

WP No. 31934 of 2025 C/W
WP No. 32428 of 2025,
WP No.32391/2025,
WP No.32510/2025 &
WP No.32519/2025

RESERVED ON: 25.11.2025

PRONOUNCED ON: 05.12.2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 05TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 31934 OF 2025 (EDN-RES)

C/W

WRIT PETITION NO. 32428 OF 2025 (EDN-RES)

WRIT PETITION NO. 32391 OF 2025 (EDN-RES)

WRIT PETITION NO. 32510 OF 2025 (EDN-RES)

WRIT PETITION NO. 32519 OF 2025 (EDN-MED ADM)

IN WP No.31934/2025

BETWEEN:

1. MISS CHANDANA M CHAVAN,
AGED ABOUT 19 YEARS,
D/O MARUTI,
R/A. A/P GULEDGUDD,
BAGALKOTE DISTRICT-587 203.

[Deleted vide Order dated 31.10.2025]

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2. MISS. DISHABANU NADAF,
AGED ABOUT 18 YEARS,
D/O DR.AADAMALI NADAF,
R/A HOUSE NO.6, 410/B,
OPP. KARNATAKA OIL FACTORY,
TAJNAGAR UNKAL,
HUBBALLI-580 031.
3. SHRI.N.SUDAHRSAN KAMATH,
AGED ABOUT 18 YEARS,
S/O N.NAGESH KAMATH,
R/A SRI MANJUNATHA,
7TH CROSS, I STAGE,
VINOBANAGAR,
SHIMOGA-577 204.
4. SHRI.VINUTH NAIKWADI,
AGED ABOUT 18 YEARS,
S/O VITTAL NAIKAWADI,
R/A 36 1ST MAIN,
CHOWDAPPA LAYOUT,
K.NARAYANPURA MAIN ROAD,
THANISUNDRA,
BANGALORE-560 077.
5. MISS DIYA PRASHANTH JAIN,
AGED ABOUT 18 YEARS,
D/O DR. PRASHANTH.P,
R/A 22/8, KADEMANE,
3RD FLOOR, 249 CHS,
4TH PHASE MAIN ROAD,
4TH PHASE, YELAHANKA NEW TOWN,
BENGALURU-560 064.

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6. MISS. SHRUTI PATIL,
AGED ABOUT 18 YEARS,
D/O BASVANTHAGOWDA,
R/A. 200, SHRI BASAVAJYOTHI,
NEAR MARUTHI TEMPLE,
DEVARAJ URS COLONY,
BASVAN KUDACHI,
BELAGAVI -591 124.
7. SHRI.CHRYASS BOSCO SALDANHA,
AGED ABOUT 18 YEARS,
S/O DOMINIC R M SALDANHA,
R/AT 24-10-1097/2, 'FLOS CARMELI',
MARNAMIKATTA,
MANGALORE-575 001.
8. SHREYA D G,
AGED ABOUT 18 YEARS,
D/O DEVARAJ.G,
R/AT: NARAGONDANAHALLI,
CHIKKABANAGERE POST,
SIRA TALUK, DISTRICT
TUMAKURU-572 113.
9. PRATHYUSH.P,
AGED ABOUT 18 YEARS,
S/O PRAKASH.H,
R/AT: MIG 61, 1ST PHASE,
KHB COLONY GOPALA,
SHIVAMOGGA-577 201.
10. MAHIER R SULLAD,
AGED ABOUT 18 YEARS,
S/O RIYAZ H SULLAD,

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R/AT: H-4-601/42/1/61,
 2ND CROSS, GREEN HILLS
 BAREY HILLS, BADEPUR,
 GULBARGA,
 KALABURGI-585 102.

11. LAVANYA SA,
 AGED ABOUT 18 YEARS,
 D/O ARUN KUMAR,
 R/AT: TAMBAKAD NAGAR,
 HIREKARUR, HAVERI,
 KARNATAKA-581 111.

...PETITIONERS

(BY SRI.VIVEK HOLLA, ADVOCATE A/W,
 MS. MAYA HOLLA., ADVOCATE FOR P2 TO P11
 THE PETITION IS DISMISSED AS INFRACTUOUS IN
 R/O. PETITIONER NO.1 V/O DATED 31.10.2025)

AND:

1. THE STATE OF KARNATAKA,
 HIGHER EDUCATION DEPARTMENT,
 VIDHANA SOUDHA,
 BENGALURU-560 001.
 REPRESENTED BY ITS
 PRINCIPAL SECRETARY TO GOVERNMENT.
2. KARNATAKA EXAMINATION AUTHORITY,
 SAMPIGE ROAD, 18TH CROSS,
 MALLESHWARAM,
 BENGALURU-560 012.
 REPRESENTED BY ITS
 EXECUTIVE DIRECTOR.
3. NATIONAL MEDICAL COMMISSION,

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POCKET-14, SECTOR-8
 DWARAKA, PHASE-1,
 NEW DELHI-110 077,
 REPRESENTED BY
 ITS SECRETARY.

4. DIRECTORATE OF
 MEDICAL EDUCATION,
 KR ROAD, FORT,
 BENGALURU-560 002.
 REPRESENTED BY ITS DIRECTOR.

...RESPONDENTS

(BY SRI. M.N. SUDEV HEGDE, AGA FOR R1 AND R4
 SRI.N.K.RAMESH, ADVOCATE FOR R2,
 SRI.H.R.SHOWRI, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO THE RESPONDENTS TO PERMIT THE PETITIONERS TO PARTICIPATE IN THE 3RD ROUND OF COUNSELLING FOR ADMISSION TO UG-NEET AND OTHER PROFESSIONAL COURSES-2025 FOR ALL VACANT SEATS (ANNEXURE-AG TO AG3).

IN WP.No.32428/2025:

BETWEEN:

1. KUM.ZAINAB ZUNERA,
 D/O SHAIK FERAZ ALI,

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AGED ABOUT 19 YEARS,
R/AT T4/42, RTPS COLONY,
DEOSUGUR VILLAGE,
DEVASUGUR HOBLI,
RAICHUR-584 170.
CLAIMED CATEGORY-GMH,
NEET ALL INDIA RANK-92772.

2. KUM.AISIRI GOWDA,
D/O K.T. RAMESH,
AGED ABOUT 20 YEARS,
R/AT NO.311, 8TH MAIN,
RAILWAY LAYOUT, 1ST STAGE,
BHAVANI NAGAR, ULLAL MAIN ROAD,
BENGALURU-560 056.
CLAIMED CATEGORY-GMP,
NEET ALL INDIA RANK- 476889.
3. KUM.VISHRUTHA.A,
D/O SRI. ASHWIN KUMAR.B,
AGED ABOUT 19 YEARS,
R/AT NO.525, SOGASU,
3RD E MAIN, HEALTH AND FAMILY HBCS,
ANNAPOORNESHWARI NAGAR,
BENGALURU-560 091.
CLAIMED CATEGORY-GMP,
NEET ALL INDIA RANK- 457124.
4. KUM.ANANYA.S,
D/O SURESHA.B,
AGED ABOUT 19 YEARS,
R/AT NO.127, 3RD MAIN,
MINES AND GEOLOGY LAYOUT,
ITI LAYOUT, 2ND STAGE,

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NAGARBHAVI, BANGALORE-560 056.

5. KUM.ADYA SHIVARAI,
 D/O RAVIKANT,
 AGED ABOUT 19 YEARS,
 R/AT NO.76, SHIVA SADANA,
 OPP.SARASWATI RESIDENTIAL SCHOOL,
 GOKAK FALLS ROAD,
 DANESHWARI NAGAR,
 GOKAK, BELGAUM-591 306.
6. SRI.NITHIN GOWDA.A.T,
 S/O THIMMEGOWDA,
 AGED ABOUT 18 YEARS,
 R/AT AGRAHARA VALAGEREHALLI,
 SULLERI POST, CHANNAPATNA TALUK,
 RAMANAGARA DISTRICT-562 160.

