



**REPORTABLE**

**IN THE SUPREME COURT OF INDIA**  
**CIVIL EXTRAORDINARY JURISDICTION**  
**SPECIAL LEAVE PETITION (CIVIL) NO. 9298 OF 2018**

**STATE OF U.P. & ANOTHER** **... PETITIONERS**

**VERSUS**

**MISS BHAVNA TIWARI & ORS.** **... RESPONDENTS**

**ORDER**

1. We have heard the learned counsel appearing for all the parties and perused the materials placed before us.

2. This Special Leave Petition arises from the final judgment and order dated 19.01.2018<sup>1</sup> passed by the High Court of Judicature at Allahabad<sup>2</sup> in Civil Miscellaneous Writ Petition No. 28550 of 2017, whereby the High Court disposed of the writ petition with the following observations and directions:

*“In view of the decisions of the Supreme Court no admission can be granted after the cut of date. A time schedule is required to be strictly adhered to. However, in the given circumstances the petitioners are entitled to compensation, which the Court computes at Rs.Ten lakhs each payable to the petitioners. The said amount shall be paid by the Director General of Medical Education and Training, ...within four weeks from the date of presentation of a certified copy of the order.*

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<sup>1</sup> For short, “the impugned order”

<sup>2</sup> Hereinafter referred to as “the High Court”

*Before we part with the case, we are of the opinion that there is a need to issue further directions as we have found that there has been a large-scale blocking of seats. 80% of the seats were filled up in the mop up round. Obviously, there is a flaw in the admission procedure.*

*We, accordingly, direct the Principal Secretary, Medical Education, Government of U.P., Lucknow ... to take this fact into consideration of large-scale blocking of seats and come out with a foolproof admission procedure, which would eliminate such blockage of seats and ensure that maximum number of seats are filled up in the first and second round of counseling. We also direct the Principal Secretary to hold an inquiry into the circumstances of diluting the admission procedure and allowing the candidates who had appeared in the first and second round of counseling to be considered again in the mop up round in the garb of misinterpreting the orders of the Supreme Court. Such inquiry shall be made within two months and action be taken against the erring officials.*

*For future admissions in subsequent academic sessions, we direct that after the first and second round of counseling, a window should be opened for the candidates who had taken admission to upgrade their stream and thereafter allow the remaining seats to be filled up in the mop up round. By this procedure allowing the candidates to upgrade their seats would not amount to third round of counseling. Further, the upgradation of seats of the preferred choice of the candidate would ensure fairness in the admission process and allow the meritorious candidates to take admission not only in the preferred choice of seats but also in better streams and, thus, by doing so, discipline would be maintained.*

*The writ petitions are disposed of.”*

3. Aggrieved by the aforesaid order, the petitioners viz., State of U.P., and the Director General of Medical Education & Training, Lucknow, U.P. – who were Respondent Nos.2 and 3 in the writ petition – have approached this Court by way of the present petition.
4. By order dated 16.04.2018, this Court has granted an order of interim stay of the operation of the impugned order.

5. According to the learned counsel for Respondent Nos.1 and 2 herein, the writ petitioners were aspirants in the first NEET-PG conducted for the academic year 2017-18. The ranks secured by them as well as the seats allotted to them in the first and second rounds of counselling are detailed below:

| Particulars            | Respondent No.1<br>(Bhavna Tiwari)                    | Respondent No.2<br>(Sonal Sharma)                                                 |
|------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------|
| All India Rank         | 13979                                                 | 11280                                                                             |
| State Rank             | 1247                                                  | 1011                                                                              |
| Preferences            | Choice 1: MD Radiodiagnosis<br>Choice 2: MD Pathology | Choice 1: MD Radiodiagnosis<br>Choice 2: MD Skin & VD<br>Choice 3: MD Paediatrics |
| First Round allotment  | MD Pathology at Subharti Medical College, Meerut      | MD Paediatrics at Rohilkhand Medical College, Bareilly                            |
| Second Round allotment | MD Pathology at Subharti Medical College, Meerut      | MD Paediatrics at Rohilkhand Medical College, Bareilly                            |

