[3418]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION NOs: 42853, 42920, 43058 of 2022, 13940, 13976 and 14011 of 2023

WRIT PETITION NO: 42853 OF 2022

Between:

TRR Institute Of Medical Sciences, Represented by its Dean Dr. P.S. Jevoor TRR Nagar, Inole (V), Patancheru (M), Distt. Sangareddy, Telangana -502319

...PETITIONER

AND

1. Union of India, Through its Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi- 110 001
2. State of Telangana, Through its Secretary, Health and Family Welfare BRK Bhawan, Telangana Secretariat Hyderabad -500 022
3. National Medical Commission, Through its Chairman Pocket-14, Sector-8, Dwarka Phase-I New Delhi -110 017
4. Medical Assessment and Ratings Board, Through its President, Pocket-14, Sector-8, Dwarka Phase-I New Delhi -110 017
5. Kaloji Narayana Rao University of Health Sciences, Through its Registrar, Nizampura, Warangal, Telangana 506007

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ Order or direction in the nature of mandamus for the following reliefs.

i. to call for the records pertaining to the order passed by the Respondent no.4 Medical Assessment and Ratings Board (MARB) dated 13.04.2022 bearing no. NMC/UGR/2020/000326 withdrawing permission from Petitioner for academic session 2021-2022 and declare the same as without jurisdiction, illegal, arbitrary, contrary to the National Medical Commission Act, 2019 (NMC Act) and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and consequently quash the same.

ii. To call for the records pertaining to the order passed by the Respondent no.3 National Medical Commission (NMC) dated 15.06.2022 bearing No. 21334 Legal/MARB/021439-42 withdrawing permission from Petitioner for academic session 2021-2022 and declare the same as without jurisdiction, illegal, arbitrary, contrary to the National Medical Commission Act, 2019 (NMC Act) and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and consequently quash the same.

iii. To call for the records pertaining to the second appeal order passed by the Respondent no.1 dated 07.11.2022 bearing no.V.11013/90/2022-ME-I (FTS No.8175852) and declare the same as without jurisdiction, illegal, arbitrary, contrary to the National Medical Commission Act, 2019 (NMC Act) and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and consequently quash the same.

iv. To call for the records pertaining to the order passed by Respondent No.4 Medical Assessment and Ratings Board WARB) bearing No. NMC /UGRENEWAL/2022-23/000736 dated 17/11/022 granting renewal of permission for admitting the batch of 150 MBBS admissions for academic session 2022-2023 and direct the Respondent No. 4 to extend the permission granted for session 2022-23 to students admitted in session 2021-22.

v. Direct the Respondents that 150 MBBS students admitted in the Petitioner Institution in academic session 2021-2022 be shifted back to the Petitioner institution and they be permitted to continue and complete their MBBS Course in the Petitioner institution.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order passed by the Respondent no.1 dated 07/11/2022 bearing no.V.11013/90/2022-ME-I (FTS No.8175852) during the pendency of the above writ petition.

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to take any coercive steps against the Petitioner insofar as return of full fee for students admitted in academic session 2021-2022 are concerned.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the letter issued by the Respondent no.5 dated 20/01/2023 bearing Lr.No.001258/KNRUHS/Admissions/2022 during the pendency of the above writ petition.

IA NO: 3 OF 2022

BETWEEN

1. K Yasaswini D/o K RaghavaRao
   Aged 18 years Occ: Student
   Flat No.17, Canara Towers
   Beside Benz Circle, Vijayawada

2. Marripalam Archana D/o M Govind
   Aged 18 years Occ: Student
   R/o Erramanzil, Hyderabad

3. Maduri Sathvika Chandra D/o
   Aged 18 yrs Occ;Student r/o Hyderabad

4. Bus Akshaya D/o Busa Rajender
   Aged 18 years Occ:Student
   R/o 6-4-53/a, Near Hanuman Temple
   Rajanna Circilla District 505301

5. Vishnu Priya

6. L Praisy D/o L Vithal Rao
   Aged 18 years Occ: Student
   R/o 304, Sai Raghava Towers
   Jaibharath Nagar, Hyderabad 500 065

7. Thota Samyuktha D/o T Malleshwari
   Aged 18 years Occ:Student
   R/o 10-1-99/2/2/BLahari Residency
   403, Bhagyanagar Colony, Road No.4
   Saroornagar, RR District

8. Sai Vineetha Bandaru D/o B Balaji
   Aged 18 years Occ:Student
   R/o 47-013/C Sai Colony, Chinthal
   Hyderabad 500 037

719

9. S.K. Sony

10.D Adhiti D/o DSRK Swamy
Aged 19 years Occ:Student
R/oFlat No.1301, Matrusri Nagar,
Miyapur, Hyderabad

11.G Manaswami D/o Murali Krishna
Aged 20 years Occ:Student
R/o Building No.2, Janapriya West City
Miyapur, Hyderabad

12.Krishna Priya Reddy D/o Chandrasekhar Reddy
Aged 18 years Occ:Student
R/o 3-4-512/16 Flat No.401, SST Residency
Barkatpura, Hyderabad 500027

13.Sukhi Jamadagni D/o S G Srinivas
Aged 18 years Occ: Student R/o Flat No.201,
Ganesh Towers Kacheguda, Hyderabad

14.B.Bhavana D/o B Ramakrishna
Aged 19 yrs R/o 7-3-346
Vijayanagar Colony, By Pass Road Khammam 507 002

15.Kola Nakshatra D/o K Srinivas
Aged 18 years Occ:Student
R/o Bornapelli Village, Raikal Mandal
Jagitial, 505460

16.K Divya Sree D/o K Ravi Kumar
Aged 18 years Occ: Student
R/o Flat No.201, Vertex, Nizampet
Kukatpally, Hyderabad

17.Ch Ankith Ephrain D/o Ch Sudheer Charles
Aged 18 years Occ:Student
R/o Nava Jeevan Hospital, Shamshabad
Hyderabad 501 218

18.Siddam Rishitha D/o. Siddam Srikanth Rao,
Aged about 18 Yrs, Occ: Student, R/o. 2-2-186/53/5,
Flat No. 301, Sulekha Golden Towers,
Amberpet, Hyderabad ..PETITIONERS

RESPONDENTS

720

AND

1. TRR Institute of Medical Sciences
   Represented by its Dean
   Dr P.S.Jevoor, TRR Nagar
   Inole Village. Patancheru Mandal
   Sangareddy District TS 502 319 .. RESPONDENT
   PETITIONER

2. Union of India
   Rep by its Secretary
   Ministry of Health and Family Welfare
   Nirman Bhawan, New Delhi 110 001

3. State of Telangana
   Represented by its Principal Secretary
   Health & Family Welfare
   BRKBhavan,Telangana Secretariat
   Hyderabad 500 022

4. Medical Assessment and Ratings Board (MARB)
   Under Graduate Section
   Rep by its President National Medical Commission
   Pocket-14, Sector-8, Dwaraka Phase-I
   New Delhi 110 017

5. National Medical Commission
   rep by its Chairman
   Pocket-14, Sector-8, Dwaraka Phase-I
   New Delhi 110 017

6. Kaloji Narayana Rao University of Health Sciences
   Rep by its Registrar, Nizampura
   Warangal, Telangana 506 007 ..RESPONDENTS
   RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the petitioners herein as Proposed Respondents.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to modify the order dated 16-03-2023 in W.P.No. 42853 of 2022 by further directing the Respondent No.6 University to instruct the reallocated College to refund from the total fee paid by Petitioners, an amount equivalent to the fees that would be collected/deducted by the Writ Petitioner towards the tuition fee for the period that they have imparted education to the Petitioners herein till they were transferred to the reallocated College.

IA NO: 3 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to have the W.P.No.42853 of 2022 listed under caption FOR BEING MENTIONED" for enabling the petitioners herein to seek a modification of the orders dated 16-03-2023 and for obtaining necessary orders.

Counsel for the Petitioner: SRI AMIT KUMAR, Sr. COUNSEL, REP. FOR SRI D.SRINIVAS PRASAD

Counsel for the Respondent No.1: B.NARASIMHA SHARMA, ADDL. SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.2: SRI R.NAGARJUNA REDDY, AGP FOR HEALTH, MEDICAL & FAMILY WELFARE DEPT.