...PETITIONERS

(BY SMT.B.V.VIDYULATHA, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
 DEPARTMENT OF HIGHER EDUCATION,
 VIDHANA SOUDHA,
 BENGALURU-560 001,
 REP. BY ITS PRINCIPAL SECRETARY.
2. MEDICAL COUNSELLING COMMITTEE,
 ROOM NO.354, DGHS MINISTRY OF
 HEALTH AND FAMILY WELFARE,
 NIRMAN BHAVAN,
 DELHI-110 011.

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REP. BY ITS CHAIRMAN.

3. KARNATAKA EXAMINATION AUTHORITY,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM,
BENGALURU-560 012.

REP. BY ITS EXECUTIVE DIRECTOR.

...RESPONDENTS

(BY SRI.M.N. SUDEV HEGDE, AGA FOR R1;
SRI.H.SHANTHI BHUSHAN, DSGI FOR R2;
SRI.N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO (I) ISSUE A WRIT OF CERTIORARI OR ANY OTHER SIMILAR WRIT OR ORDER OR DIRECTION TO QUASH THE UGNEET-2025 MEDICAL 3RD PROVISIONAL SEAT ALLOTMENT LIST (24/10/2025) (FULL CONSOLIDATE) ISSUED BY 3RD RESPONDENT DATED NIL AT ANNEXURE-H, IN SO FAR AS PETITIONER IS CONCERNED; (II) ISSUE A WRIT OF MANDAMUS OR ANY OTHER SIMILAR WRIT OR ORDER OR DIRECTION TO THE 3RD RESPONDENT TO PERMIT THE PETITIONER TO PARTICIPATE IN THE 3RD ROUND OF COUNSELLING FOR ADMISSION TO UG-NEET AND OTHER PROFESSIONAL COURSES-2025 FOR ALL VACANT SEATS AVAILABLE IN ALL MEDICAL COLLEGES.

IN WP.No.32391/2025

BETWEEN:

SRI.GUNA G PRASAD,
S/O M.GURUPRASAD,
AGED ABOUT 20 YEARS,
R/AT: NO.61, GURUPRASAD NILAYA,
MARYALADA HUNDI, MARYALA POST,
CHAMARAJNAGAR TALUK-571 313.

...PETITIONER

(BY SRI.NAGENDRA NAIK R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF HIGHER EDUCATION,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
VIDHANA SOUDHA,
BENGALURU-560 001.

2. KARANATAKA EXAMINATIONS AUTHORITY,
18TH CROSS, SAMPIGE ROAD,
MALLESHWARAM, BENGALURU-560 012.
REP. BY ITS DIRECTOR.

3. THE COMMISSIONER,
DEPARTMENT OF
MEDICAL EDUCATION,
GOVERNMENT OF KARNATAKA,
ANAND RAO CIRCLE,
BENGALURU-560 009.

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...RESPONDENTS

(BY SRI.M.N. SUDEV HEGDE, AGA FOR R1 AND R3,
 SRI.N.K.RAMESH, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO (A) ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENT NO.2 TO ALLOT A SEAT TO THE PETITIONER IN ANY OF THE GOVERNMENT MEDICAL COLLEGES WHERE SEATS WERE ALLOTTED TO CANDIDATES WITH LOWER RANKS THAN THE PETITIONER IN THE THIRD ROUND OF UG NEET-2025 AND (B) ISSUE A WRIT OF CERTIORARI TO QUASH THE THIRD PROVISIONAL SEAT ALLOTMENT LIST DATED 24/10/2025 TO THE EXTENT IT EXCLUDES THE PETITIONER AS PER ANNEXURE-H ISSUED BY RESPONDENT NO.2.

IN WP.No.32510/2025:

BETWEEN:

R.ABISHEK SACHI,
 S/O J.C.RAMESH,
 AGED ABOUT 19 YEARS,
 R/AT 96/A, 6TH PHASE,
 I MAIN, I STAGE, WOC ROAD,
 MAHAGANAPATHI NAGAR,
 BANGALORE-560 010.

...PETITIONER

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(BY SRI.SAGAR G NAHAR, ADVOCATE FOR
SRI. GOUTHAM CHAND S.F., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
REP. BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT.
2. KARANATAKA EXAMINATION AUTHORITY,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM,
BENGALURU-560 012.
REP. BY ITS EXECUTIVE DIRECTOR.
3. NATIONAL MEDICAL COMMISSION,
POCKET-14, SECTOR-8
DWARAKA PHASE-1,
NEW DELHI-110 077.
REP. BY ITS SECRETARY.
4. DIRECTORATE OF MEDICAL EDUCATION,
KR ROAD, FORT,
BENGALURU-560 002.
REP. BY ITS DIRECTOR.

...RESPONDENTS

(BY SRI.M N SUDEV HEGDE, AGA FOR R1 AND R4,
SRI.N.K.RAMESH, ADVOCATE FOR R2,
SRI.H.R.SHOWRI, ADVOCATE FOR R3)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO THE RESPONDENTS TO PERMIT THE PETITIONER TO PARTICIPATE IN THE 3RD ROUND OF COUNSELLING FOR ADMISSION TO UG-NEET AND OTHER PROFESSIONAL COURSES-2025 FOR ALL ADDITIONAL SEATS (ANNEXURE-V); (II) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT ORDER OR DIRECTION TO THE RESPONDENTS DIRECTING THEM TO INCLUDE THE NAME OF THE PETITIONER IN THE THIRD PROVISIONAL SEAT ALLOTMENT LIST DATED 24.10.2025 VIDE (ANNEXURE-AD).

IN WP.No.32519/2025:

BETWEEN:

1. MR.VIBHAV DIXIT,
C/O VIJAY DIXIT,
AGED ABOUT 18 YEARS,
R/AT C/O VIJAY DIXIT,
#92, VIJAYANAGAR EXTENSION,
HUBLI, PO: HUBLI VIJAYANAGAR,
DIST: DHARWAD,
KARNATAKA-580 032.
2. MR.JEESHAN NAJEER
AHAMMAD BAGAWAN,

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S/O NAJEERAHAMMAD BAGAWAN,
AGED ABOUT 20 YEARS,
R/AT BASAVA NAGAR,
MUDDEBIHAL,
BIJAPUR, KARNATAKA-586 212.

3. MR.DARSHAN.K.G,
C/O GADGESHA.M.B,
AGED ABOUT 19 YEARS,
R/AT C/O GADGESHA M B,
KAREKATTE, KAREKATTE PO,
DIST: DAVANGERE,
KARNATAKA-577 544.
4. MISS.CHINMAYI,
D/O HARSHVARDHAN VAIDYA,
AGED ABOUT 19 YEARS,
R/AT PLOT NO. 51, NGO COLONY,
JEWARGI ROAD, GULBARGA,
PO:GB RS, DIST:GULBARGA,
KARNATAKA-585 102.
5. MR.SHREYAS KUMAR,
S/O M T KUMARA,
AGED ABOUT 19 YEARS,
R/AT MAKANAHALLI VILLAGE,
DODDABELALU POST,
RAVANDURU HOBALI,
PERIYAPATNA TALUK,
DIST MYSORE,
KARNATAKA-571 107.
6. MISS.VIJETHA,
C/O MR. HARISHA B S,
AGED ABOUT 19 YEARS,

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R/AT, 3RD BLOCK,
CHIKKANNA LAYOUT,
KUSHALNAGAR PO,
KUSHALNAGAR, DIST. KODAGU,
KARNATAKA -571 234.