5.1. The grievance of the writ petitioners was that there had been a deviation in the admission process. Candidates, who had already been allotted seats in the first and second rounds of counselling were again permitted to appear in the mop-up round. It

was alleged that a number of seats in the Radiology course were available in the mop-up round and were allotted to candidates, who were less meritorious than the writ petitioners, including those who had already participated in the earlier rounds of counselling. Alleging large-scale seat blocking and asserting that nearly 80% of the seats were filled during the mop-up round – resulting in the seats of their first preference being eventually allotted to less meritorious candidates – Respondent Nos.1 and 2 / writ petitioners filed the aforesaid writ petition seeking the following reliefs:

- (i) A declaration that paragraphs 5 and 6 of the National Eligibility cum Entrance Test (NEET) PG 2017 Brochure, published by the King George's Medical University, Lucknow – inasmuch as they deprived Respondent Nos.1 and 2 of an opportunity to appear in the mop-up round – are ultra vires Articles 14 and 15 of the Constitution of India.
- (ii) A direction to the authorities to grant permission to Respondent Nos.1 and 2 to attend classes in the institutions of their first choice, where they have already been admitted in a different discipline.
- (iii) A direction to the authorities to pass consequential orders with respect to the admission of Respondent Nos.1 and 2 as per their first choice and merit.
- (iv) A direction to the authorities to undertake necessary reshuffling of admissions in medical colleges based on merit and candidate preferences, by maintaining a common selection list for admission to PG courses.
- (v) Any other order or direction as the Court may deem fit and proper in the facts and circumstances of the case.
- (vi) An award of costs of the petition in favour of Respondent Nos.1 and 2.

It is submitted by the learned counsel for the writ petitioners that the High

Court, after hearing all parties, rightly disposed of the writ petition with appropriate observations and directions. Therefore, no interference is warranted by this court.

6. On a perusal of the impugned order, it is evident that apart from directing the payment of compensation to Respondent Nos.1 and 2 / writ petitioners, the High Court was categorical in addressing the issue of seat blocking and in safeguarding the interests of meritorious candidates. Accordingly, it issued specific directions to the Government authorities, viz.,

- (i) To ensure that no seat blocking takes place in the future in medical courses and that the majority of the seats are filled during the first and second rounds of medical counselling.
- (ii) To ensure that less meritorious students do not secure admission to relatively more prestigious Post Graduate medical courses over candidates who are higher in merit.

7. At the outset, it is to be noted that the NEET-PG counselling process was conceived as a transparent, merit-based national mechanism for allocating postgraduate medical seats. However, over time, it has come under increasing scrutiny for facilitating widespread seat blocking. This malpractice distorts the actual availability of seats, fosters inequity among aspirants, and often reduces the process to one governed more by chance than merit. Seat blocking is not merely an isolated wrongdoing – it reflects deeper systemic flaws rooted in fragmented governance, lack of transparency, and weak policy enforcement. Although regulatory bodies have introduced disincentives and

technical controls, the core challenges of synchronization, real-time visibility, and uniform enforcement remain largely unaddressed. Achieving a truly fair and efficient system will require more than policy tweaks; it demands structural coordination, technological modernization, and robust regulatory accountability at both State and Central levels.

**8.** Seat blocking in NEET-PG counselling occurs when candidates temporarily accept seats, only to abandon them later after securing more preferred options. This leads to those seats remaining unavailable in earlier rounds and opening up only in later stages, disadvantaging higher-ranked aspirants, who may have already committed to less preferred choices. Delays in state counselling, last-minute seat additions or deletions, and lack of coordination between quotas worsen the issue. As a result, lower-ranked candidates can secure better seats by taking risks, while merit-based selection is undermined.

**9.** During the course of hearing, the learned counsel for the Petitioners submitted that except for the payment of compensation to Respondent Nos.1 and 2, the other directions issued by the High Court have been duly complied with.