Counsel for the Respondent No.3 & 4: M/s. GORANTLA SRI RANGA PUJITHA, SC FOR NMC & MARD

Counsel for the Respondent No.5: SRI A.PRABHAKAR RAO, SC FOR KNRUHS

Counsel for the Proposed Respondent: SRI C.NARESH REDDY

WRIT PETITION NO: 42920 OF 2022

Between:

Mahavir Institute of Medical Sciences, An Institution and a Trust constituted under the aegis of Bhagwan Mahavir Memorial Trust, having its registered Office at 10-1-1, Bhagwan Mahavir Marg, A.C. Guards, Hyderabad-500004

Rep. by its Director Sri Dr. Isari K.Ganesh, S/o. Late Isari Velan, aged 56 years, 2-4-40, Shivareddy Pet, Vikarabad, Vikarabad District, Telangana State - 501 102.

...PETITIONER

AND

1. Union of India, Rep. by its Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi- 110 001.
2. Medical Assessment and Ratings Board, Rep. by its President, National Medical Commission, Pocket-14, Sector-8, Dwarka Phase-I, New Delhi - 110 017.
3. National Medical Commission, Rep. by its Chairman, Administrative Section, Pocket-14, Sector-8, Dwarka Phase-I, New Delhi - 110 017.
4. State of Telangana, Rep. by its Secretary, Health and Family Welfare, BRK Bhawan, Telangana Secretariat, Hyderabad - 500 022.
5. Kaloji Narayana Rao University of Health Sciences, Rep. by its Registrar, Nizampura, Warangal, Telangana 506007

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of certiorari by calling for the records in the second appeal before Respondent No.1 preferred by the Petitioner institution vide impugned order No.11013/102/2022-ME-I (FTS No. 8183493) dated 07/11/2022 and quashing the same as it is discriminatory against the Petitioner institution in view of the order passed in similar circumstances in the case of MNR Medical College vide Order dt. 07.09.2022 by the Respondent No.2 as arbitrary, illegal, discriminatory, unconstitutional and violative of principles of natural justice and violative of Article 14 of the Constitution of India and consequently

i) to set aside the impugned order No. 11013/102/2022-ME-I (FTS No. 8183493) dated 07.112022 with the direction to the Respondent No. 2 to extend the permission granted vide order dated 14.11.2022 for

session 2022-23 as well to students admitted is in session 2021-22 batch.

ii) to issue an appropriate writ, order or direction more particularly one in the nature of writ of MANDAMUS setting aside the impugned order passed by the Respondent No.2 Medical Assessment and Ratings Board (MARB) dated 17.05.2022 bearing No. NMC/MCI/ UG/2020/018326-36 withdrawing permission from Petitioner for academic session 2021-2022 and declare the same as without jurisdiction, illegal, arbitrary, contrary to the National Medical Commission Act, 2019 (NMC Act) and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India.

iii) to set aside the impugned order passed by the Respondent No.3 National Medical Commission (NMC) dated 22.08.2022 bearing No. NMC/DS(NMC)/Appeal/ 2022-422/031036-42 upholding MARB decision to withdraw permission from Petitioner for academic session 2021-2022 and declare the same as without jurisdiction, illegal, arbitrary, contrary to the National Medical Commission Act, 2019 (NMC Act) and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India.

iv) to issue an appropriate writ, order or direction more particularly one in the nature of writ of MANDAMUS setting aside the impugned notification issued by the Respondent No.5 University on 18.11.2022 for shifting of PG students of Petitioner Institution as arbitrary, discriminatory, illegal, unconstitutional, violative of statutory provisions and violative of principles of natural justice.

v) To direct the Respondent No.2 and 5 that 150 MBBS students admitted in the Petitioner Institution be shifted back to the Petitioner institution and the fee returned by the Petitioner institution in respect of such students be returned back to the Petitioner Institution and they be permitted to continue and complete their MBBS/PG Course in the Petitioner institution for academic year 2021-22 batch.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of impugned order No. 11013/102/2022-ME-I (FTS No. 8183493) dated 07.11.2022 passed by Respondent No. 1 pending disposal of the writ petition.

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the notification issued by the Respondent No.5 University on 18.11.2022 for shifting of PG students of Petitioner Institution pending disposal of the writ petition.

IA NO: 3 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.1 to 5 not to take any coercive steps in transferring PG students for the academic year 2021-22 from Petitioner Institution to other colleges, pending disposal of the writ petition.

IA NO: 4 OF 2022

BETWEEN

1. B. SrilakhmyManasa, D/o. Sundar
   Aged 20 years, Occ: 1st year MBBS Student,
   Reallocated to Kamineni Institute of Medical Science,

2. VarnamRashmitha, D/o. Jaipal Reddy,
   Aged 20 years, Occ: 1st year MBBS Student,
   Reallocated to Mallareddy Medical College for Women,

3. SirigiriAmulya, D/o. Thirupathi,
   Aged 20 years, Occ: 1st year MBBS Student,
   Reallocated to Mallareddy Medical College for Women,

4. GaddamSathwik, S/o. Srinivas,
   Aged 20 years, Occ: 1st year MBBS Student,
   Reallocated in Prathima Institute of Medical Science, Karimanagar,

5. PratyushaPasumarthi, D/o. Prasad Pasumarthi
   Aged 20 years, Occ: 1st year MBBS Student,
   Reallocated Mamatha Medical College, Bachupally,

6. B. Veera Raghava, S/o. B. Veera Bhargava,
   Aged 20 years, Occ: 1st year MBBS Student,
   Reallocated in Apollo Medical college of science and Research

7. BoddupalliAkshitha, D/o. B. Srinivas,
   Aged 19 years, Occ; 1st MBBS Student,
   Reallocated to Mallareddy Medical College for Women,

8. Palle. KarithikeyaGiri, S/o. Palle. Sriharinath,
   Aged 20 years, Occ: 1st year MBBS Student,
   Reallocated to Apollo Medical College of Science and Research

9. G. Abhishakth, S/o. G. Krishnaiah,
   Aged 18 years, Occ: MBBS 1st year Student,
   Reallocated to Mallareddy Medical College,

10. Jessica Michael D/o. James Michael,
    Aged 20 years, Occ: 1st year MBBS Student,
    Reallocated to Chelmeda Anand Rao Institute of Medical Sciences.

11. Shyam Deepthi Reddy, d/o. Shyam Kasi reddy,
    Aged 20 years, Occ: 1st Year MBBS Student,
    Allotted to Mallareddy Medical College for Women,

12. JaggariDharini, D/o. J. Sridhar Reddy,
    Aged 20 years, Occ: 1st year MBBS Student,
    Reallocated to Mallareddy Medical College for Women,

13. PremireddyTejaswini, D/o. P. Srveshwar Reddy,
    Aged 20 years, Occ: 1st year MBBS Student,
    Reallocated Mallareddy Medical College for Women,

14. Sravani, D/o. Venkat Rao,
    Aged 22 years, Occ: 1st year MBBS Student,
    Reallocated to Mallareddy Medical College for women.

15. Bharanam Dharani, D/o. B. Konda Redy,
    Aged 19 years, Occ: 1st years MBBS Student,
    Reallocated to RVM Institute of Medical Sciences.

16. Badavath Tejaswi, S/o. Vasu
    Aged 19 years, Occ:Student (RVM College)

17. Tangallapally Sri Chandana, D/o. Bhaskara Chari
    Aged 19 years, Occ:Student (RVM College)

18. Kanugula Akshitha, D/o.Jogaiah,
    Aged 23 years, Occ:Student reallocated to RVM College,

19. Velupuri Lakshmi Apoorva
    Aged 19 years, Occ:Student (RVM)

20. Y. Mounika, D/o. Madhusudhana Chary,
    Aged 19 years, Occ:Student (Kamineni)

21. G. Udaya Sri, D/o. G. Srinivas,
    Aged 20 years, Occ:Student (Kamineni)

22. A. Anusha, D/o. A. yadagiri,
    Aged 22 years, Occ:Student (Kamineni)

23. K. Sai Chandana, D/o. K. Basappa.
    Aged 19 years, Occ:Student (Kamineni)

24. D. Suma, D/o. D. Sugunakar,
    Aged 21 years, Occ:Student (Kamineni)

25. P. Nikhitha, D/o. P. Swamy,
Aged 19 years, Occ:Student (Kamineni)

26. Divya Sri Koduri, D/o. Ravinder Babu
Aged 19 years, Occ:Student (Kamineni)

27. Aduri Rupa Sri Laxmi, D/o. Aduri Srinivas Rao,
Aged 19 years, Occ:Student (Kamineni)

28. Felicia Joy Sagar, s/o. M. Manohar Sagar
Aged 21 years, Occ:Student (Kamineni)

29. K. Yasaswini Reddy, D/o. Appa Reddy,
Aged 19 years, Occ:Student (Mallareddy college)

30. E. Spoorthi, D/o. Earla Mallikarjun
Aged 19 years, Occ:Student (Mallareddy college)

31. M. Nandini, D/o. M. Venkata Ramana,
Aged 19 years, Occ:Student (Malla Reddy)

32. V. Vanditha, D/o. V. Anil Kumar,
Aged 18 years, Occ:Student (Prathima college)

33. T. Pujitha, D/o. T. Sridevei
Aged 19 years, Occ:Student (Prathima college)

..PETITIONERS
PROPOSED RESPONDENTS

AND

1. Mahavir Institute of Medical Sciences
An Institution and a rust constituted under the aegis
Bhagwan Mahavir Memorial Trust,
Having its registered office at
10-1-1 Bhagwan Mahavir Marg
AC Guard, Hyderabad 500 004 rep by its Director
Dr Isari K.Ganesh S/olate Isari Velam
Aged 56 years R/o # 2-4-40, Shivareddypet
Vikarabad, Vikarabad District TS 501 102