7. MISS. MEGHANA.K,
D/O KRISHNAPPA.M,
AGED ABOUT 19 YEARS,
R/AT M, 22ND MAIN ROAD,
13TH CROSS, AMARAVATHI NAGAR,
DESIHLLI PO, DESHIHALLI,
BANGARPET, DIST: KOLAR,
KARNATAKA-563 162.
8. MR.SHASHANK.G.N,
S/O NARASIMHAMURTHY.R,
AGED ABOUT 20 YEARS,
R/AT HOSA A K COLONY,
GUBBI, DIST: TUMKUR,
KARNATAKA-572 216.
9. MISS. AKANKSHA S INDE,
D/O SHANKARAMMA INDE,
AGED ABOUT 20 YEARS,
CURRENTLY AT
MAHADEVEPPA RAMPURE,
MEDICAL COLLEGE,
KUVEMPU NAGAR
KALBURAGI-585 105.

...PETITIONERS

(BY SRI.VIVEK SUBBA REDDY, SENIOR ADVOCATE
A/W
SRI. DILLI RAJAN., ADVOCATE FOR
SRI.K.N.SUBBA REDDY, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
 DEPARTMENT OF
 HIGHER EDUCATION,
 VIDHANA SOUDHA,
 BENGALURU-560 001.
 REP. BY ITS PRINCIPAL SECRETARY.
2. MEDICAL COUNSELLING COMMITTEE,
 ROOM NO.354,
 DGHS MINISTRY OF HEALTH,
 AND FAMILY WELFARE,
 NIRMAN BHAVAN,
 DELHI-110 011.
 REP. BY ITS CHAIRMAN.
3. KARNATAKA EXAMINATIONS AUTHORITY,
 SAMPIGE ROAD, 18TH CROSS,
 MALLESHWARAM,
 BENGALURU-560 012.
 REP. BY ITS EXECUTIVE DIRECTOR.

...RESPONDENTS

(BY SRI. M N SUDEV HEGDE, AGA FOR R1,
 SRI. H.SHANHI BHUSHAN, DSGI FOR R2,
 SRI. N.K.RAMESH, ADVOCATE FOR R3

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
 AND 227 OF THE CONSITUITION OF INDIA PRAYING TO
 (I) ISSUE A WRIT OF MANDAMUS OR ANY OTHER SIMILAR
 WRIT OR ORDER OR DIRECTION TO THE RESPONDENTS
 TO PERMIT THE PETITIONERS TO PARTICIPATE IN THE 3RD

ROUND OF COUNSELLING FOR ADMISSION TO UG-NEET AND OTHER PROFESSIONAL COURSES-2025 FOR ALL VACANT SEATS AT TO THE WRIT PETITION.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED, COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, THE FULL BENCH PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD
AND
HON'BLE MR. JUSTICE M.I.ARUN
AND
HON'BLE MR. JUSTICE T.M.NADAF

CAV JUDGMENT

**(PER: HON'BLE MR. JUSTICE B M SHYAM PRASAD -
FOR THE BENCH)**

The petitioners have successfully participated in the qualifying examinations of the *Undergraduate - National Eligibility-cum-Entrance Test -2025 [NEET (UG)]* for admission to the MBBS course in both Government and Private Medical Colleges, and they have secured seats for MBBS course either in the first or the second selection round seat allotment conducted by the

Karnataka Examination Authority [KEA]. The petitioners have preferred these petitions for directions to the Directorate of Medical Education [the State Government/ National Medical Council/ KEA to permit them to participate in '*the third selection round*' for admission to all the "*vacant seats*" while impugning '*the Provisional List of the first stage of the third selection round of Seat Allotment dated 24.10.2025*' [*the impugned List*] contending that the KEA could not have excluded them from this List.

2. These writ petitions are listed before a Division Bench, and the members of the Division Bench have come to different conclusions in their respective orders dated 19.11.2025. The decision per *Justice Jayant Banerji* [*the first decision*] is to set aside the impugned List with directions to the KEA to:

[i] undertake the process of the third selection round of counselling afresh in two stages strictly as per the Apex Court's directions in **the State of UP and another v. Bhavna Tiwari and others¹**, and

[ii] endeavour to declare the Final List of Allotment before 02.12.2025.

The decision per *Justice K.V. Aravind* [the second decision] is to dismiss the petitions directing the KEA:

[i] to complete the third selection round expeditiously, and
[ii] to complete the counselling process of all permissible rounds by 10.12.2025.

After this verdict, this Bench is constituted. This Court opines that the relevant facts must be recorded before the reasons in the two decisions are stated concisely

¹ 2025 SCC Online SC 1357

followed by the rival submissions, the questions for consideration and this Court's conclusions.

3. A Brief of the Background facts:

3.1 The National Medical Commission [NMC] has notified, on 02.06.2023, Graduate Medical Education Regulations 2023 [GMER-23] for the conduct of National Eligibility-cum-Entrance Test [NEET (UG)] as contemplated under Section 14 of the National Medical Commission Act, 2019. The NMC, under Regulation 7, Chapter III of GMER-23, may designate any agency or authority to conduct the *NEET (UG)* and for Common Counselling under the guidelines published by it. The Designated Authority for the States, such as the KEA [for Karnataka] who conduct Common Counselling, must submit the Final List of students in the prescribed proforma to the Under Graduate Medical Education Board [UGMEB] within a week of the completion of the Common Counselling. This is a précis of the relevant

Statute and Regulations as an introduction and this Court must next record the Bulletins published by the KEA.

3.2 The First Bulletin /E-Information Bulletin-2025: The KEA, on 22.01.2025, has published common E-Information Bulletin-2025 for the Common Entrance Test for Engineering and different courses and for *Common Counselling* for Medical/Dental/AYUSH Courses with instructions. This Bulletin contains guidelines for **[i]** the filing of online applications, **[ii]** verification of original documents and **[iii]** the CET Examination. This Bulletin also contains a *Note* on Seat Cancellation, Refund and Forfeiture of Fee. The KEA has informed the candidates that if they have been allotted a seat in any discipline in the first selection round or in the second selection round and have reported to the concerned college but wish to surrender or cancel the seat before the notified last date for entry

of Options for the second extended selection round/casual vacancy round, the Executive Director will deduct Rs. 5,000/- as processing fee and refund the remaining fee.

3.3 *The Second Information Bulletin [NEET (UG)-2025 Bulletin]*²:

The KEA, with the pronouncement of *NEET (UG)* results, has called upon the applicants to link their KEA applications and also for fresh registration. The KEA has published this Bulletin dated 15.07.2025 informing the candidates that it will publish later on its website the information about *Online Seat Allotment* along with instructions, procedures, guidelines and schedule for each round, and has furnished information on:

[a] The Classification of Seats: Government

Seats [the Seats in the Government Colleges

² *This Bulletin is published on 15.07.2025, and after the announcement of NEET (UG)- 2025 Results.*

and Government Seats in Private colleges],

Private Seats [the Seats in Private colleges],

NRI Seats and other Seats.

[b] The General Eligibility Criteria.

[c] The eligibility for Government and Private Seats.

[d] The documents to be produced by the candidates for different seats/ categories.

The KEA, in this Bulletin, has also furnished information on Online Registration [*Chapter VI*], Verification of Documents [*Chapter VII*], *Options Entry/ One-time Option Entry* [*Chapter VIII*] and the conduct of mock allotments. The candidates are instructed that they must register by 17.07.2025 and the documents will be verified either on 18.07.2025 or 19.07.2025.

3.4 On the entry of *Options*, the KEA has informed the candidates that it will begin only after the seat matrix is notified by the government; that a

candidate may enter the *Options* of priority of course/college for the seats available and on display at the time of entry of *Options*; that a candidate can enter many *Options* in terms of his or her own priority with the advice that they must enter more *Options*. The KEA's further instructions are that *Options* entered as on the notified last day and time will be frozen, and only the frozen *Options* will be considered for allotment of seats; that the *Options* entered by the candidate for the first selection round³ will remain the same for the subsequent rounds of allotment; and that the KEA will not permit the candidates to enter *Options* again.

