

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH 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. 22777 OF 2023 (EDN-RES)

BETWEEN:

1. MS. CHALA VARDHAN
S/O PREETHI VARDHAN .H.N
AGED ABOUT 19 YEARS
PERMANENTLY R/AT
ANNAPOORNESHWARI NILAYA
DEVAMMA BADAVANI, 1ST CROSS
CHANNAPATNA, NEAR NEW BUS STAND
HASSAN-573 201.

2. MR. MITHILESH SANJAY KESARE
S/O SANJAY KESARE
AGED ABOUT 20 YEARS
PERMANENTLY R/AT
KUDAL, SINDHUDURG
MAHARASHTRA-416 520.

...PETITIONERS

(BY SHRI. M. DHYAN CHINNAPPA, SENIOR ADVOCATE FOR
SHRI. VIKRAM UNNI RAJAGOPAL, ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF HEALTH AND
FAMILY WELFARE, NIRMAL BHAWAN
MOTILAL NEHRU MARG AREA

NEW DELHI-110 011.
REPRESENTED BY ITS SECRETARY.

2. STATE OF KARNATAKA
DEPARTMENT OF HEALTH AND
FAMILY WELFARE, MEDICAL EDUCATION
ROOM NO.105, 1ST FLOOR, VIKASA SOUDHA
BENGALURU-560 001.
REPRESENTED BY ITS PRINCIPAL SECRETARY
3. NATIONAL MEDICAL COMMISSION
POCKET-14, SECTOR 8, DWARAKA PHASE-I
NEW DELHI-110 077.
REPRESENTED BY ITS SECRETARY
4. MEDICAL ASSESSMENT AND RATING BOARD
NATIONAL MEDICAL COMMISSION
POCKET-14, SECTOR 8, DWARAKA PHASE-I
NEW DELHI-110 077.
REPRESENTED BY ITS PRESIDENT
5. DIRECTORATE OF MEDICAL EDUCATION
BANGALORE MEDICAL COLLEGE
AND RESEARCH INSTITUTE, (OLD BUILDING)
K.R. ROAD, FORT
BENGALURU-560 002.
REPRESENTED BY ITS DIRECTOR
6. KARNATAKA EXAMINATIONS AUTHORITY
SAMPIGE ROAD, 18TH CROSS
MALLESHWARAM
BENGALURU-560 012.
REPRESENTED BY ITS EXECUTIVE DIRECTOR
7. RAJIV GANDHI UNIVERSITY
OF HEALTH SCIENCE
4TH T BLOCK, JAYANAGAR
BENGALURU-560 041.
REPRESENTED BY ITS REGISTRAR
8. G R MEDICAL COLLEGE
HOSPITAL AND RESEARCH CENTRE
NEERMARGA

MANGALORE-575 029.
REPRESENTED BY ITS PRINCIPAL

...RESPONDENTS

(BY SHRI. S. RAJASHEKAR, CGC FOR R1;
SHRI. SUDEV HEGDE, AGA FOR R2 AND R5;
SHRI. N. KHETTY, ADVOCATE FOR R3 AND R4;
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)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS AND DIRECT THE RESPONDENT AUTHORITIES TO PERMIT THE PETITIONERS TO TAKE UP THE FIRST YEAR MBBS EXAMINATIONS FOR ACADEMIC YEAR 2022-23 IN RESPONDENT NO.8 MEDICAL COLLEGE SCHEDULED TO COMMENCE FROM 16/11/2023 VIDE NOTIFICATION DATED 05/10/2023 (ANNEXURE-K) AND ETC.

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 is presented by students admitted to I year MBBS in G.R. Medical College, Mangaluru for the academic year 2022-23 *inter alia* with following prayers:

"i. Issue a writ in the nature of mandamus and direct the Respondent authorities to permit the Petitioners to take up the first year MBBS examinations for academic year 2022-23 in Respondent No.8 medical college scheduled to commence from 16.11.2023 vide notification dated 05.10.2023 (Annexure-K);

ii. Issue a writ in the nature of certiorari and quash the communication dated 28.07.2023 (Annexure-D) issued by Respondent No.4 to Respondent No.2, and direct the Respondent Nos. 3 and 4 to approve the admissions of the Petitioners to the Respondent No.8 medical college for the academic year 2022-23 and for subsequent years until the completion of the MBBS course in Respondent No.8 medical college."

2. Heard Shri. Dhyan Chinnappa, learned Senior Advocate for the petitioners, Shri. S. Rajashekar, learned CGC for respondent No.1, Sri. N. Khetty, learned Advocate for respondents No. 3 & 4, Sri. Sudev Hegde, learned AGA for the respondents No. 2 & 5, Sri. N.K. Ramesh, learned Advocate for respondent No.6, Ms. Farah Fathima, learned Advocate for respondent No.7 and Shri. D.R. Ravishankar, learned Senior Advocate for respondents No. 8.

3. During the course of hearing, it was submitted by Shri. Dhyan Chinnappa that petitioners would not press the first portion of prayer clause (2) namely, the prayer to quash communication dated 28.07.2023 (Annexure-D) by the NMC¹.

¹ National Medical Commission

4. The NMC has conducted a surprise inspection of G.R. Medical College on September 5 & 6, 2022 and found several deficiencies. After issuing a show cause notice and hearing the College, it has disapproved the renewal for the academic year 2022-23. Notwithstanding the same, the G.R. Medical College has admitted 150 students for the academic year 2022-23.

5. The NMC, by its communication as per Annexure-D has requested the Principal Secretary, Health and Family Welfare, Government of Karnataka, to examine the issue at his end and to ensure strict compliance of NMC's order not to admit students for the academic year 2022-23. Though the petitioners have sought for quashing of this communication, as noted hereinabove, Shri. Dhyan Chinnappa has given up the said prayer. The remaining prayer is to direct the respondents to permit the petitioners to take up first year MBBS examination for the academic year 2022-23 in G.R. Medical College.

6. G.R. Medical College has challenged NMC's order dated October 26, 2022, disapproving the renewal of permission for the academic year 2022-23 in Writ Petition No.17254/2023. We have dismissed the said writ petition for the reasons recorded therein. The resultant position is that the G.R. Medical College does not have the recognition from the NMC for academic year 2022-23. Therefore, petitioner's prayer to permit them to write examination in G.R. Medical College does not merit any consideration.

7. Resultantly, this writ petition fails and accordingly, it is ***dismissed***.

No costs.

**Sd/-
JUDGE**

**Sd/-
JUDGE**