.. RESPONDENT
PETITIONER

2. Union of India
Rep by its Secretary
Ministry of Health and Family Welfare
Nirman Bhawan, New Delhi 110 001

3. Medical Assessment and Ratings Board (MARB)
Under Graduate Section
Rep by its President National Medical Commission
Pocket-14, Sector-8, Dwaraka Phase-I
New Delhi 110 017

Administrative Section, rep by its Chairman
Pocket-14, Sector-8, Dwaraka Phase-I
New Delhi 110 017

5. State of Telangana
Represented by its Principal Secretary
Health & Family Welfare
BRKBhavan.Telangana Secretariat
Hyderabad 500 007

6. Kaloji Narayana Rao University of Health Sciences
Rep by its Registrar, Nizampura
Warangal, Telangana 506 007 ..RESPONDENTS
RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the petitioners herein as Proposed Respondents.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to have the W.P.No.42920 of 2022 listed under caption "FOR BEING MENTIONED" for enabling the petitioners herein to seek a modification of the orders dated 16-03-2023 and for obtaining necessary orders.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to modify the order dated 16-03-2023 in W.P.No.42920 of 2022by further directing the Respondent No.6 University to instruct the reallocated College to refund from the total fee paid by Pet tioners, an amount equivalent to the fees that would be collected/deducted by the Writ Petitioner towards the tuition fee for the period that they have imparted education to the Petitioners herein till they were transferred to the reallocated College.

Counsel for the Petitioner: SRI Dr. VENKAT REDDY DONTHI REDDY

**Counsel for the Respondent No.1: B.NARASIMHA SHARMA,
ADDL. SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent No.2 & 3: M/s. GORANTLA SRI RANGA PUJITHA,
SC FOR NMC & MARD**

**Counsel for the Respondent No.4: SRI R.NAGARJUNA REDDY,
AGP FOR HEALTH, MEDICAL & FAMILY WELFARE DEPT.**

Counsel for the Respondent No.5: SRI A.PRABHAKAR RAO, SC FOR KNRUHS

Counsel for the Proposed Respondent: SRI C.NARESH REDDY

WRIT PETITION NO: 43058 OF 2022

Between:

1. Mr. Piyush Soni, S/o. Mr. Gowri Shankar Soni, Aged about 19 years, R/o. 22-5-778, Fataullah Baig, Mir Chowk, Charminar, Hyderabad - 500002, Telangana.
2. Mr. P. Samuel Raj, S/o. Mr. P. Raj Babu, Aged about 22 years, R/o. 2-14-177, Beerappaguda, Uppal, Rangareddy - 500039, Telangana
3. Mr. Sanket Shetkar, S/o. Mr. Shivakumar Shetkar, Aged about 21 years, R/o. 209, Jamgi Road, Santhpur, Bidar - 585421, Karnataka

...PETITIONERS

AND

1. Union of India, through its Secretary, Ministry of Health and Family Welfare, Ninnan Bhawan, New Delhi - 110001.
2. State of Telangana, through its Secretary, Department of Health and Family Welfare, BRK Bhawan, Telangana Secretariat, Hyderabad - 500022
3. Kaloji Narayana Rao University of Health Sciences, through its Registrar, Nizampura, Warangal - 506007, Telangana.
4. Medical Assessment and Ratings Board, through its President, Pocket-14, Sector-8, Dwarka Phase-I, New Delhi - 110017.
5. National Medical Commission, through its ChairmanPocket-14, Sector-8, Dwarka Phase-I, New Delhi - 110017.
6. TRR Institute of Medical Sciences, through its Dean and Principal, TRR Nagar, Inole (V), Patancheru (M), Sangareddy -502319, Telangana.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ, order or direction in the nature of Mandamus declaring the proceedings No. NMC/UGR/2020/000326 dt. 13/04/2022 and proceedings No. NMC/UGR/2020/ 000326/017488-97 dt. 04/05/2022 issued by the 4th Respondent as confirmed in first appeal by the 5th Respondent by orders in proceedings No. 21334/Legal/MARB/ 021439-42 dt. 15/06/2022 and further confirmed in second appeal by the 1St Respondent by orders in proceedings No. V.11013/90/2022-ME-I (FTS No. 8175852) dt. 07/11/2022 and also the memo issued by the 2nd Respondent bearing Memo No. 4596/C1/2022 dt. 19/05/2022 in cancelling the admissions in MBBS course for the academic year 2021-2022 in the 6th Respondent college and further reallocating the Petitioner students already admitted and pursuing the 1st year MBBS course to other colleges as

arbitrary, illegal, without jurisdiction and consequently set aside the same and direct the Respondents 2 to 5 to repatriate/shift back the Petitioners/students admitted in the 6th Respondent college for the academic year 2021-2022 from new colleges to the 6th Respondent college enabling them to pursue the balance MBBS course.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of order vide No. NMC/UGR/2020/000326 dt. 13.04.2022 and order vide No. NMC/UGR/2020/000326/017488-97 dt. 04.05.2022 passed by the 4th Respondent during the pendency of this Writ Petition.

Counsel for the Petitioner: M/s. K.MAMATA, REP. FOR SRI M.SRIDHAR

Counsel for the Respondent No.1: B.NARASIMHA SHARMA, ADDL. SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.2: SRI R.NAGARJUNA REDDY, AGP FOR HEALTH, MEDICAL & FAMILY WELFARE DEPT.

Counsel for the Respondent No.3: SRI A.PRABHAKAR RAO, SC FOR KNRUHS

Counsel for the Respondent No.4 & 5: M/s. GORANTLA SRI RANGA PUJITHA, SC FOR NMC & MARD

WRIT PETITION NO: 13940 OF 2023

Between:

1. Bona Prem Chand, S/o B Hari Babu, Aged About 21 Years Hot No.204, Yashodha Nilayam, Kuktpally, Medchal, Telangana. 500072
2. Ashwini Bhanumathi, D/o Ashwini Balaraju, Aged About 19 Years Plot No. 491, Suryaprakash Satelite Township Near Yennepally, Vikarabad, 501101
3. Patewar Durgesh Dattatray, S/o Dattatray, Aged About 21 Years Near Venkatesh Garden Main Road Loha,Maharashtra-431708.
4. Hashmi Tuba Fatema Raees, D/O Raees, Aged About 21 Years Rahmat, Nagar In Front Of Sp Office Beed 431 122
5. Sai Ram Guguloth, S/o Deshiram, Aged About 22 Years Sri Shanthi Nagar Coloby Road No.2, Hanmkonda,Warangal-506001.
6. Bhilavath Sai Venkata Rohith, S/o Bhilavath Lakshma Nayik, Aged About 20 Years B. Lakshmanaik, Bm, Lic Of India, Branch Office Vinukonda 522647
7. Peddagoni Sai Adithiya Goud, S/o Peddagoni Venugopal Goud, Aged About 20 Years H.No. 13-143,Sai Nagar Near Ideal School, Tupran, 502334

