

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. 24665 OF 2023 (EDN-RES)

BETWEEN:

1. NAMITA .D.M
D/O DENYA NAIK
AGED ABOUT 20 YEARS
R/O GRMC HOSTEL
G R MEDICAL COLLEGE HOSPITAL
AND RESEARCH CENTRE
NEERUMARGA, MANGALORE-575 029.
2. MINCHEKAR MANASI BHAGWAN
D/O BHAGWAN SANTU MINCHEKAR
AGED ABOUT 20 YEARS
PERMANENT ADDRESS: SHASTRI NAGAR
ISLAMPUR
MAHARASHTRA-415 409.
3. HRUDAYA P. DESHMUKH
D/O PRASHANT DESHMUKH
AGED ABOUT 22 YEARS
R/O GRMC HOSTEL
G R MEDICAL COLLEGE HOSPITAL
AND RESEARCH CENTRE
NEERUMARGA
MANGALORE-575 029.
4. RIYA SURESH PAWAR
D/O SURESH PAWAR

AGED ABOUT 19 YEARS
G R MEDICAL COLLEGE HOSPITAL
AND RESEARCH CENTRE
NEERUMARGA
MANGALORE-575 029.

5. SHREYA DHANAJI PATIL
D/O DHANAJI SHIVAJI PATIL
AGED ABOUT 20 YEARS
CURRENT ADDRESS: CHIKURDE
TALUKA: WALWA, DIST: SANGLI
MAHARASHTRA STATE-415 412.
6. SAKSHI PUJAR
D/O SUNIL PUJAR
AGED ABOUT 20 YEARS
R/O FLAT NO. 303
PRESHAK PRESIDENCY
VASANT VIHAR
SOLAPUR, MAHARASHTRA-415 412.
7. MAJAHAR KHAJASO SHAIKH
S/O KHAJASO ALLABAKSH SHAIKH
AGED ABOUT 20 YEARS
R/O: JAID MAJAHAR MANZIL
PLOT NO.83 SATYASANAGAR
MALI COLONY, WARANALI
VISHRAMBAG, SANGLI
MAHARASHTRA-416 416.
8. SANGEETHA .I.R
D/O RANGASWAMY .M
AGED ABOUT 20 YEARS
R/O: IYYANDAHALLI
DODDAMUDIGERE (P)
THIPPASANDRA (H)
MAGADI (T), RAMANAGARA (D)-562 159.
9. SHILPA VEERANAGOUDA KENCHANAGOUDAR
D/O VEERANAGOUDA .B.K
AGED ABOUT 22 YEARS
R/O V.B. KENCHANAGOUDAR
SHAHPUR PET

NEAR SOUSHIMATH BUILDING
GADAG-582 102.

...PETITIONERS

(BY SHRI. PRABHULING K. NAVADGI, SENIOR ADVOCATE FOR
SHRI. R. VIJAYA KUMAR, ADVOCATE)

AND:

1. THE UNION OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAVAN, MAULANA AZAD ROAD
NEW DELHI-110 011.
BY ITS SECRETARY.
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 & 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 & FAMILY WELFARE
105, 1ST 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, 18TH CROSS, MALLESHWARA
BANGALORE-560 012.
REPRESENTED BY ITS EXECUTIVE DIRECTOR.

7. RAJIV GANDHI UNIVERSITY
OF HEALTH SCIENCES
4TH T BLOCK, JAYANAGAR
BANGALORE-560 041.
REPRESENTED BY ITS REGISTRAR.
 8. G R MEDICAL COLLEGE HOSPITAL & RESEARCH CENTRE
PADU, VIA PADUMALE
NEERUMARGA
MANGALORE-575 029.
REPRESENTED BY ITS PRINCIPAL
 9. G R EDUCATION TRUST
NEERMARGA, MANGALORE
REPRESENTED BY ITS AUTHORISED OFFICER
NEER MARGA
MANGALORE-575 029. ...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 ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO HOLD AND DECLARE THAT THE PETITIONERS ADMISSION INTO THE RESPONDENT NO. 8 – COLLEGE IS BY A FRAUD PERPETRATED BY THE COLLEGE AND TO HOLD AND DECLARE THAT THE PETITIONERS ARE ENTITLED TO BEING TRANSFERRED BY THE STATE GOVERNMENT/DME WITH THE APPROVAL OF THE 2ND RESPONDENT – NMC FROM THE 8TH RESPONDENT COLLEGE TO OTHER COLLEGES IN THE STATE AND ETC.

THIS WRIT PETITION, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 08.11.2023, 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, NMC¹ has disapproved the renewal of GR Medical College for the academic year 2022-23.

2. Heard Shri. Parbulinga Navadgi, learned Senior Advocate for the petitioners, Shri. Rajashekhar, learned CGC for respondent No.1, Shri. N. Khetty, Standing Counsel for NMC² and Medical Assessment and Rating Board, Shri. Sudev Hegde, learned AGA for the State, Shri. N.K. Ramesh, learned Advocate for the KEA³, Smt. Farah Fathima, learned Advocate for RGHUS⁴; and Shri. D.R. Ravishankar, learned Senior Advocate for G.R. Medical College.

¹ National Medical Commission

² National Medical Commission

³ Karnataka Examination Authority

⁴ Rajiv Gandhi University of Health Science

3. We have simultaneously considered two writ petitions⁵ filed by G R Medical College Hospital and Research Centre, Mangaluru. While considering the said writ petitions, we have framed the following question:

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:

⁵ W.P. Nos. 17254/2023 & 22397/2023

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**

SPS