3.5 This Bulletin also has information on *Decategorisation of unfilled seats during the second selection round of seat allotment*, and the information relevant for the present purposes are that: **[i]** after

³ "The condition is that Option Entry for the first round will be the last list of Options, but the candidates may alter or delete the order of higher Options".

completion of the allotment of seats in the first selection round, the seats which may remain unallotted, surrendered, cancelled, forfeited, and newly added seats as sanctioned will be treated as *vacancies* for the second selection round, and ***[ii]*** the *Consequential Vacancies* arising in any category in any round will be retained in the same category and will be allotted to candidates belonging to the respective category only.

Reg. The First Selection Round for Seat Allotment:

4. The KEA, with the State Government issuing the Seat Matrix for medical and dental seats [9263-*medical seats and 2709 dental seats*] on 19.07.2025 and with the completion of the Online Document Verification for the eligible candidates, has begun the *Option Entry* process between 19.07.2025 and 22.07.2025. The KEA has conducted the *Option Entry* process subject to the terms published by it in its third Bulletin.

4.1 ***The third Bulletin:*** The KEA has published this Bulletin giving detailed instructions on the entry of *Options* by the candidates. This Bulletin once again informs the candidates that the *Options* entered by them for the first selection round will remain same for all the rounds of seat allotment and they cannot be allowed to enter new *Options* again for any subsequent rounds but they may reorder/delete/alter the order of *Options*. The candidates are also informed that the *Options* recorded in the server on the notified last day and time for each round will be frozen, and only the frozen *Options* will be considered for the allotment of seats.

4.2 The KEA has informed the candidates that the *Options* entered by them and frozen as aforesaid will be processed for the declaration of results, which will take a minimum of three [3] days. The candidates are informed that once the results are published, they will

have to access the results with the assistance of their Secret Key/Code and enter one of the *four Choices* specified. The *Choices* and the consequences of these *Choices* can be stated thus.

Choice No.1. *The candidate, with this Choice, states that she/ he is satisfied with the seat allotted and will not participate further.*

Choice No.2. *The candidate, with this choice, states that he/ she will keep the seat allotted and move to the next round [the second selection round]. The candidate who makes this choice can retain the seat and can choose a better college of his/her choice, and when another choice is made, the seat allotted will get automatically cancelled.*

Choice No.3 *The candidate states with this choice that he/ she is not satisfied with the seat allotted and wishes to participate in subsequent rounds.*

Choice No.4. *The candidate states with this choice that he/ she is not satisfied with the allotment of seats and is quitting the counselling process.*

4.3 The KEA has processed the *Options* made and published the results of *Mock Seat Allotment* on 25.07.2025 so that the candidates can know the college and course allotted as per their *Options* with the liberty to change *Options* after seeing the mock allotment. The KEA has announced the final result on 02.08.2025 with instructions on the *Choices* that the candidates can make. Those who preferred the *choice No.1* have secured admissions in the respective colleges, and those who preferred *choice No. 2* have continued in the further selection rounds.

Reg. The Second Selection Round for Seat Allotment:

5. ***The Bulletin dated 20.08.2025:*** The KEA, on 20.08.2025, has permitted the entry of *Options*

for the second selection round *viz.*, re-ordering/ deletion of *Options* already entered for the first selection round [*with no new entry of Options*] for commencement of the second selection round for seat allotment. The KEA has informed the candidates, amongst others, that:

- *They must check its website from time to time for the availability of the seats because seats that are [a] cancelled, [b] forfeited and [c] newly added will be announced from time to time.*
- *The seats may become available during seat allotment because of cancellation after the publication of the matrix, or because the seats are newly added to the seat matrix.*

5.1 The KEA has also put out a *Note* as part of this Bulletin that the *Consequential Vacancies* that arise during the allotment after the candidate's merit/turn

cannot be claimed. The KEA, on instructions for *making Choices* after the declaration of the second selection round of the seat allotment results, has informed the candidates that they will not be allowed to make any *Choice* after the declaration of the second selection round of seat allotment results; that they must get admission for the allotted seat and the failure to pay fees or take admission in the respective colleges after the second selection round of seat allotment will result in legal action.

5.2 The KEA, in these instructions, has also informed the candidates that if they are not allotted a medical seat in *this second selection round*, they can participate in the *medical mop-up round* as per the instructions/ schedule. The KEA has published the Mock/Seat Allotment result of Medical-Dental Seat allotments on 29.08.2025 informing that further action will be taken for the Medical-Dental courses after the

result of the second round of Medical Counselling Committee [MCC] seat allotment.

5.3 *The two Bulletins dated 06.09.2025 [For continuing the second selection round of Seat Allotment]:*

The KEA by the first Bulletin dated 06.09.2025 has informed the eligible candidates that they could enter their *Options* from 06.09.2025 to 1pm on 08.09.2025, that the candidates can add/modify/re-order/retain their *Options* only because *Consequential Vacancies* may arise during the allotment process and they may get a better seat; that the candidates who wish to surrender seats allotted in the first or the second selection round, can cancel such seat before 1 pm on 08.09.2025 subject to deduction of Rs. 5,000/-.

5.4 The KEA has issued the next Bulletin of even date informing the candidates that the second selection round for seat allotment is '*resumed*' referring to the Government Orders dated 03.09.2025 and 04.09.2025

for addition of seats in a Medical College/ two dental colleges and other additional seats. The KEA has issued instructions to the eligible candidates to enter the *Options* between 06.09.2025 and 08.09.2025 and stating that those who have paid a Caution Deposit of Rs.1,00,000/- for *Choice No.3* can reorder their preferences/ options/ remove them if not required and add only new colleges. The KEA has announced the provisional results of the second selection round of seat allotment to medical and dental courses on 10.09.2025.

5.5 ***The Bulletin dated 16.09.2025:*** The KEA has issued this Bulletin because of the addition of 400 seats on 15.09.2025 informing the candidates that **[i]** ‘the second selection round will be done again’, **[ii]** the eligible candidates who have participated in the second selection round are given the opportunity to reorder their *Options* between 17.09.2025 and 18.09.2025 and **[iii]** the candidates who have got a seat in the first

selection round and paid fee by choosing *Choice No.2* and those who have paid a caution deposit of Rs.1,00,000/- can reorder or change their *Options* or remove them if not required. The KEA has also informed that those who have joined engineering and other courses can also agree by paying Caution Deposit of Rs.1,00,000/- and participate subject to certain conditions.