8. Saichand Mandava, S/o Mandava Shaba, Aged About 23 Years Flat No 303 Road No 13 Sreenikethan, Abhinandana, Ayyapasociety-500081.
9. Gorre Savyasachi, S/o Gone Rajendar, Aged About 21 Years H.No.8-3-44/1 Vemulawada, Vemulwada-505302.
10. Boga Amit, S/o Boga Prem Kumar, Aged About 19 Years H.No. 6-7611 1st Lane Sri Nager Colony, Kothagudem, 507101
11. Dachapally Sree Sai Kumar Reddy, S/o.Dasharatha Reddy, Aged About 19 Years, Flat No. 501, Sai Nivaspts, Dwaraka Nagar, Hasti Napuram South-500070
12. Patil Disha Satyasen, D/o Satyasen, Aged About 20 Years, Shirol (Va), Taluka Nilanga, Dist. Latur, Maharashtra-413530.
13. Veerubhotla Shanmuka Kedarnath, S/o Veerubhotla Srinivas Sharma, Aged About 19 Years, H.No. 11-2-472/14, Namalagundu Secundrabad -500061
14. V Satya Sai Sharath Kumar, S/o V V N Satyanarayana, Aged About 20 Years, H.No.C-72, Vanasthalipuram, Hyderabad, Rangareddy Dist, 500070.
15. Siddipeta Mokshith Reddy, S/o Siddipeta Anantha Reddy, Aged About 18 Years, Plat No. 204 Sri Sai Residency, Prasanth Nagar, Vanastalipuram, 500070
16. Bagu Hemanth Mahesh, S/o.Rama Bhaskara Rao, Aged About 21 Years, Borrarn Palam, T Naraspuram, West Godavari, AP-534451.
17. Garikapati Sai Prudhvi Nath, S/o.Garikapati Venkata Ramarao, Aged About 18 Years, Plot No. 502, Sarada Nilayam, Opp. Power Gujjanagar Guntur 522006
18. Narlawar Sakshi Balajirao, S/o Balaji, Aged About 21 Years, At Post Ram Galli Near Hanuman Mandir Narsi Tq Naigaon Dist Nanded-431709.
19. Sawale Deepali Chandrashekhar, D/o Chandrashekar, Aged About 19 Years, Pandharikrupa, Newadarsh Colony Jalkot Road , Udgir-413517
20. Poola Niranjan Sujith Kumar, S/o Paola Poorna Chandra Rao, Aged About 20 Years, Flat No. 504, Rohini Residency, Venkataramana Colony, Road No.11. Hasthinapuram, Hyderabad-500070.
21. Singaram Niharika, D/o Singaram Yadagiri Nivas, Aged About 20 Years, H No.1-89, Hazipally, Farooqnagar Mandal, Mahaboobnagar Dist. Telangana 509410
22. Gadi Akshitha, D/o G Anjanaiah, Aged About 20 Years, 41/4-2, Kothapeta,Kurnool-518001
23. Nigawad Rohith Reddy, S/o Nigawad Mutyam Reddy, Aged About 19 Years, H. No. 3-4-101, Kisangally, Baimsa, Nirmal,Adilabad-504103
24. Kilaparthi Usha Sree, D/o Kilaparthi Rambabu, Aged About 19 Years, D.No.9-3-46, 9th Ward, Saanthinagar, Narsipatnam, Ankapalli-531116
25. Kummari Vamshika, D/o Kummari Venkata Ramana, Aged About 21 Years, H.No. 1-3-127/15, Sastry Nagar Nirmal-504105
26. Patil Sakshi Babasaheb, D/o Babasaheb Patil, Aged About 20 Years, Shanti Niketan Colony Osmanbad, Maharashtra-413501
27. Mucherla Satya Bhargava Sri Vasthav, S./o.Mucharla Subhakara Raja, Aged About 20 Years, H.No.14-13-39/4 Narsapur, Roypeta, West Godawari Dist-534275
28. Ganathi Santhoshi, S/o Ganthi Vara Prasad, Aged About 19 Years, H.No.2-2-147/9 N, Adarshanagar, Tandur, Vikarabad District-500102

29. Muthyala Shreshta, D/o Muthyala Venkatesham, Aged About 20 Years, Plot No. 23, Aryan Reddynagar, Rangareddy, Telangana-500097

30. Dongari Sai Santosh Dheeraj, S/o Dongari Navin Chandra, Aged About 19 Years, Jeedimetla, Janapriya Apst B Block-259

...PETITIONERS

AND

1. Union of India, Through its secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi- 110 001
2. State of Telangana, Through its Secretary, Health and Family Welfare BRK Bhawan, Telangana Secretariat Hyderabad - 500 022
3. Kaloji Narayana Rao University of Health Sciences, Through its Registrar, Nizampura, Warangal, Telangana 506007
4. Medical Assessment and Ratings Board, Through its President, Pocket-14, Sector-8, Dwarka Phase-I New Delhi - 110 017
5. National Medical Commission, Through its chairman Pocket-14, Sector-8, Dwarka Phase-I New Delhi - 110 017
6. Mahavir Institute of Medical Sciences, Through its Director, Bhagwan Mahavir Marg, A C Guards, Hyderabad 500004

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of the writ of Mandamus declaring the Minutes of Meeting No. NMC/22252/LEGALMARB/ dt. 29.03.2023 passed by the 4th Respondent as illegal, arbitrary, without application of mind, violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and consequently quash the Minutes of Meeting No. NMC/22252/LEGALMARB/ dt. 29.03.2023 passed by the 4th Respondent and direct the 5th Respondent to issue necessary proceedings for repatriating the writ petitioners to 6th Respondent College for pursuing MBBS (UG) Course (by revoking the withdrawal of Letter of Permission dt. 17.05.2022 to 6th Respondent).

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to

issue necessary proceedings for repatriating the writ petitioners to 6th Respondent College for pursuing MBBS (UG) Course.

Counsel for the Petitioner: M/s. K.MAMATA, REP. FOR SRI M.SRIDHAR
M/s. CKR ASSOCIATES

Counsel for the Respondent No.1: B.NARASIMHA SHARMA,
ADDL. SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.2: SRI R.NAGARJUNA REDDY,
AGP FOR HEALTH, MEDICAL & FAMILY WELFARE DEPT.

Counsel for the Respondent No.3: SRI A.PRABHAKAR RAO, SC FOR KNRUHS

Counsel for the Respondent No.4 & 5: M/s. GORANTLA SRI RANGA PUJITHA,
SC FOR NMC & MARD

WRIT PETITION NO: 13976 OF 2023

Between:

1. Kata Krishna Chaitanya, S/o Kata Rama Krishnaiah, Aged about 20 years, H.No.24-3-2, Plot No.2, Road No.5, Sitha Medows, Badangipet, Kanchanbagh, Hyderabad-500058
2. Padigelwar Poojitha, D/o Padigelwar Kishore Kumar, Aged about 20 years, 9-35/3,Teachers Colony, Adilabad, Telangana-504001
3. Pakeer Hari Priya, D/o Pakeer Raghu Ram, Aged about 31 years, H.No.8-1-68/A/1/60,Vinayak Nagar,Shaikpet,Golconda,Hyderabad,Telangana-500008
4. Bagagoni Sai Sri, D/o Harishanker, Aged about 19 years, 8-17914, J P Colony, Patancheru, Sangareddy Dist.,
5. Mamidi Karthik Reddy, S/o Mamidi Jangareddy, Aged about 19 years, H.No.1-5411, Penjerla, Kothur Mandal, Mahbubnagar, Telangana-509228
6. Buddha Bhavana, D/o Ramakrishna, Aged about 19 years, 7-3-346, Vijaynagar Colony,-3, Khammam, Telangana 507002
7. Musa Vijay Kumar, S/o M Babu, Aged about 19 years, 8-2-109/3/1, Apseb Colony, Sagar Raod, Hyderabad-500079.
8. Sanket, S/o. Shivakumar, Aged about 21 years, 209, Jamgi Road, Santhpur, Bidar, Karnataka-585421.
9. Pooja Singh, D/o Subhash Chandra Singh, Aged about 21 years, Plot No.1059, Asbestos Colony, Jagargutta, Balanagar, Kv Rangareddy 500037
10. S Sankalp, S/o.S Jagadeesh Babu, Aged about 19 years, Plot No. 10, K.N Enclave, Srinivas Nagar, Kapra, Hyderabad 500062
11. P Sameul Raj, S/o Peruri Raj Babu, Aged about 22 years, 2-14-177, Beerappaguda, Uppal, Kv Rangareddy, Telangana-50039
12. Piyush Soni, S/o Gown Shankar Soni, Aged about 19 years, 22-5-778, Fataullah Baig, Mir Chowk, Channinar, Hyderabad 500002
13. Ameena Naaz, S/o Mohd Mujahed Ali, Aged about 21 years, H.No.8-3-234/347, Laxmi Narsimha Nagar Yousufguda,Hyderabad Telangana-500045