**9.1.** It is further submitted that to streamline the counselling process and to curb the issue of seat blocking, the State of U.P. has taken substantial steps by introducing the following measures:

(i) By Government Order No.12/71-4-2018-18/18 dated 08.03.2018, a security deposit was stipulated under Clause 5, with a view to deter candidates from the practice of not joining the seats allotted to them in the first two rounds of counselling. This measure has proven effective, as failure to join the allotted seat results in forfeiture of the security deposit. For better appreciation, Clause 5 is extracted below:

*“(5) Security Money*

*For participating in the NEET PG 2018 counselling process in respect of Government medical colleges, security money is fixed as Rs.30,000/- (thirty thousand rupees) and in respect of private medical and dental colleges, the same is fixed as Rs.2,00,000/- (two lakh rupees). In the event of candidates taking admission to the seat allotted to them in the Govt./private medical/ dental college, security money deposited by candidates shall be returned in the bank account provided by them. Such candidates who do not take admission inspite of allotment of seat, their security money shall be forfeited.*

*Security money be got deposited by online mode from the candidates participating in the online counselling process of NEET PG 2018, prior to choice filling.”*

(ii) Earlier, the counselling for the stray vacancy round was conducted manually (by offline mode) whereby the private medical colleges were provided with a list of candidates amounting to ten times the number of vacant seats. This process often led to an arbitrary ‘pick and choose’ method being adopted by certain private institutions. To prevent such practices, the National Medical Commission, vide communication dated 24.07.2023, directed that counselling for all stray vacancy round seats be conducted through an online process. It is pertinent to note that even prior to this directive, the State had already implemented online counselling for the mop-up and stray vacancy

rounds through the issuance of Government Order No.1/348793/2023 dated 13.07.2023.

(iii) A one-year debarment has been envisaged for candidates who fail to join the seats allotted to them in the stray vacancy round. Accordingly, a stipulation to this effect was incorporated in the Counselling Brochure for NEET-PG 2024, which reads as follows:

*“If a candidate is allotted a seat in Stray round, candidate has to report & join the allotted seat / college else he / she shall be debarred from UPNEET PG / MDS Counselling -2025 along with forfeiture of security deposit”.*

**10.** Further, the learned counsel for the petitioners has drawn our attention to the status of seat allotment and admissions after each round of counselling in NEET - PG 2024, in the context of the measures implemented to curb seat blocking. The details are tabulated below:

| Particulars                         | First Counselling | Second Counselling | Third Counselling | Stray Vacancy round | Special Stray Vacancy round |
|-------------------------------------|-------------------|--------------------|-------------------|---------------------|-----------------------------|
| Number of allotted students         | 1640              | 1695               | 672               | 148                 | 102                         |
| Number of admitted students         | 965               | 1510               | 540               | 121                 | 93                          |
| Number of students not admitted     | 675               | 185                | 132               | 27                  | 9                           |
| Number of students who had resigned | 59                | 49                 | 15                | 2                   | 0                           |

Note: - In the first round of counselling, there were 2026 seats in all, and after receiving

recognition for 74 new seats from N.M.C., total 2100 seats were placed in the second round of counselling process.

Thus, according to the learned counsel for the petitioners, the counselling process has been significantly refined, and the issue of seat blocking has been effectively addressed to a large extent.

**11.** Additionally, the learned senior counsel for the NMC / MCI explained how the scheme for admission to medical colleges evolved through a series of judicial interventions.

**11.1.** In *Sharwan Kumar v. DGHS and others*<sup>3</sup>, this Court framed a scheme for admission to medical courses. As per this scheme, only two rounds of counselling were conducted for All India Quota (AIQ) seats – the 1<sup>st</sup> and 2<sup>nd</sup> rounds of counselling. This scheme was adopted by State Governments for admission to State Quota seats. It also provided that vacant or unfilled AIQ seats would be surrendered to the State Quota or concerned colleges after the last date for admission. Accordingly, all States followed the pattern of conducting two rounds each for AIQ and State counselling. However, delays by counselling authorities led to deviations from the schedule, resulting in many students being deprived of the opportunity to participate in counselling on par with others, particularly affecting their chances in State counselling.