5.6 The KEA has also issued subsequent Bulletins dated 18.09.2025 and 19.09.2025 extending timelines because of the addition of a college. The KEA has published the final seat allotment for the Second Selection Round of Medical, Dental and AYUSH courses on 20.09.2025. The petitioners have participated both in the first and the second selection rounds of seat allotments, and they have been allotted seats. The details of the allotments are as follows:

**WP No. 31934 of 2025 C/W
WP No. 32428 of 2025,
WP No.32391/2025,
WP No.32510/2025 &
WP No.32519/2025**

Sl. No.	WP No.	Petitioner	Round in which seat is allotted	College
1.	31934/25	Petitioner No.1	2 nd Round	S Nijalingappa Medical College and Research Centre, Bagalkot
2.		Petitioner No.2	2 nd Round	A J Institute of Medical Sciences and Research Centre
3.		Petitioner No.3	2 nd Round	East Point College of Medical Sciences and Research Centre, Bangalore
4.		Petitioner No.4	2 nd Round	Shymanuru Shivashankarappa Institute of Medical Sciences, Jnanashankara, Davangere
5.		Petitioner No.5	2 nd Round	Father Muller Medical College, Mangalore
6.		Petitioner No.6	2 nd Round	Srinivas Institute of Medical Research Centre, Mangalore
7.		Petitioner No.7	2 nd Round	Vydehi Institute of Medical Sciences and Research Centre, Bangalore
8.		Petitioner No.8	2 nd Round	Subbaiah Institute of Medical Science, Shimoga
9.		Petitioner No.9	2 nd Round	Mahadevappa Ramapure Medical College, Kalburgi
10.		Petitioner No.10	2 nd Round	Srinivas Institute of Medical Research Centre, Mangalore
11.	32391/25	Petitioner	1 st Round	PES University Institute

**WP No. 31934 of 2025 C/W
WP No. 32428 of 2025,
WP No.32391/2025,
WP No.32510/2025 &
WP No.32519/2025**

				<i>of Medical Sciences and Research, Electronic City, Bangalore</i>
12.	32428/25	Petitioner No.1	2 nd Round	<i>Mahadevappa Ramapure Medical College, Kalburgi</i>
13.		Petitioner No.2	2 nd Round	<i>Farrokh Academy of Medical Education Hospital and Research Institute, Mysore</i>
14.		Petitioner No.3	2 nd Round	<i>Srinivasa Institute of Medical Research Centre, Mangalore</i>
15.		Petitioner No.4	1 st Round	<i>Oxford Medical College and Research Center, Yadavanahalli</i>
16.		Petitioner No.5	2 nd Round	<i>B.L.D.E. University, Bijapur</i>
17.		Petitioner No.6	2 nd Round	<i>Kempegowda Institute of Medical Sciences, Bangalore⁴</i>
18.	32510/25	Petitioner	2 nd Round	<i>K. Venkataramana Gowda Medical College and Hospital, Kurunjibag, Dakshina Kannada</i>
19.		Petitioner No.1	2 nd Round	<i>Srinivas Institute of Medical Research Centre, Mangalore</i>
20.		Petitioner No.2	2 nd Round	<i>Dayanand Sagar College of Dental Sciences, Bangalore</i>
21.				<i>Shymanuru</i>

⁴ This petitioner is allotted in the first round a seat in BGS Global Institute of Medical Science, Kengeri, Bangalore.

	32519/25	Petitioner No.3	2 nd Round	Shivashankarappa Institute of Medical Sciences, Jnanashankara, Davangere
22.		Petitioner No.4	2 nd Round	Mahadevappa Ramapure Medical College, Kalburgi
23.		Petitioner No.5	2 nd Round	East Point College of Medical Sciences and Research Centre, Bangalore
24.		Petitioner No.6	2 nd Round	Jagadguru Gandadhar Mahaswamigalu Moorusavirmath Medical College, Dharwad
25.		Petitioner No.7	2 nd Round	Kempegowda Institute of Medical Sciences, Bangalore
26.		Petitioner No.8	2 nd Round	Subbaiah Institute of Dental Sciences, Shimoga
27.		Petitioner No.9	2 nd Round	Mahadevappa Ramapure Medical College, Kalburgi

Table No. 1

5.7 The KEA, with the publication of the results of seat allotment for the Second Selection Round on 20.09.2025, has issued the Bulletin dated 22.09.2025 informing the candidates that those who have secured seats both under All India Quota [AIQ] and with it and wish to continue with the AIQ seats can surrender their

seats with it and without penalty. The KEA has also informed that those who are allotted a medical seat in the first selection round and have reported to the college but prefer to cancel their seats because of reasons for which they could not cancel earlier, can attend the KEA office, submit documents and cancel the seat.

Reg. The third [Mop-up]⁵ Round for Seat Allotment

6. The KEA, after the completion of the second selection round of seat allotment, has published **[a]** the details of the seats remaining after the second selection round of seat allotment and **[b]** the details of the seats cancelled by the candidates after the second selection round. The KEA has published its *Bulletin dated 06.10.2025* publishing the eligibility for participation in the Third Selection Round. The KEA has stipulated that the candidates who are not allotted a seat in either the first or the second selection rounds and that those

⁵ *This Round, which has undergone some changes that are discussed later, is referred to as "the third selection round".*

candidates who have cancelled medical seat by forfeiture of caution deposit can participate in the third selection round if they are interested in the available medical seats. The KEA has also informed the candidates about these.

[i] If a seat is allotted in the third selection round and the candidate does not take admission in the college or wishes to cancel it or does not report to the college, the Medical Course Fee Deposit paid by the candidate will be forfeited

[ii] The candidates who have chosen choice No. 1 or choice No. 2 in the first selection round and have paid the fees for medical seats or got a medical seat in the second selection round [whether they have paid or unpaid the fees] will not be eligible to participate in the in this round.

The KEA has also informed that those who have been allotted a dental seats in NEET (UG) 2025 through it

can participate for the medical seats alone and that even the newly registered candidates [the new entrants] could enter their *Options* in the order of priority to be eligible to participate in the third selection round.

6.1 This Court must record that because the KEA it has only detailed the procedure for allotment of the *Consequential Seats* [377 seats] it did not expect any fresh addition of medical seats. However, during this third selection round, the NMC/the State Government has increased the medical seats and issued *Consequential Seat* matrix, and the KEA has issued Bulletins permitting the participation of candidates not only for the seats published for this third selection round but also for the additional seats. The details of these Bulletins are as follows.

6.2 **The Two Bulletins dated 13.10.2025:**

The KEA, by the first Bulletin, has extended the time for *Option Entry* because the State Government [the

Department of Medical Education] issued a new seat matrix with the addition of 50 new medical seats each in 4 Medical Colleges [200 seats]. These seats are made available to the candidates already participating in the third selection round of seat allotment with the instruction to enter their *Options* regardless of the seats shown in the seat matrix. The different sets of candidates permitted to participate in the third round of seat allotment are as follows:

<i>Sl. No.</i>	<i>The Description</i>
1.	<i>Those who are not allotted any medical seal in the first and second selection rounds/ those who have cancelled medical seats by forfeiting caution deposit</i>
2.	<i>Those who are allotted dental seats but wanted to participate in the selection process for the medical seats</i>
3.	<i>The fresh registrants [the new entrants]</i>
4.	<i>The other who had joined other Courses</i>

Table No. 2

6.3 The KEA, by the next Bulletin of the even date, has permitted the candidates who have already joined Medical College on allotment of a seat in the first and second selection rounds [*the fifth set*] to participate only for the allotment of 200 seats that are newly added with time up to 8 am on 16.10.2025 to enter the *Options* but with the caveat that if a seat from amongst the added seats is allotted, they will lose the previous seat.

6.4 It is undisputed that even after these Bulletins dated 13.10.2025 the State government has added 50 additional seats and 200 further additional seats [443 seats are the additions after the commencement of 7 Seats out of 450 seats are allotted to AIQ] and that the KEA has issued Bulletins dated 16.10.2025 and 17.10.2025. The KEA has also undisputedly permitted even those candidates who were allotted seats in the first and second selection rounds [and had joined colleges) to participate in the first stage

of the third selection round, and on the conditions that their participation would only be for the newly added seats [443 seats] and that if they are allotted any seat, they must willingly give up their earlier seats/admissions.