14. Ria.T.Ram, D/o M.Kodandarama, Aged about 19 years, 14,14th Cross 3rd Main Vinayaka Circle,Hoysala Nagar,Ramamurthy Nagar,Bengaluru,Karnataka-560016
15. Jahnavi Soni, D/o Rajnish Soni, Aged about 19 years, H.No 5-115 Narsingh Mandir Road, Shamshabad, K.V Rangareddy, Telangana 501218
16. Kungulwar Juhi Sandeep, S/o Sandeep Kungulwar, Aged about 19 years, H.No.14/2,Vardhaman Nagar, Bhavani Pet, Solapur,Maharashtra-413002
17. Madugula Amulya, D/o M Sunil Srikanth Prasad, Aged about 19 years, B-321, Western Plaza Apts., D V Colony, Manikonda, Hyderabad.
18. Yeware Amarnath Sahebrao, S/o Saheb Rao, Aged about 19 years, Atnoor(V)(M) Latur, Jalkot,Maharashtra-413532
19. Annupa Reddy Rama Kanth Reddy, S/o.Saidi Reddy, Aged about 21 years, H.No.5-437, Dondapadu Village Chinthalem Mandal Suryapet Dist, Telangana 508246
20. K Tharun, S/o Konda Pundarikudu, Aged about 22 years, 4-47,Singotam, Kollapur,Nagarkamool, Telangana - 509102
21. Yadira Indrateja Goud, S/o Yadira Balraj, Aged about 22 years, 5-4-1615/1, Saheb Nagar, Vanastalipuram, Hayath Nagar, Rangareddy, Telangana-500070.
22. Akepogu Daniella Sabi Abraham, Akepogu Samuel Prabhaker, Aged about 19 years, H.No.1-15, Kothapally, Near Ups-Pathashala, Gadwal(M)-509125.
23. Galipalli Sreya, D/o Galipalli Praveen, Aged about 19 years, H.No 851, Mig Bhel, Sarilingampally, Rangareddy,Telengana 500032
24. Jakkula Shreeya Rao, S/o Jakkula Kantha Rao, Aged about 19 years, H.No. 3-6-272/1, Subash Nagar, Karimnagar,Telangana 505001
25. Poreddy Karthik Reddy, S/o P Srinivas Reddy, Aged about 20 years, H.No.5-45, Palarnakula(V), Shamshabad(M), Rangareddy Dist., - 509325.
26. Brenham Borugadda, S/o. Kissinger Borugadda, Aged about 21 years, H.No 16-6-85,Christian Petabetel Church, Guntur Andhra Pradesh-522001
27. Chadar Akanksha Bhaskerrao, D/o.Bhaskerrao, Aged about 21 years, Bavojigudem, Maripeda Neelkurthy, Warangal,Telangana-506315
28. Shaaz Ahmed, S/o Anis Ahmed Abdul Jalil, Aged about 22 years, Near Police Station, Quazipura, Anjangaon Surji, Amravathi, Maharastra, 444705
29. Goverdhanam Anerudh, S/o G Rain Kumar, Aged about 19 years, H.No 8-6-34 Padmavathi Colony Mahbubnagar,Telanga 509001
30. Besta Sai Charan, S/o B Balavenkata Ramana, Aged about 22 years, H.No.3-178, Parvathinagar, Kalyana Durgam Ananthapuram Andhra Pradesh 515761

...PETITIONERS

AND

1. Union of India, Through its secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi- 110 001
2. State of Telangana, Through its Secretary, Health and Family Welfare BRK Bhawan, Telangana Secretariat Hyderabad - 500 022
3. Kaloji Narayana Rao University of Health Sciences, Through its Registrar, Nizampura, Warangal, Telangana 506007

4. Medical Assessment and Ratings Board, Through its President, Pocket-14, Sector-8, Dwarka Phase-I New Delhi - 110 017
5. National Medical Commission, Through its Chairman, Pocket-14, Sector-8, Dwarka Phase-I New Delhi - 110 017
6. TRR Institute of Medical Sciences, Through its Dean and Principal, TRR, Nagar, Mole (V), Patancheru (M), Distt. Sangareddy, Telangana -502319

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of the writ of Mandamus declaring the Minutes of Meeting No. NMC/22252/LEGALMARB/ dt. 29.03.2023 passed by the 4th Respondent as illegal, arbitrary, without application of mind, violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and consequently quash the Minutes of Meeting No. NMC/22252/LEGALMARB/ dt. 29.03.2023 passed by the 4th Respondent and direct the 5th Respondent to issue necessary proceedings for repatriating the writ petitioners to 6th Respondent College for pursuing MB13S (UG) Course (by revoking the withdrawal of Letter of Permission dt. 13.04.2022 to 6th Respondent).

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue necessary proceedings for repatriating the writ petitioners to 6th Respondent College for pursuing MBBS (UG) Course.

Counsel for the Petitioner: M/s. K.MAMATA, REP. FOR SRI M.SRIDHAR

Counsel for the Respondent No.1: B.NARASIMHA SHARMA, ADDL. SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.2: SRI R.NAGARJUNA REDDY, AGP FOR HEALTH, MEDICAL & FAMILY WELFARE DEPT.

Counsel for the Respondent No.3: SRI A.PRABHAKAR RAO, SC FOR KNRUHS

Counsel for the Respondent No.4 & 5: M/s. GORANTLA SRI RANGA PUJITHA, SC FOR NMC & MARD

WRIT PETITION NO: 14011 OF 2023

Between:

1. Mohammed Khaja Faizoddin, S/o Mohammed Rukmoddin, Aged About 32 Years H.No.1-120/38/2, Plat No.85, Sai Dharani Nagar, Phase-2, Nethaji Nagar Statue Nagaram, K V Ranga Reddy, Telangana-500083.
2. Khaja Moeeduddin Maaz, S/o Khaja Fareed Uddin, Aged About 35 Years H.No.12-2-720/10/1 Ground Floor, P And Colony, Beside Salama Hospital, Rethibowli, Vtc.Mehdipatnam, Dist. Hyderabad,
3. Atla Sudheer Reddy, S/o Atla Venkata Reddy, Aged About 27 Years H.Mo.5-9a, Santhamaguluru, Santhamaguluru, Prakasam,Andhra Pradesh-523302.
4. Pandillapalli Sai Ketan, S/o Pandillapalli Ramarao, Aged About 30 Years H.No. 5-4-58/16, Gayathri Nagar Road No 2, Kukatpally, Near BJP Office, Tirumalagiri, Kukatpally, Hyedarabad, Telangana-500072.
5. Akula Vikram, S/o AkulaVenkatesham, Aged About 31 Years H.No. 338 Jalvayuvihar Colony, OppKphb, Near Jntu, Kukatpally ,Hyedarabad, Telangana 500072
6. ThirupathiKasaraju, S/o IlaiahKasaraju, Aged About 35 Years H.No.3-2, Jagannadhpur, Elkathurtha, Jeelgul, Jeelgula, Elkathuthi, Karimnagar, Telangana-505498

...PETITIONERS

AND

1. Union of India, Through its secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi- 110 001
2. State of Telangana, Through its Secretary, Health and Family Welfare BRK Bhawan, Telangana Secretariat Hyderabad - 500 022
3. Kaloji Narayana Rao University of Health Sciences, Through its Registrar, Nizampura, Warangal, Telangana 506007
4. Medical Assessment and Ratings Board, Through its President, Pocket-14, Sector-8, Dwarka Phase-I New Delhi - 110 017
5. National Medical Commission, Through its chairman Pocket-14, Sector-8, Dwarka Phase-I New Delhi - 110 017
6. Mahavir Institute of Medical Sciences Through its Director, Bhagwan Mahavir Marg, A C Guards, Hyderabad 500004

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of the writ of Mandamus declaring the Minutes of Meeting No. NMC/22252/LEGALMARB/ dt. 29.03.2023 passed by the 4th Respondent as illegal, arbitrary, without application of mind, violative of Articles 14, 19(1)(g) and

21 of the Constitution of India and consequently quash the Minutes of Meeting No.NMC/22252/LEGALMARB/ dt. 29.03.2023 passed by the Respondent and direct the 5th Respondent to issue necessary proceedings for repatriating the writ petitioners to 6th Respondent College for pursuing PG Course by revoking the withdrawal of Letter of Permission dt. 17.05.2022 to 6th Respondent.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue necessary proceedings for repatriating the writ petitioners to 6th Respondent College for pursuing PG Course.

Counsel for the Petitioner: M/s. K.MAMATA, REP. FOR SRI M.SRIDHAR

Counsel for the Respondent No.1: B.NARASIMHA SHARMA,
ADDL. SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.2: SRI R.NAGARJUNA REDDY,
AGP FOR HEALTH, MEDICAL & FAMILY WELFARE DEPT.

Counsel for the Respondent No.3: SRI A.PRABHAKAR RAO, SC FOR KNRUHS

Counsel for the Respondent No.4 & 5: M/s. GORANTLA SRI RANGA PUJITHA,
SC FOR NMC & MARD

The Court made the following: COMMON ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION Nos.42853, 42920, 43058 of 2022, 13940, 13976 and 14011 of 2023

COMMON ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Amit Kumar, learned Senior Counsel representing Mr. D. Srinivas Prasad, learned counsel for the petitioner in W.P.No.42853 of 2022.