**11.2.** The above issue came under scrutiny in *Ashish Ranjan v. Union of India*<sup>4</sup>, where

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<sup>3</sup> (1993) 3 SCC 332

<sup>4</sup> (2016) 11 SCC 225

this Court approved the MCI's notification regarding the counselling schedule for the first NEET-PG, which also involved two rounds of counselling. Under this system, the Directorate General of Health Services (DGHS) conducted counselling for AIQ (both PG and MBBS) while State Governments or their nominated authorities conducted counselling for State Quota seats, including Government seats in private colleges.

**11.3.** That apart, associations or consortia of medical colleges conducted counselling for private colleges within States. For deemed universities, counselling practices varied: some conducted their own, while others joined private college counselling. However, this decentralized system often led to malpractices, such as the admission of less meritorious students or selections made without regard to merit. This created a situation where private medical and dental colleges could admit students in violation of the merit-based principle.

This concern was addressed in *Modern Dental College and Research Centre v. State of Madhya Pradesh*<sup>5</sup>, where, the Constitution Bench of this Court directed that all admissions to medical and dental courses for the academic year 2016-17 must be made based on the NEET merit list, followed by centralized counselling conducted by the respective State.

**11.4.** Further, in its order dated 03.05.2017 in WP(C) No.261 of 2017 – *Christian Medical College Vellore Association v. Medical Council of India*, this Court directed that States must conduct common counselling for admissions to medicine courses.

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<sup>5</sup> (2016) 7 SCC 353

**11.5.** Similarly, in its order dated 04.05.2017 in WP (C) No. 244 of 2017 – *Education Promotion Society of India v. Union of India*, this Court held that counselling for deemed Universities must also be conducted by the concerned State Government or its designated authority.

**11.6.** Finally, in its order dated 09.05.2017 passed in WP (C) No. 267 of 2017, this Court laid down detailed guidelines for admissions. One key directive was that, after the 2<sup>nd</sup> round of counselling, students, who had already taken admission would not be allowed to vacate their seats. This was intended to prevent seat blocking and ensure that the maximum number of seats were filled during the 1<sup>st</sup> and 2<sup>nd</sup> rounds of counselling.

**12.** The learned senior counsel for the MCI / NMC further submitted that the Medical Council of India (MCI) and subsequently, the National Medical Commission (NMC) have taken several steps to prevent seat blocking and to ensure transparency and fairness in the admission process for medical courses.

**12.1.** The MCI while exercising its powers under section 33 of the Indian Medical Council Act, 1956 and with the prior approval of the Government of India, amended the MCI Postgraduate Medical Education Regulations and Regulations on Graduate Medical Education, 1997. Through notifications dated 10.03.2017 and 27.06.2017, it inserted Regulation 9A and 5A respectively. These amendments mandated that admissions to medical courses in all medical colleges, including deemed universities, must be made only through common or combined counselling conducted by the respective State

Government, Central Government, or their designated authorities.

**12.2.** In compliance with directions issued by this Court, the MCI further amended the Post Graduate Medical Education Regulations, via notifications dated 05.04.2018 and 20.08.2018. Among other provisions, the amendment required the counselling authority to forward a list of candidates, in order of merit equal to ten times the number of vacant seats to the concerned medical colleges for admission to postgraduate medical courses.

**12.3.** Subsequently, the Central Government through a notification dated 24.09.2020 repealed all provisions of the Indian Medical Council Act, 1956. In its place, the National Medical Commission Act, 2019, was brought into force, dissolving the MCI and the Board of Governors in supersession of MCI. The National Medical Commission was established under the new Act to regulate the medical profession and education, and to lay down standards for the same.

**12.4.** In pursuance of the order of this Court in *Nihila P.P. v. the Medical Counselling Committee and others*<sup>6</sup>, the Government of India, in consultation with the NMC, presented a revised counselling scheme before this Court. This scheme included four rounds of counselling, namely: 1<sup>st</sup> round, 2<sup>nd</sup> round, mop-up round and stray vacancy round. This Court in its judgment dated 16.12.2021, approved the implementation of this four-round counselling process for both undergraduate and postgraduate courses, effective from the academic year 2021-22 onwards.