6.5 The petitioners, who were allotted seats in the first and second selection rounds and have joined the respective colleges, have willingly participated in the selection round for these additional seats [443 - *excluding the seven seats allotted to the AIQ*] in the first stage of the third selection round. The KEA after the second stage of the third round has published the Provisional List on 24.10.2025 [*the impugned List*] allotting 967 seats, including the newly added 443 seats, and the KEA has also published a Bulletin of the even date stating that:

- *The list has candidates who have got the newly added seats [443 seats],*

- *These candidates also include those who were not allotted seats in the first and second selection rounds.*
- *The seats that are vacated by those who are allotted seats in the newly added seats in this round, are allotted to those who have participated in the third selection round without an allotment in the earlier rounds.*

The details of the allotment of the 443 seats are as follows:

<i>Those who had joined Medical Courses after allotment in the first and second selection rounds.</i> <u><i>The Fifth set of candidates</i></u>	184
<i>Those who had joined other courses.</i> <u><i>The Fourth set of candidates as mentioned in the above column</i></u>	64
A	248 seats
<i>Those who could participate</i>	195

<i>in the third selection round -</i>	
B	
<u><i>The First set of candidates as mentioned in the above column⁶</i></u>	
<i>A + B</i>	443

Table No. 3.

6.6 In the next stage as part of the same round [*the second stage of the third selection round*], the KEA has considered the set of candidates as mentioned in Table No.2 but excluding those from fifth set who are allotted seats in the first stage of the third selection round. The candidates mentioned in Table 2 are considered for the allotment of 820 seats in this next stage. These 820 seats comprise:

[A] **377 seats** that remained open after the second selection round [which are referred to as '*the Consequential Seats*'],

⁶ *This set of candidates has also taken 64 seats vacated by the others.*

- [B] **184 seats** that opened up because the fifth set of candidates chose from out of the newly added seats,
- [C] **195 seats** that opened up after the first stage in the third selection round, and
- [d] **64 seats** that opened up because the candidates chose seats in other disciplines.

These 184+195+64 seats are referred to as *the Consequential Vacancies*. After this stage, only 37 seats remain unfilled.

7. The petitioners have impugned the Provisional List dated 24.10.2025 [the impugned List] published after the first and second stages of seat allotment in the third selection round, and the Division Bench, while considering the request for an interim order in WP No. 31934 of 2025, on 29.10.2025, has directed the authorities not to act upon the results in terms of the said impugned List. The interim order granted at the first instance to be until the next date of

hearing is continued from time to time. This interim order has continued till the two decisions on 19.11.2025. This Court must now observe, subject to further elaboration later, that if some of the petitioners are aggrieved because they have not been permitted to participate in the second stage of the third selection round for the *Consequential Vacancies* though the new entrants are permitted, the others are aggrieved because they have not been given a chance to participate in the *Consequential Seats*.

Reg. *The two decisions by the Division Bench*

8. The Division Bench, in the separate decisions dated 19.11.2025, has examined the procedure adopted by the KEA with the addition of the seats, and has considered that the KEA does not dispute that the entire common counselling [*including counselling in the two stages in the third selection round*] are based on its Bulletins that are issued to meet

exigent circumstances. This Court must observe that the two decisions of the Division Bench are in the light of the Apex Court's different decisions that emphasize the following.

- [a]** *There must be triumph based on merits and therefore the less meritorious cannot be entitled to better seats,⁷*
- [b]** *The process of admission, especially in medical courses, cannot be endless and it must end at a particular point of time,⁸*
- [c]** *The time schedules must be adhered to lest the medical education and public health are affected⁹, and*
- [d]** *Even in the past there have been addition of seats after the commencement of counselling, and the Apex Court has issued directions to*

⁷ *Anjana Chari S. N. v. The Medical Counselling Committee and Others, WP (C)174/2022*

⁸ *Dr. Astha Goel and others v. Medical Counselling Committee and Others, (2022) 19 SCC 695.*

⁹ *Dr. Astha Goel [Supra]*

ensure that even such seats are filled up.

8.1 *The salient per Justice Jayant Banerjee.* The Regulation 17 of the GMER - 23 is pivotal as would be the Apex Court's decision in ***Bhavna Tiwari [supra]*** where it is exposed that the up-gradation must be available to the more meritorious candidates before it is offered to others. The paragraphs in this regard read as under.

“34. What is discernible in the instant case is that, there is no attempt by any of the respondents to justify their actions with reference to any provision of the NMC Act or the GMER-2023. Fresh registrations have been permitted by the KEA in the third selection round without there being any statutory sanction. As quoted above in our order dated 07.11.2025, there is no answer whatsoever to the provision of Regulations-17 of the GMER-2023,

particularly with reference to its 2nd proviso read along with the Explanation.”¹⁰

35. *When the 2nd proviso and Explanation to Regulation 17 of GMER-2023 are read, it reflects that:*

- (i) *Only those medical institutions that were permitted to admit the students prior to the date of notification of common counselling are allowed to admit students, and*
- (ii) *The medical institutions getting ‘requisite permission’ later to the date of notification of common counselling, shall participate in the next academic year common counselling to admit students.*
- (iii) *The ‘requisite permission’ as mentioned in the Explanation shall also apply mutatis mutandis for the increase of seat*

¹⁰ *The provisions of Regulation 17 of the GMER – 23 are extracted.*

*strength in medical institutions
already established.*

Therefore, it is evident that the 443 seats that were introduced by the State Government would be subject to the 2nd part of the 2nd proviso of Regulation 17 which is to be read in conjunction with the Explanation.

36. *The introduction of 443 seats when the said 3rd round of counselling was in progress and permitting fresh registrations in the 3rd round against those 443 new seats as lead to complications in the counselling process and instead of promoting transparency has rendered the counselling process opaque with the allegations being raised of lack of merit based seat allotment. As per the own admissions made on behalf of the KEA, that during the first stage of the third selection round of counselling pertaining to the 443 new seats despite there being no statutory*

provision fresh registrations were permitted.....¹¹.

37. *However, the Supreme Court has been pleased to grant such relief and pass such orders from time to time in various judgments and orders, some of which are noted above due to which the process of seat allotment in Medical Colleges is being carried on smoothly all over India. Therefore, the directions given by the Supreme Court in Bhavna Tiwari that upgrade windows post-round 2 for admit candidates to shift to better seats has to be permitted without reopening counselling to new entrants is the mandate that the respondents are bound to comply.*
38. *Therefore, new registrations for the first stage of the 3rd round of counselling for the 443 seats could not have been made by the KEA. Only the*

¹¹ *There is reference to the earlier Regime under Regulations of 1997 as it stood prior to the National Medical Council Act and the Post-graduate Medical Education Regulations 2023*

*admitted students post second round of counselling would be entitled to participate in the first stage of the third selection round of counselling. The third selection round of provisional seat allotment list of candidates dated 2410 2025 is therefore set aside with direction to the KEA to undertake the process of third selection round of counselling afresh strictly as per the directions of the Supreme Court in **Bhavna Tiwari**”*

8.2 *The salient per Justice K V Aravind.* The Regulation 17 of the GMER-23 cannot be given effect for the current academic year [2025-2026]. The addition of seats during the second selection round for the State of Karnataka is 950 seats, and out of these, 97 seats were provided to the AIQ, and 853 seats are filled by the KEA in the second selection round. The NMC has approved 450 seats after the commencement of the third selection round, and out of these 7 are allotted to AIQ and 443

seats to the State Quota. If Regulation No. 17 of GMER-23 is to be applied, the additional seats allotted during the second selection round and the seats allotted under AIQ must also be excluded.

8.3 The exclusion of 443 seats would be iniquitous because NMC has permitted addition of 9075 seats across the country after the commencement of counselling and there are allotments. As such, the exclusion of 443 seats applying regulation 17 of GMER-23, as held by the Apex Court in ***Ruchin Bharat Patel v. Parents Association for M/D Students and others***¹², would not only amount to denial of admission to the eligible candidates in deprival of their rights but also result in financial loss to the Medical Colleges and waste of available seats. This Regulation has to be uniformly applied, and the equitable course would be to allow admission to even these 443 seats through merit-

¹² *In Civil Appeal No. 4480/2006.*

based counselling by the KEA and non-compliance with Regulation No.17 of GMER-23 can be rectified by directing the concerned to follow the same from the next academic year.