Dr. Venkat Reddy Donthi Reddy, learned Senior Counsel for the petitioner in W.P.No.42920 of 2022.

Ms. K. Mamata, learned counsel representing Mr. M. Sridhar, learned counsel for the petitioners in W.P.Nos.43058 of 2022; 13940, 13976 and 14011 of 2023.

Mr. B.Narasimha Sharma, learned Additional Solicitor General of India for Union of India.

Ms. Gorantla Sri Ranga Pujitha, learned Standing Counsel for National Medical Commission and Medical Assessment and Rating Board.

Mr. R. Nagarjuna Reddy, learned Assistant Government Pleader for Health, Medical and Family Welfare Department.

2. W.P.Nos.42853 of 2022 and 42920 of 2022 have been filed by the TRR Institute of Medical Sciences and the Mahavir Institute of Medical Sciences (hereinafter referred to as 'institutions'). W.P.Nos.43058 of 2022 and W.P.No.13940 of 2023 have been filed by three and thirty students respectively, who were admitted to the TRR Institute of Medical Sciences and the Mahavir Institute of Medical Sciences respectively. W.P.No.13976 of 2023 has been filed by thirty students, who were admitted to TRR Institute of Medical Sciences. W.P.No.14011 of 2023 has been filed by six students, who were admitted to Post Graduate course in Mahavir Institute of Medical Sciences.

3. The challenge in these writ petitions, validity of orders dated 13.04.2022 and 17.05.2022 passed by the Medical Assessment and Rating Board, by which permission granted to the institutions has been withdrawn. The petitioners have also assailed the validity of the orders dated 15.06.2022 and 22.08.2022 passed in appeals by National Medical Commission of India as well as validity of order dated 07.11.2022 in an appeal preferred under the NMC Act passed by the Central Government. The institutions have also questioned the validity of the action of the official respondents in shifting the students to other medical colleges in the State of Telangana and have sought for a direction that the students be shifted back to the institutions.

4. A common issue arises for consideration in all these writ petitions, namely the validity of the action taken by the Medical Assessment and Rating Board (hereinafter referred to 'MARB') in withdrawing the letter of permission to the institutions. Therefore, all the writ petitions were heard analogously and are being decided by this common order.

For the facility of reference, facts from W.P.No.42853 of 2022 are being referred to.

5. The TRR Institute of Medical Sciences was granted permission on 15.10.2020 by the MARB to establish a medical college in Sanga Reddy District, State of Telangana, with an annual intake capacity of 150 seats in MBBS course. On 30.09.2021, MARB granted permission to the petitioner institution to admit the second batch of 150 students for the academic year 2021-2022. Thereafter, on 26.11.2021, MARB conducted a two-day surprise inspection in the petitioner institution and found the deficiencies in respect of faculty residents/tutors, quality of clinical material, number of beds in emergency medicine and ICU. It was also found that blood bank licence of the petitioner institution had expired and number of investigations and operative procedures, including deliveries, are much less for the out patients and in patients and there was a deficiency of library books and journals. An assessment report was prepared and a show cause notice dated 31.01.2022 was issued to the petitioner

institution by which the institution was required to submit the compliance report on deficiencies as per the National Medical Commission's guidelines on or before 31.03.2022. The institution was also suggested to develop the college website to comply with MSR 2020 and to provide information as per proforma shown in the website.

6. The petitioner institution submitted an explanation on 29.03.2022. Thereafter, another surprise inspection was conducted on 30.03.2022 in which shortage of teaching faculty to the extent of 78.50% and shortage of Senior Resident Doctors to the extent of 80% was found. During the course of inspection, it was found that there is no patient in Out Patient area and list submitted by the college is fictitious. It was also noticed that there are no doctors in Out Patient area to examine the patients. The MARB considered the reply submitted by the institution and it was noted that the deficiencies pointed out have not been corrected and further deficiencies were found on 30.03.2022. The MARB concluded that there was no improvement with regard to deficiencies even after issuance

of show cause notice to the petitioner institution. The MARB, by an order dated 13.04.2022, withdrew the letter of permission granted on 30.09.2021 for first renewal and second batch of admission.

7. On the basis of the order dated 13.04.2022 passed by the MARB, the National Medical Commission issued an order dated 04.05.2022 by which the petitioner institution was asked to appear in person. Being aggrieved by the aforesaid communication, the petitioner institution filed the writ petition, namely W.P.No.23765 of 2022. The said writ petition was disposed of by a Division Bench of this Court by an order dated 19.05.2022 with a direction to dispose of the appeal preferred by the petitioner institution under Section 22(3) of the National Medical Commission Act, 2019 (hereinafter referred to as, "the 2019 Act"), pending before the National Medical Commission. The National Medical Commission, by an order dated 15.06.2022, dismissed the appeal.

8. The petitioner institution thereupon filed an appeal under Section 9(6) of the 2019 Act before the Central

Government. The Central Government, by an order dated 05.08.2022, confirmed the order passed by the National Medical Commission and dismissed the appeal preferred by the petitioner institution. Thereafter, the MARB issued a letter on 25.08.2022 to the Secretary, Government of Telangana, by which reallocation of 150 students to thirteen medical colleges from the petitioner institution for the academic year 2021-2022 was approved as a onetime measure. In compliance of the aforesaid order, counselling was conducted on 29.08.2022 for reallocation of the students from the petitioner institution to other medical colleges for the academic year 2021-2022. Thereafter, the students were shifted on 07.09.2022 to 13 medical colleges situated in the State of Telangana. The students who were admitted to the medical colleges for the academic year 2021-2022 are prosecuting in 13 medical colleges since 07.09.2022.

9. The petitioner institution assailed the validity of the order dated 05.08.2022 passed by the Central Government under Section 9(6) of the 2019 Act in W.P.Nos.34241 and

34180 of 2022. A Division Bench of this Court, by an order dated 16.09.2022, disposed of the writ petitions setting aside the order passed by the Central Government and the appeal was remanded to the Central Government to reconsider the case of the petitioner institution by taking into account the order dated 16.08.2022 and 07.09.2022 passed in favour of MNR Medical College by the Central Government within a period of two weeks from the date of receipt of a copy of the order. The reallocation of the students was made subject to outcome of the appeal which was to be decided by the Central Government afresh. Accordingly, the writ petitions were disposed of.

10. In compliance of the aforesaid order, the Central Government, by an order dated 07.11.2022, *inter alia*, held that the petitioner institution has accepted the deficiencies in ward composition as compared to MNR Medical College. The Central Government further found that the case of the petitioner institution is at variance from MNR Medical College. The Central Government accordingly dismissed the appeal preferred by the petitioner institution. Thereupon,

the petitioner institution has filed W.P.No.42853 of 2022, wherein a writ of certiorari has been sought seeking quashment of the orders dated 13.04.2022, 15.06.2022 and 07.11.2022 passed by the MARB, the National Medical Commission and the Central Government respectively. The petitioner institution also sought quashment of the order dated 17.11.2022 passed by the MARB granting renewal permission for admitting third batch of 150 students to MBBS course for the academic year 2022-2023 and direct the MARB to extend permission granted for 2022-2023 to students admitted in 2021-2022. The petitioner institution has also sought a direction that the students who have been shifted to 13 medical colleges in the State of Telangana be shifted back to the petitioner institution and they be permitted to continue and complete their MBBS course from the petitioner institution. In the aforesaid factual background, the writ petitions arise for our consideration.

11. Learned Senior Counsel for the petitioner institution in W.P.No.42853 of 2022 has submitted that the order

dated 07.11.2022 passed by the Central Government is in contravention of the order dated 16.09.2022 passed by this Court in W.P.No.34180 of 2022 inasmuch as the case of the petitioner was not considered on par with MNR Medical College. It is further submitted that the admission capacity of 13 medical colleges cannot be increased by transferring the students from the petitioner institution. It is contended that the action of the MARB in transferring the students from the petitioner institution has no sanctity in the eye of law, as under Section 26(1)(f) of the 2019 Act, the MARB has no power to transfer the students. It is further contended that under Regulation 30 of the Establishment of New Medical Institutions, Starting of New Medical Courses, Increase of Seats for Existing Courses & Assessment and Rating Regulations, 2023 (hereinafter referred to as, "the 2023 Regulations"), the Board has no power to transfer the students. It is also contended that Section 22(2) of the 2019 Act requires the decision of Autonomous Boards to be taken by majority of votes of the President and Members, whereas in the instant cases, the

orders have been signed by the President only and therefore the impugned orders are liable to be quashed.