**12.5.** As per paragraph (f) of the above judgment, the option of upgradation and free

<sup>6</sup> 2021 SCC OnLine SC 3283

exit was allowed only during Round 1 of the central counselling. Paragraph (g) stated that no upgradation would be permitted from Round 2 to the mop-up round. Paragraph (h) categorically provided that candidates who had joined the allotted college in Round 2 would not be permitted to resign and would be ineligible to participate in any further rounds of counselling. However, this restriction has since been modified, and candidates are now permitted to upgrade their seats up to the 3<sup>rd</sup> round of counselling. After the 3<sup>rd</sup> round, they are barred from vacating their seats. Additionally, paragraph (i) provided that only those candidates who had not joined the allotted seats in Round 2 would be eligible to participate in further rounds of counselling. The relevant portion of the said judgment reads as under:

“...

*The proposed modified scheme of online 4 rounds of counselling will be in tune with the prevailing norms of counselling (including the fees and security deposit) being followed for Central Institutes / Universities. The salient points of the scheme are as follows:*

*a) There will be 04 rounds of online counselling i.e., AIQ Round 1, AIQ Round 2, AIQ Mop-up Round and AIQ Stray Vacancy Round.*

*b) The seats which were earlier reverted back to the respective States after the completion of Round 2 of AIQ will continue to be filled in the AIQ Mop-up Round and AIQ Stray Vacancy Round to be conducted by MCC of DGHS, MoHFW in online mode.*

*c) The said rounds will only be conducted for the AIQ seats having All India character which are contributed by the States for 15% UG seats and 50% PG seats.*

*d) Fresh registration of candidates will be allowed in:*

*AIQ Round 1*

*AIQ Round 2*

*AIQ Mop-up Round.*

*e) There will be no fresh registration for candidates in the AIQ Stray Vacancy Round.*

*f) There will be an option for upgradation and free exit, only in Round 1 of the AIQ counselling.*

*g) There will not be an option of upgradation to Mop-up round from Round 2.*

*h) Candidates who have joined the allotted seat in Round 2 and further rounds of*

*counselling will not be allowed to resign and will also be ineligible to take part in further rounds of any type of counselling.*

*i) Candidates who have not joined the allotted seat in Round 2 will be eligible for further rounds of counselling subject to forfeiture of security deposit and fresh registration in only mop-up round.*

*j) The provisions with regard to security deposit, option of free exit and eligibility for participation will be as per the Gazette Notification No. MCI-34(41)/2018 – Med./109835 dated 18.05.2018.*

*3. This Court has been informed that the modified schemes shall be implemented for the current year 2021-2022 for admissions to NEET UG and PG.*

*4. In view of the aforesaid statement made on behalf of MCC, Directorate of Health Services, nothing remains to be adjudicated in the Special Leave Petition and Writ Petition which are disposed of accordingly. Pending application(s), if any, shall stand disposed of.”*

**13.** It is also submitted by the learned senior counsel that in addition to previous measures, the NMC has taken further steps to ensure that student admissions are conducted in strict adherence to the rule of merit. It was observed that the offline mode of counselling during the stray round was detrimental to the interests of both medical education and meritorious students. To ensure fairness in the admission process, adherence to the merit list and to prevent seat blocking, it became necessary to mandate that all counselling rounds be conducted online – both by State Governments for state quota seats and by the Medical Counselling Committee, DGHS for All India Quota (AIQ) seats.

**13.1.** Accordingly, the Medical Counselling Committee filed an application (I.A.No.132614/2022 in W.P (C) No.267 of 2017) requesting directions to conduct the

stray vacancy round for 100% Deemed Universities in both Under-Graduate and Post Graduate Courses, via online mode. It is pertinent to note that MCC is responsible for conducting counselling for admissions to all Deemed Universities. Based on this application, this Court through its order dated 12.12.2022 permitted and directed MCC to conduct stray vacancy round for all Deemed Universities through online mode.

