABOUT 21 YEARS  
REG NO.21M8329
9. POOJITHA J. ANGADI  
D/O JEETENDRA ANGADI  
AGED ABOUT 20 YEARS  
REG NO.21M8366
10. SPOORTI K. VASTRAD  
D/O KUMARASWAMI VASTRAD  
AGED ABOUT 20 YEARS  
REG NO.21M8408
11. SONIYA S. GAWAS  
D/O SANTHOSH GAWAS  
AGED ABOUT 21 YEARS  
REG NO.21M8403
12. ADILA SADAF  
D/O AFSAR PASHA  
AGED ABOUT 21 YEARS  
REG NO.21M8286
13. TUSHAR RAKESH BHASME  
S/O RAKESH BHASME  
AGED ABOUT 22 YEARS  
REG NO.21M8421
14. NAYEEMUNNISA KHAZI  
D/O ABDUL SUBHAN KHAZI

AGED ABOUT 21 YEARS  
REG NO.21M8352

15. VISHNU .D.S  
S/O D.S. SURESH  
AGED ABOUT 22 YEARS  
REG NO.21M8432

16. MOHAMMED ZAID  
S/O MAHABOOB BASHA  
AGED ABOUT 21 YEARS  
REG NO.21M8346

17. ARGHO ROY  
S/O MOHIT ROY  
AGED ABOUT 24 YEARS  
REG NO.21M8435

18. SAURABH BHOSALE  
S/O DATTATRAY  
AGED ABOUT 26 YEARS  
REG NO.21M8312

ALL PETITIONERS ARE  
2<sup>ND</sup> YEAR MBBS STUDENTS  
G.R. MEDICAL COLLEGE HOSPITAL  
AND RESEARCH CENTRE  
PADU, VIA PADUMALE  
NEERUMARGA  
MANGALORE-575 029.

...PETITIONERS

(BY SHRI. CHANDRAKANTH R. GOULAY, ADVOCATE)

**AND:**

1. THE UNION OF INDIA  
REP BY SECRETARY  
MINISTRY OF HEALTH AND FAMILY SERVICES  
NIRMAN BHAVAN, MOULANA AZAD ROAD  
NEW DELHI-110 011.

2. NATIONAL MEDICAL COMMISSION  
(ERSTWHILE MEDICAL COUNCIL OF INDIA)  
POCKET 14, SECTOR-8

DWARKA, NEW DELHI-110 007.  
REPRESENTED BY ITS SECRETARY.

3. MEDICAL ASSESSMENT AND  
RATING BOARD (MARB)  
UNDER GRADUATE SECTION  
NATIONAL MEDICAL COMMISSION  
POCKET-14, SECTOR 8  
DWARKA, PHASE I  
NEW DELHI-110 077.
4. STATE OF KARNATAKA  
DEPARTMENT OF HEALTH  
AND FAMILY WELFARE  
105, 1<sup>ST</sup> FLOOR  
SECRETARIAT BUILDING  
VIKASA SOUDHA, SESHADRI ROAD  
BENGALURU-560 001.  
REPRESENTED BY ITS SECRETARY.
5. THE DIRECTORATE OF MEDICAL EDUCATION  
REPRESENTED BY ITS DIRECTOR  
I FLOOR, FORT, K.R.ROAD  
BENGALURU-560 002.
6. KARNATAKA EXAMINATIONS AUTHORITY  
SAMPIGE ROAD, 18<sup>TH</sup> CROSS  
MALLESHWARAM  
BANGALORE-560 012.  
REPRESENTED BY ITS  
EXECUTIVE DIRECTOR.
7. RAJIV GANDHI UNIVERSITY OF  
HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR  
BANGALORE-560 041.  
REPRESENTED BY ITS REGISTRAR
8. G R MEDICAL COLLEGE HOSPITAL  
AND RESEARCH CENTRE  
PADU, VIA PADUMALE  
NEERUMARGA  
MANGALORE-575 029.  
REPRESENTED BY ITS PRINCIPAL

9. G R EDUCATION TRUST  
NEERMARGA, NEER MARGA  
MANGALORE-575 029.  
REPRESENTED BY ITS  
AUTHORISED OFFICER
- ...RESPONDENTS

(BY SHRI. S. RAJASHEKAR, CGC FOR R1;  
SHRI. N. KHETTY, ADVOCATE FOR R2 AND R3;  
SHRI. SUDEV HEGDE, AGA FOR R4 AND R5;  
SHRI. N.K. RAMESH, ADVOCATE FOR R6;  
SMT. FARAH FATHIMA, ADVOCATE FOR R7;  
SHRI. D.R. RAVI SHANKAR, SENIOR ADVOCATE FOR  
SHRI. S.A. SUDHINDRA, ADVOCATE FOR R8 AND R9)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A DIRECTIONS TO THE RESPONDENTS 1 TO 7 CONSIDER/EXTEND THE BENEFIT OF ALLOTMENT/TRANSFER FROM RESPONDENT No. 8 COLLEGE TO ANY OTHER RECOGNISED COLLEGE IN THE STATE (24 COLLEGES) RECOGNIZED AND UNDER THE CONTROL OF RGHUS-RESPONDENT No. 7 BY COUNSELING ON THE BASIS OF THEIR RESPECTIVE NEET RANKINGS AND IN THEIR RESPECTIVE QUOTA AND TO PASS APPROPRIATE SUITABLE ORDERS IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT PETITION, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 09.11.2023, COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, **P.S. DINESH KUMAR, J.**, PRONOUNCED THE FOLLOWING:-

### **ORDER**

This writ petition has been filed by students admitted to the I year MBBS Course in the academic year 2021-22 with a prayer *inter alia* to transfer them to any other Medical College in Karnataka, to continue their studies for the academic year 2022-23 and subsequent years, because, NMC<sup>1</sup> has

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<sup>1</sup> National Medical Commission

disapproved the renewal of GR Medical College for the academic year 2022-23.

2. Heard Shri. Chandrakanth Goulay, learned Advocate for the petitioners, Shri. S. Rajashekhar, learned CGC for the UOI<sup>2</sup>; Shri. N. Khetty, Standing Counsel for NMC<sup>3</sup> and Medical Assessment and Rating Board; Shri. Sudev Hegde, learned AGA for the State; Shri. N.K. Ramesh, learned Advocate for the KEA<sup>4</sup>; Smt. Farah Fathima, learned Advocate for RGHUS<sup>5</sup>; and Shri. D.R. Ravishankar, learned Senior Advocate for G.R. Medical College.

3. We have simultaneously considered two writ petitions<sup>6</sup> filed by G R Medical College Hospital and Research Centre, Mangaluru. While considering the said writ petitions, we have framed the following question:

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<sup>2</sup> Union of India

<sup>3</sup> National Medical Commission

<sup>4</sup> Karnataka Examination Authority

<sup>5</sup> Rajiv Gandhi University of Health Science

<sup>6</sup> W.P. Nos. 17254/2023 & 22397/2023

***Whether the order transferring the students to different colleges calls for any interference?***

and answered the same in the negative, thereby, upholding the State Government's move to transfer the students to different Colleges.

4. Hence, for reasons recorded in the common order in W.P. Nos. 17254/2023 & 22397/2023 this writ petition must succeed. Hence, the following:

**ORDER**

- i.* Writ petition is ***allowed***.
- ii.* State Government shall transfer the petitioners to any other recognized College and approve their permanent transfer to the respective Colleges.

No costs.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**