12. Learned Senior Counsel for the petitioner in W.P.No.42920 of 2022 has submitted that under Section 26(1)(f) of the 2019 Act, the MARB has power to recommend withdrawal of recognition but cannot pass an order of withdrawal of recognition. It is, therefore, contended that the order passed by the MARB is *per se* without jurisdiction and the aforesaid aspect of the matter ought to have been appreciated by the National Medical Commission as well as the Central Government. Reliance has also been placed on the 2023 Regulations.

13. Learned counsel for the petitioners in W.P.Nos.43058 of 2022, 13940, 13976 and 14011 of 2023 has submitted that the petitioners in W.P.No.14011 of 2023 were admitted to Post Graduate course in other medical colleges and their course would be completed in the month of February, 2025. It is further submitted that the petitioners in other three writ petitions, namely W.P.Nos.43058 of 2022, 13940 and 13976 of 2023 are prosecuting their MBBS course in

other institutions since 07.09.2022. It is contended that there is no provision in the 2019 Act prescribing the minimum number of students prescribed for MBBS course. It is pointed out that the petitioners in the aforesaid writ petitions be transferred back to the TRR Institute of Medical Sciences and Mahavir Institute of Medical Sciences. It is submitted that a suitable order with regard to refund of fee of the students be passed.

14. Learned Additional Solicitor General of India has taken us to the order dated 07.11.2022 and has submitted that the mandate contained in the order dated 16.09.2022 passed in W.P.Nos.34241 of 2022 and 34180 of 2022 has been complied with and the contention urged on behalf of the petitioners that the order has been passed by the Central Government in violation of the directions issued by this Court in the aforesaid writ petitions does not deserve acceptance.

15. Learned counsel for the National Medical Commission and MARB has submitted that the power conferred under Section 26(1)(f) of the 2019 Act is extensive in nature and

includes the power to transfer the students from one medical college to another medical college. In support of the aforesaid submissions, reliance has been placed on the Division Bench decision of the Punjab and Haryana High Court dated 22.08.2024 in Civil Writ Petition No.2061 of 2024 (**White Medical College and Hospital vs. Union of India**). Reference has also been made to the decision of the Supreme Court in **State of Bombay vs. Hospital Mazdoor Sabha**[1]. It is urged that the 2023 Regulations have no retrospective application and do not apply to the fact situation of the cases, as the aforesaid Regulations have come into force with effect from 01.06.2023. It is pointed out that no pleading with regard to the orders being invalid for want of quorum has been taken in the writ petitions. Alternatively, it is submitted that Section 9(5) of the 2019 Act provides that no act done by the Commission shall be questioned on the ground of existence of a vacancy in, or a defect in the constitution of, the Commission. It is also pointed out that the case of the institutions stands on a different footing than MNR Medical College. It is also

[1] AIR 1960 SC 610

pointed out that the scope of judicial review with regard to the orders passed by an expert body is limited and the impugned orders do not call for any interference in these writ petitions. It is urged that there is a distinction between withdrawal of letter of permission and withdrawal of recognition. It is urged that there is a distinction between withdrawal of letter of permission granted to an institution and withdrawal of recognition granted to an institution. Therefore, the contention that MARB cannot withdraw the letter of permission granted to an institution but can only recommend the withdrawal is misconceived.

16. Learned Senior Counsel for the petitioner in W.P.No.42853 of 2022 submitted that MARB has to take an action in accordance with the Regulations and the 2023 Regulations do not empower transfer of students. It is submitted that decision in **White Medical College and Hospital** (supra) does not apply to fact situation of the case as in the said case, the College was shut down, whereas in the instant case, the institution is running the college. It is pointed out that in paragraphs 32, 36 and 37, there is a

pleading with regard to lack of quorum. It is pointed out that the students shifted to other medical colleges would appear in second year examinations in January, 2025. Thereafter, the aforesaid students be shifted back to the institutions for completion of one and half years of theory examination and one year of internship of MBBS course.

17. Learned Senior Counsel for the petitioner in W.P.No.42920 of 2022 has submitted that the institution has been found deficient only for three months. It is further submitted that MARB has power to stop admission of students only and has no power to transfer the students. It is further submitted that the 2023 Regulations is delegated legislation and the same is clarificatory in nature and therefore, it applies to the facts of the case in hand.

18. We have considered the rival submissions made by both sides and have perused the record.

19. It is well settled principle of statutory interpretation that wherever there is the word "include" in the statutory provision, it is *prima facie* extensive. The word "include"

when used enlarges the meaning of the expression defined, so as to comprehend not only such things as they signify according to their natural import but also things which the clause declares that they shall include (See **Reynolds vs. John**[2]). It is also well settled legal proposition that when the word "include" is employed in the statutory provision, the expression must be given a broad interpretation (See **Karnataka Power Transmission Corporation vs. Ashok Iron Works (P) Limited**[3] and **Indian Young Lawyers Association (Sabarimala Temple In Re) vs. State of Kerala**[4]). In the backdrop of the aforesaid well settled legal principles, we may now refer to the statutory provisions.

20. The 2019 Act is an Act, *inter alia*, to provide for a medical education system that improves access to quality and affordable medical education, ensures availability of adequate and high quality medical professionals in all parts of the country. The object of the 2019 Act is to promote equitable and universal healthcare that

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[2] (1956) 1 All E.R. 306
[3] (2009) 3 SCC 240
[4] (2019) 11 SCC 1

encourages community health perspective and makes services of medical professionals accessible to all the citizens. Section 9 of the 2019 Act deals with Meetings of Commission. Section 9(5) of the 2019 Act provides that no act done by the Commission shall be questioned on the ground of the existence of a vacancy in, or a defect in the constitution of, the Commission. Chapter V deals with Autonomous Boards. Section 16(1) of the 2019 Act empowers the Central Government to constitute the Autonomous Boards under the overall supervision of the Commission to perform the functions assigned to such Boards under the provisions of the 2019 Act. The MARB is one such Autonomous Board constituted under Section 16(1) of the 2019 Act. Section 26 of the 2019 Act deals with Powers and Functions of MARB. The relevant extract of Section 26 of the 2019 Act reads as under:

> "**26: Powers and functions of Medical Assessment and Rating Board:**
>
> (1) The Medical Assessment and Rating Board shall perform the following functions, namely:-
>
> ... ...

> (f) take such measures, including issuing warning, imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the Commission for withdrawal of recognition, against a medical institution for failure to maintain the minimum essential standards specified by the Under-graduate Medical Education Board or the Post-graduate Medical Education Board, as the case may be, as it deems necessary."

21. From a scrutiny of Section 26(1)(f) of the 2019 Act, it is evident that the 2019 Act authorises the MARB to take such measures, including issuing warning, imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the Commission for withdrawal of recognition, against a medical institution for failure to maintain the minimum essential standards specified by the Under Graduate Medical Education Board or the Post Graduate Medical Education Board, as the case may be, in accordance with the regulations made under the 2019 Act. The power conferred under Section 26(1)(f) of the 2019 Act is an inclusive power and therefore, the same is an extensive power. It is well settled in law that the

expression "grant of statutory power" carries with it by necessary implication. It is a firmly established rule that an express grant of statutory power carries with it by necessary implication the authority to use all reasonable means to make such grant effective. Grant of statutory power carries with it by necessary implication all the powers and duties incidental and necessary to make the exercise of those powers fully effective (see **Income Tax Officer v. M.K. Mohammed Kunhi**[5] and **Grindlays Bank Limited vs. Central Government Industrial Tribunal**[6]). The MARB is under an obligation to take action against the medical institution for failure to maintain the minimum essential standards. The aforesaid power is inclusive in nature. Therefore, after the expression "measures", the comma has been used. The expression "measures" is wide enough to include power to transfer the students. Therefore, under Section 26(1)(f) of the 2019 Act, the MARB has power to transfer the students from one institution to other institution. We are fortified in our conclusion by the

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[5] AIR 1969 SC 430
[6] 1980 Supp SCC 420

Division Bench decision in Punjab and Haryana High Court in **White Medical College and Hospital** (supra). Therefore, the contention that the MARB is denuded of the power to transfer the students, is misconceived and does not deserve acceptance.

22. Insofar as the issue with regard to the proceedings of the MARB, the National Medical Commission and the Central Government being vitiated on the ground of want of quorum is concerned, the same need not detain us, as Section 9(5) of the 2019 Act is a complete answer to the aforesaid submission. Therefore, the submission that the proceedings of the MARB, the National Medical Commission and the Central Government are vitiated on account of want of quorum, does not deserve acceptance.