**13.2.** Considering the above, and with a view to uphold the rule of merit and safeguard the interests of meritorious students, the NMC after thorough discussions, decided that all States and Colleges must conduct the stray round of counselling exclusively through online mode for MBBS admissions starting from the academic year 2023-24. This decision was communicated to all States and relevant authorities through a circular dated 24.07.2023.

**13.3.** In exercise of its powers under sub-section (1) of Section 25 and sub-section (2) of Section 57 of the NMC Act, 2019, the NMC notified Postgraduate Medical Education Regulations, 2023. Under Regulations 4.3 and 4.4, the concept of Common Counselling was introduced, mandating that all rounds of PG medical counselling must be held solely in online mode by the appropriate State and Central Authorities. Additionally, these regulations require colleges to disclose their fee structure, enabling candidates to make informed choices and reducing the chances of students vacating seats due to unexpected high fees.

**13.4.** Similarly, under the powers granted by sub section (1) of section 24, and various

clauses under sub-section (2) of section 57 of the NMC Act, 2019, the NMC also notified the Graduate Medical Education Regulation, 2023. Regulations 12, 13, and 14 specify that admission to the MBBS course shall only be conducted through Common Counselling organized by the authority designated by the Central Government. Regulation 16 categorically prohibits any form of admission other than through common counselling.

**13.5.** Further, from the academic year 2023-24, the MCC, in consultation with the NMC, decided that students allotted seats in the stray round will not be permitted to vacate their seats. If a student still vacates the seat, they will face forfeiture of fees and will be barred from appearing in NEET PG / National Exit Examination (NExT) (once implemented) for a period of one year.

By pointing out the above, the learned senior counsel for the NMC/MCI submitted that the two concerns raised by the High Court stand adequately addressed by this respondent.

**14.** From the submissions made on behalf of the petitioners and the NMC/MCI, it is discernible that the authorities have introduced several regulatory measures – such as security deposits, debarment clauses, round finality rules, and undertakings from candidates – to enforce commitment and reduce strategic blocking of seats. In compliance with the directions issued by this Court, the National Medical Commission (NMC) has implemented comprehensive reforms to the counselling process, aiming to

prevent seat blocking, ensure optimum seat utilization, and promote a transparent, merit-based admission system in medical education.

**14.1.** Currently, all rounds of counselling for State quota seats are conducted by the respective State Government or its designated authority, while counselling for All India Quota (AIQ) seats and deemed universities is managed by the Medical Counselling Committee (MCC) under the Directorate General of Health Services (DGHS). The entire counselling process is now conducted online, which has eliminated the discretion previously held by private medical colleges and deemed universities to admit students independently after State counselling. As a result, seat blocking has been effectively addressed.

**14.2.** To further optimize seat allocation, any seat vacated due to resignation, surrender, or migration is retained and made available in subsequent rounds of AIQ counselling. The number of counselling rounds has been increased from two to four – namely, Round 1, Round 2, Mop-Up Round, and Stray Vacancy Round. This expansion provides candidates with greater opportunities to secure a seat and reduces the wastage of available seats.

**14.3.** Furthermore, in the Stray Vacancy Round, candidates who are allotted and join a seat are not permitted to resign thereafter. Those, who are allotted a seat but fail to join will forfeit their fee and be debarred from appearing in the National Exit Test (NExT)

for one year, once NExT is implemented.

**14.4.** These reforms directly address the concerns raised by the High Court in the impugned order and ensure that meritorious students are not deprived of their rightful opportunities. Therefore, we are not inclined to interfere with the impugned order passed by the High Court in its entirety, but deem it appropriate to issue certain directions to the concerned authorities to ensure the effective implementation of the revised counselling framework, thereby upholding the principles of merit, fairness and transparency.

**15.** Regarding the direction issued by the High Court for payment of compensation to Respondent Nos.1 and 2, it is submitted by the learned counsel for the petitioners that both the respondents had participated in the first and second rounds of counselling and were allotted seats accordingly. Their exclusion from the mop-up round was in complete adherence to the directions issued by this Court in *Ashish Ranjan v. Union of India*<sup>7</sup> and *Dar-us-Slam Educational Trust v. MCI*<sup>8</sup>. Therefore, the petitioners contend that the question of compensation does not arise and the High Court erred in directing payment of Rs.10,00,000/- each to Respondent Nos.1 and 2.