8.4 On the grievance of the petitioners, it is observed that some petitioners seek direction to participate in the allotment of both *Consequential Seats* and *Consequential Vacancies* in the second stage of the third selection round and another set of petitioners seek direction to the KEA to permit them to participate in the *Consequential Vacancies* in the second stage of the third selection round. However, neither of these directions can be issued because the petitioners are permitted to enter *Options* [*to make Option entries*] only against the 443 seats and they have accepted this, and because they have participated in the first stage of the third selection round without disputing the procedure published by the KEA. The petitioners have selected

seats either in the first or the second selection rounds and are pursuing their education in the corresponding colleges, and therefore, they are better placed. The counselling must be time-bound, and intervention at this stage would deprive the candidates, who are entitled to participate in the third selection round/mop-up, the right to participate in the seat allotment.

Reg. Observations on Regulation 17 of GMER-23

9. This Bench on the first date of hearing has called upon the petitioners and the KEA/NMC to take a stand [*in writing*] on whether they would contend that the KEA should have excluded the newly added 443 seats from the third selection round. The petitioners have filed their respective memos placing on record that they will not canvass any grievance with respect to these seats being offered for selection based on Regulation 17 of the GMER-23, and this, of course, is put forward in different expressions.

9.1 The KEA and NMC have also filed memo in this regard contending that the seats may not be excluded from allotment in this year because of this Regulation; and in fact, the KEA has placed on record that exclusion of the seats would mean reversing decisions taken and that too in the absence of stakeholders such as the colleges and students who had the benefit of the allotment of these 443 seats.

9.2 This Bench therefore must record that the petitioners propose to pitch their canvass as against the procedure adopted by the KEA in conducting the second stage of the third selection round without being aggrieved by the additional seats [433 seats] offered for all five categories. However, before advertiring to the grounds on which the petitioners pitch their grievances against the procedure adopted by the KEA for the conduct of the second stage of the third selection round, this Bench must refer to the change insofar as the

counselling for the *Government Seats*¹³ in private colleges quandary over additional seats notwithstanding Regulation 17 of GMER-23.

9.3 The KEA, prior to GMER-23, was conducting selection for admission to Government Seats in professional/private institutions under the Karnataka Selection of Candidates for Admission to Government Seats in Professional Educational Institutions Rules, 2006 [*the CET Rules, 2006*]. The CET Rules permitted an increase in the intake [*additional seats in existing/new institutions after the commencement of the selection process*] provided the Government had issued *seat matrix*¹⁴ before the commencement of the date

¹³ *The Seats in Government and University Colleges; and for medical and dental colleges, those seats “in unaided, minority and non-minority Professional Educational Institutions filed by the KEA based on the consensus between the State Government and the Private Professional Educational Institutions and notified by the Government as Government Seats”. – Rule 2[l] of the CET Rules.*

¹⁴ **Rule 2[v]**

notified for Casual Vacancy Seat Selection. This Rule 16[3] reads thus:

“Increase in the intake or introduction of new course in any existing institution or recognition of a new institution after the commencement of the Seat Selection for the relevant year shall be taken into account for the purpose of allotment of seats under these rules and any such increase shall be effective from the same academic year, provided the consequential seat matrix is issued by the Government before the commencement of the date notified for Casual Vacancy Seat Selection.”

9.4 However, the GMER-23, which must prevail for the medical/dental under graduation seats for the academic years 2023-24 onwards, is unequivocal in stipulating that neither the Institution that is permitted intake nor the additional seats permitted in existing Medical Institutions *after the commencement of counselling* can be considered for allotment and that the

“Seat Matrix” means, statements showing college-wise, course-wise and category-wise break up of seats as notified by Government for the academic year.

seats available in such institutions and the additional seats with the existing institutions must only be offered for counselling in the next academic year. The Regulation 17 reads as under:

17. Submission of the final list: - *The respective designated authorities (who have conducted the common counseling) shall submit the final list of students in the prescribed proforma to the UGMEB within one (01) week of the completion of the common counseling, which in turn shall publish that list in the NMC website:*

Provided each institution shall also submit the final list of students admitted, in the prescribed proforma as detailed in the MSR, to the UGMEB within one week of the last date of the joining course, declared by the UGMEB:

Provided only those Medical Institutions that were permitted to admit the students prior to the date of Notification of common counselling are allowed to admit students, and the Medical Institutions getting

*requisite permission later to the date of
Notification of common counselling shall
participate in the next academic year's
common counselling to admit students.*

*Explanation: Requisite permission shall
also apply mutatis mutandis for the
increase of seat strength in Medical
Institutions already established.*

9.5 There is a shift in the law on offering additional seats for counselling [for medical/dental seats] once selection processes is begun, but the KEA, definitely for this academic year for medical/dental seats] has permitted counselling for the additional seats in the existing institutions/ new institution not just in the third selection round but also in the second selection round. The KEA has permitted counselling for 853 additional seats during the course of the second selection round, and for 443 seats in the third selection round [which is also held in two stages]. If the NMC has approved the additional seats after the commencement

of counselling, the State Government has published the seat matrix for these seats.

9.6 This Bench must observe that when the NMC approves intake [seats] in new Institutions or additional seats in the existing Institutions after the commencement of the counselling/ selection rounds without the stipulation that those additional seats must be offered to the students only from the next academic year and the State Government notifies the seat matrix for these seats, they definitely pave way for **[a]** the expectations of an increase in the seats for allotment [*certainly within the students community*] for the current academic year, and **[b]** the contention that with the infrastructure for these additional seats being in place, the public interest is better served if these seats are also immediately offered for counselling but in a transparent manner allowing merit to prevail in seat selection.

9.7 The Courts are called upon to examine the efficacy of these aspects amid counselling/ selection rounds with some admissions complete, and with the onus on all to ensure, despite litigations, that the admission process is complete at the earliest *lest* the medical education and public interest are affected. The consequences of a belated decision is brought forth in the present case with the petitioners as well as the NMC/State Government/KEA placing on record that this Bench may not exclude 443 seats [Additional Seats] from counselling for the present academic year, but with the petitioners alleging that the procedure adopted by the KEA is opaque and does not render itself to be fair to the more meritorious candidates. This anomaly has resulted in jettisoning some admissions and delaying admissions for some with tentativeness over approval of the late admissions.

9.8 This Bench cannot but observe that the NMC, while granting approvals for additional seats, must find out whether the counselling has begun, and if the counselling has begun, must stipulate that these additional seats cannot be offered for the current academic year in view of Regulation 17 of GMER-23. Further, this Bench must observe that the State Government in issuing/publishing Seat Matrix, must know the exacerbation that is bound to be if all aspects are not considered, and they must take decisions within time as required in law *lest* the exacerbation is continued to be created in the coming years.

Reg. The questions presented for consideration

10. This Bench, on 24.11.2025, with the advantage of the opening submissions by the learned Senior Counsel/ Counsels for the parties, has framed a question for consideration recording that the petitioners also seek leave to further elaborate on the KEA offering

all 820 seats [337—the Consequential Seats and 184+195+64 Seats—the Consequential vacancies], and with the completion of the arguments, the following questions are considered for disposal of these petitions:

a. *Whether the petitioners, who have been allotted seats in the first/second selection rounds by the KEA and have taken admissions in the corresponding Medical Colleges can:*

- *assert a right to take part in the third selection round for allotment of “the Consequential Seats”¹⁵, and*
- *assert a right to participate in the second stage of the third selection round for allotment of seats to the “Consequential Vacancies”.*

b. *Whether the KEA has acted arbitrarily in excluding the petitioners and*

¹⁵ *This part of the question is substantially the same as is formulated on 24.11.2025, but the change is only because of a few corrections that are now made.*

permitting 'the new entrants' in the second stage of the third selection round.