23. Now we may deal with the contention urged on behalf of the petitioner whether the order dated 07.11.2022 has been passed by the Central Government in violation of the order dated 16.09.2022 passed in W.P.No.34180 of 2022 and in W.P.No.34241 of 2022. The relevant extract of the aforesaid order dated 16.09.2022 reads as under:

> "Therefore, without expressing any opinion on the merits of the case, this Court is of the view that both these writ petitions can be disposed of by setting aside the order of rejection of the Central Government dated 05.08.2022 in respect of TRR College and the matter is remanded back to the Second Appellate Authority i.e., Central Government to re-consider the case of the petitioners duly taking into the consideration the orders passed by the Second Appellate Authority which was passed in favour of MNR Medical College on 16.08.2022 and also the order passed on 07.09.2022 and since no orders were passed by the Second Appellate Authority in respect of Mahavir College, the Second Appellate Authority is directed to examine the case of Mahavir Medical College by taking into account the orders passed by Central Government on 16.08.2022 and 07.09.2022 in favour of MNR Medical College and pass appropriate orders within a reasonable period of time, preferably, within a period of two weeks from the date of receipt of this order."

24. In pursuance of the aforesaid order of remand, the Central Government decided the appeal afresh by an order dated 07.11.2022. The relevant extract of the order dated 07.11.2022 reads as under:

(iii) Deficiency in ward composition

	Department	Requirements of beds as per MSR	Beds availability as per College information unitwise
1	General Medicine	78/3	72/3
2	Paediatrics	24/1	24/3
3	TB & Chest	10/1	8/1
4	Skin & VD	10/1	8/1
5	Psychiatry	10/1	8/1
6	General Surgery	78/3	90/3
7	Orthopedics	25/1	30/2
8	Ophthalmology	10/1	10/1
9	ENT	10/1	10/1
10	OBG & ANC	25/1	25/1
11	Gynecology	20/1	15/1

Institute during Second appeal hearing accepted that there was discrepancy in ward comparison as compared to MSR

8. TEG/COO on directions of Hon'ble High Court of Telangana:-

(i) In compliance of the directions of the Hon'ble HC, a combined meeting of the Technical Expert Group and COO was held on 21.10.2022

to re-examine the case. The committee discussed the case in details including the procedure to be followed.

(ii) The Committee felt that this case is in variance from MNR Medical College, Telangana case, as while arriving at the decision in case of MNR Medical College, the committee had considered the discrepancy in data observed in the Assessors reports of Under graduate and Post graduate inspections, which were conducted on the same day i.e., 30.03.2022 and had proposed to remand back the case to NMC. The case of the TRR Institute of Medical Sciences, Medak, Telangana is different in nature and substance from the MNR Medical College.

9. The Central Government after going through the facts and reconsideration of 2nd appeal filed by TRR Institute of Medical Sciences, Medak, Telangana against withdrawing the permission of 150 MBBS seats and all Post Graduate Course admitted for the academic year 2021-22 has found that there is deficiency in Human resource, bed occupancy and clinical material hencethere is no merit in 2nd appeal of the said College and decided to reject the appeal of TRR Institute of Medical Sciences, Medak, Telangana.

10. Accordingly, the 2nd Appeal as per Hon'ble High Court Order dated 16.09.2022 of TRR

Institute of Medical Sciences, Medak, stands disposed of.

Thus, from perusal of the directions issued by this Court vide order dated 16.09.2022 in conjunction with the order dated 07.11.2022 passed by the Central Government, it is evident that the Central Government has decided the appeal in consonance with the directions contained in the order of remand. Therefore, the contention that the order dated 07.11.2022 passed by the Central Government is in violation of the order of the Division Bench of this Court dated 16.09.2022 passed in W.P.No.34180 of 2022 and in W.P.No.34241 of 2022 is misconceived.

25. In the instant writ petitions, MARB has withdrawn the permission for admission of the students to the institutions and has not withdrawn the recognition granted to the institutions. Therefore, the contention that the MARB has no power to withdraw the permission for admission of the students is misconceived. In exercise of powers conferred by Section 57(2) read with Sections 26, 29 and 29 of the 2019 Act, the National Medical

Commission has framed 2023 Regulations. Clause (1)(ii) of the Regulations provide that the Regulations shall come into force from the date of publication in the Official Gazette. The Regulations have been published in the Official Gazette on 02.06.2023. Therefore, the 2023 Regulations do not have any retrospective application and do not apply to the fact situation of the cases. Therefore, the contention that under the Regulations, the MARB has no power to transfer the students is misconceived. The contention that decision in **White Medical College and Hospital** (supra) is of no relevance to the facts of the case, is misconceived as Division Bench of Punjab and Haryana High Court has dealt with scope and power of MARB under Section 26(f) of the Act.

26. For yet another reason, no relief can be granted to the institutions. It is pertinent to note that the students admitted to the institutions are prosecuting their studies in 13 different medical colleges situated in the State of Telangana since 07.09.2022. The students have completed two years three months of MBBS course in institutions to

which they have been reallocated. In all, 300 students were reallocated to 13 different medical colleges. Out of 300 students, only 60 students have come forward seeking their transfer back to TRR Institute of Medical Sciences and the Mahavir Institute of Medical Sciences. It is pertinent to note that the petitioners have failed to implead the 13 medical colleges to which they have been admitted in these writ petitions.

27. It is also noteworthy that majority of the students, namely 240 students in number who are prosecuting their studies in 13 different medical colleges in the State of Telangana, are not before us. It is worth mentioning that the petitioners in W.P.No.14011 of 2023 were admitted to Post Graduate course in different medical colleges of the State of Telangana. The aforesaid students would complete their course in February, 2025.

28. For the aforementioned reasons, relief as prayed by the institutions seeking repatriation of the students to TRR Institute of Medical Sciences and the Mahavir Institute of Medical Sciences cannot be granted in these writ petitions.

29. However, we find substance in the grievance urged by the petitioners in W.P.Nos.43058 of 2022, 13940, 13976 and 14011 of 2023 with regard to the refund of the fee. However, it is not possible to deal with the prayer for refund of fee as the institutions, to whom the students paid the fees, have not been impleaded in the writ petitions. The petitioners in W.P.Nos.43058 of 2022, 13940, 13976 and 14011 of 2023 had paid fee to TRR Institute of Medical Sciences and the Mahavir Institute of Medical Sciences at the time of admission. Thereafter, they were reallocated to 13 different medical colleges. The petitioners in W.P.Nos.43058 of 2022, 13940, 13976 and 14011 of 2023 have again paid fee to different 13 medical colleges while being admitted to first year MBBS course. Liberty is reserved to the students, namely petitioners in W.P.Nos.43058 of 2022, 13940, 13976 and 14011 of 2023 to approach the competent authority seeking refund of the fee. Needless to state that in case any claim is made by the students seeking refund of fee paid by them, the competent authority shall decide the claim of the students after

affording an opportunity of hearing to necessary parties, by a speaking order. It is made clear that this Court has not expressed any opinion with regard to the claim of the students for refund of fee.

30. In the result, the writ petitions, namely W.P.Nos.42853 of 2022 and 42920 of 2022 are dismissed, whereas W.P.Nos.43058 of 2022, 13940, 13976 and 14011 of 2023 are disposed of. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR

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SECTION OFFICER

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(For His Lordships Kind Perusal)
and
One Fair Copy to the Hon'ble SRI JUSTICE J.SREENIVAS RAO
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2. The Secretary, Health and Family Welfare BRK Bhawan, Telangana Secretariat, Hyderabad, State of Telangana -500 022
3. The Chairman, National Medical Commission, Administrative Section, Pocket-14, Sector-8, Dwarka Phase-I, New Delhi - 110 017.
4. The President, Medical Assessment and Ratings Board, National Medical Commission, Pocket-14, Sector-8, Dwarka Phase-I, New Delhi - 110 017.
5. The Registrar, Kaloji Narayana Rao University of Health Sciences, Nizampura, Warangal, Telangana 506007.
6. The Dean and Principal, TRR Institute of Medical Sciences, TRR Nagar, Inole (V), Patancheru (M), Sangareddy -502319, Telangana.

7. The Director, Mahavir Institute of Medical Sciences, Bhagwan Mahavir Marg, A C Guards, Hyderabad 500004.
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HIGH COURT

DATED: 02/01/2025

COMMON ORDER

W.P.NOs: 42853, 42920, 43058 of 2022,
13940, 13976 and 14011 of 2023



DISMISSING THE W.P.Nos.42853 & 42920 of 2022 &

DISPOSING OF THE W.P.Nos.43058 of 2022;

13940, 13976 and 14011 of 2023,

WITHOUT COSTS

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