**15.1.** Conversely, the learned counsel for Respondent Nos.1 and 2 / writ petitioners submitted that the respondents were denied the opportunity to upgrade to their preferred MD Radiology seats during the mop-up round. They argued that this denial facilitated

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<sup>7</sup> (2016) 11 SCC 225

<sup>8</sup> Order dated 09.05.2017

widespread seat blocking in the earlier rounds, which allowed candidates with lower merit to secure admission while more deserving candidates like themselves were left disadvantaged. Acknowledging these procedural lapses, the High Court observed that although admissions post the prescribed cut-off date were not possible, the conduct of the State authorities had caused significant disadvantage to Respondent Nos.1 and 2, warranting the award of compensation.

**15.2.** It is an admitted fact that Respondent Nos.1 and 2 appeared for NEET-PG 2017-18 with MD Radiology as their preferred choice. When that was unavailable during the first two rounds, they opted for Pathology and Paediatrics, respectively and subsequently, joined their allotted colleges and completed their PG courses. As per the then-prevailing counselling procedure, candidates who accepted seats in earlier rounds were precluded from participating in the mop-up round. The High Court itself noted that no valuable right was denied to the respondents regarding participation in the mop-up round and that once admission was granted, the process concluded unless specific exceptions applied as per the admission guidelines.

**15.3.** While the cause of the respondents in approaching the court was reasonable and in fact catalyzed significant reforms in the counselling process to curb seat blocking and uphold merit, the award of Rs.10,00,000/- each as compensation is found to be arbitrary

and excessive. The judgments relied upon by the High Court pertained to different factual contexts where students lost an academic year through no fault of their own. Those cases are distinguishable from the present one, where the respondents completed their courses. Moreover, awarding compensation for seat blocking in NEET-PG counselling is not a common practice.

**15.4.** The present case instead highlights systemic issues and underscores the need for transparency and fairness in the NEET-PG counselling process. Accordingly, in the interest of justice, we are inclined to award a sum of Rs.1,00,000/- each to Respondent Nos.1 and 2 towards litigative expenses, to be paid by the petitioners, within a period of three weeks from the date of receipt of a copy of this order. The direction of the High Court awarding compensation of Rs.10,00,000/- each is hereby set aside and the impugned order is accordingly modified.

**16.** As held by us in paragraph **14.4**, we issue the following directions to the concerned authorities:

- (i) Implement a Nationally synchronized counselling calendar to align AIQ and State rounds and prevent seat blocking across systems.
- (ii) Mandate Pre-Counselling Fee Disclosure by all private / deemed universities, detailing tuition, hostel, caution deposit, and miscellaneous charges.
- (iii) Establish a Centralized Fee Regulation Framework under the National Medical

Commission (NMC)

- (iv) Permit upgrade windows post-round 2 for admitted candidates to shift to better seats without reopening counselling to new entrants.
- (v) Publish raw scores, answer keys and normalization formulae for transparency in multi-shift NEET-PG exams.
- (vi) Enforce strict penalties for seat blocking including forfeiture of security deposit, disqualification from future NEET-PG exams (for repeat offenders), blacklisting of complicit colleges.
- (vii) Implement Aadhaar-based seat tracking to prevent multiple seat holdings and misrepresentation.
- (viii) Hold state authorities and institutional DMEs accountable under contempt or disciplinary action for rule or schedule violations.
- (ix) Adopt a Uniform Counselling Conduct Code across all States for standard rules on eligibility, mop-up rounds, seat withdrawal, and grievance timelines.
- (x) Set up a third-party oversight mechanism under NMC for annual audits of counselling data, compliance, and admission fairness.

**17.** With the aforesaid directions and modification, this Special Leave Petition stands disposed of.

**18.** Connected Miscellaneous Application(s), if any, shall stand closed.

..... **J.**  
**(J.B. PARDIWALA)**

..... **J.**  
**(R. MAHADEVAN)**

**NEW DELHI;**  
**APRIL 29, 2025**