Reg. The Submissions on behalf of the petitioners

11. Mr. Vivek Subba Reddy, a learned senior counsel, and the learned counsels, Mr. Nagendra Naik, Ms. B.V. Vidyulatha, Mr. Vivek Holla and Mr. Sagar Mehra, are heard on behalf of the petitioners. Ms. B.V. Vidyulatha, the learned counsel for the petitioners in WP No. 32428/2025, while seeking to elaborate like her learned colleagues on the petitioners' grievance with the KEA excluding them from the second stage of third selection round for allotment of *Consequential Vacancies* only because they were allotted seats in the first and second selection rounds and permitting 'the new entrants' in the third selection round, proposes to contend that the KEA could not have excluded the

petitioners from participating even for the *Consequential Seats* [377 seats].

11.1 The learned Senior Counsel and the learned Counsels, canvass that this Bench must interfere on the grounds of arbitrariness in the KEA discriminating against the petitioners despite their relative merit by excluding them from the allotment of the *Consequential Seats* in the first stage of the third selection round and from the allotment of the *Consequential Vacancies* in the second stage of the third selection round while permitting the '*new entrants*' on the following.

- [a] *The KEA has not notified Rules/Regulations, and therefore, it conducts the counselling ad hoc:*

The KEA has no set of Rules on procedure for the Common Counselling, and it develops procedures from time-to-time midcourse with the candidates being called upon to make *Choices*. The candidates will not know

the details of the procedure that will be followed, and this infuses the selection rounds [counselling] with arbitrariness. The candidates cannot choose seats based on their merit until the final round of counselling.

[b] *The KEA's failure to disclose that there would be the third selection round in two stages:*

The KEA has conducted, for the current academic year, three rounds of counselling with a stray round [the stray round/Mop-up round is the second stage of the third selection round] and it should have, even before the commencement of the selection round [the first round] informed the candidates that there would be three rounds with the third selection round being in two-stages.

[c] *The disparity between the procedure that is followed by the Medical Counselling Committee and the KEA.*

- The Medical Counselling Committee, which conducts counselling for *AIQ*, and also the Designated Authorities for the other States, conduct three rounds and a stray round. They permit the candidates to participate in the next round [*both in the second and the third selection rounds*] for upgrading and each time the candidates are permitted to reorder/enter *Options* from the available seats. The candidates are excluded from seeking upgrading only in the *Stray Round*. There is no reason why the KEA must not adopt this procedure.
- The KEA, like the Medical Counselling Committee, should have permitted the

candidates to upgrade seats even in the third selection round by entering fresh *Options* based on all the seats available [both Consequential Seats and Vacancies].

- The KEA has compelled those who were allotted seats in the second selection round to take admissions with the threat of forfeiture of the fee paid and legal action if they failed to take admissions. The KEA should have permitted even these candidates to enter fresh *Options* [*for the Consequential Seats and Vacancies*] and participate in both the stages of the third selection round.

[d] *The KEA has denied a fair opportunity based on merit.*

- The KEA has permitted, apart from others, **[i]** new entrants, and **[ii]** those who

were not allotted seats in the first and the second selection rounds to participate in the second stage of the third selection round for better seats that are part of the *Consequential Seats and Vacancies*, but the petitioners, *who are allotted seats in the earlier rounds because they were more meritorious*, are denied the opportunity of staking a claim based on their merit for these better seats with the denial to participate in the second stage of the third selection round.

- The KEA's refusal to permit the petitioners to participate in the second stage of the third selection round for allotment of *Consequential Seats/Consequential Vacancies* is arbitrary and unfair because those less meritorious than the petitioners have

been given the option of choosing seats that are not only in better institutions but also at a lesser fee because these seats include government seats.

- In fact, the learned counsels have endeavoured to take this Court through the compilation filed to contend that the seats which are at a lesser fee have been allotted to the new entrants/those who were not allotted seats in the first and the second selection rounds to demonstrate their case of arbitrariness in the procedure that is followed by the KEA in restricting the petitioners to participate in the counselling only for the newly added [443] seats i.e. by refusal of opportunity to participate in the second stage of the third selection round.

[e] The petitioners have a right to seek allotment in the Consequential Vacancies when the new entrants are allowed to participate in the second selection round of the third stage:

- The law is that the *Consequential Vacancies* cannot be offered in the *Stray Round* [the second stage of the third selection round as done by the KEA in the present case] unless an upgradation window to better seats is extended to those who are more meritorious and hence are allotted seats in the earlier rounds. The Apex Court in ***Bhavna Tiwari*** [supra] has held that the window to upgrade must be permitted for the candidates who are allotted seats in the second selection round to better seats without opening counselling to the new entrants.

- The KEA, in permitting the new entrants to stake a claim for better seats [*the consequential vacancies*] and excluding the petitioners from the same, has violated this condition. The KEA has also erred in permitting those who did not get seats in the second selection round to the same advantage when the petitioners are denied the same.

Reg. The Submissions on behalf of the KEA

12. Mr. N.K. Ramesh, the learned counsel for the KEA, refuting these submissions emphasizes the following. The KEA has been conducting, as contemplated under the CET Rules, 2006, simultaneously counselling for different disciplines such as Medicine/Dental Science and other courses. The simultaneous counselling enables students to enter

Options in different disciplines based on their preference and make *Choices* based on the allotment.

12.1 Mr. N.K. Ramesh submits that this Bench must examine the petitioners' grievance as canvassed by their learned Senior Counsel/Counsels not only in the aforementioned circumstances but also in the light of the undisputed fact that the selection rounds offer seats across disciplines both under the GMER-23 and the CET Rules, 2006 and the following circumstances which demonstrate that the KEA has conducted the selection rounds [*simultaneous rounds for multiple disciplines*] issuing different Bulletins before the commencement of each round with the initial Bulletin in January 2025.

[a] The CET Rules, 2006 stipulate the procedure to be followed extending opportunities to the candidates to choose across disciplines based on their merit and select their *Options*. The KEA

under these Rules must ensure that those who are allotted seats in the *selection round/s* do not have the option to participate for *Consequential Vacancies* which is offered in the casual vacancy round [mop-up round].

- [b] The KEA, vested with the discretion to issue Bulletins under the CET Rules 2006, has been issuing such Bulletins depending on the exigent circumstances before and during the selection round, for each academic year, informing the candidates about the publication of the seat matrix and the details of the seats available but subject to the freezing of the *Options* entered at the beginning of the first selection round.
- [c] The KEA, as the Designated Authority under the GMER-23, continues to enjoy discretion to

develop procedures for fair allotment of seats because of the simultaneous selection round for different disciplines.

- [d] The KEA is consistent [*even during the counselling for the previous academic years*] in not allowing the participation of those candidates who have received allotments either in the first or second round [*the selections rounds*] to participate in the third selection round for allotment of seats.
- [e] The candidates who are allotted seats in the first selection round and choose to take admissions for such seats cannot participate in the second selection round with the possibility of getting a better seat because as emphasized

by the Division Benches of this Court¹⁶ and also by the High Court of Madhya Pradesh¹⁷, the selection process cannot go on indefinitely with *Options* being given after every round and the selection must conclude.

- [f] The opportunity to participate for the allotment of seats which could be termed as *Consequential Seats* in the second selection round is only for those candidates who are allotted seats in the first selection round but block such seats paying *admission fee* and participate in the second selection round for the allotment of a better seat subject to the condition that upon allotment in the second

¹⁶ The decision dated 29.0.2017 in WP numbers 39109-39110/2017 and the decision dated 04.02.2025 in WP No. 2848/2025.

¹⁷ The decision dated 12.11.2025 in WP No. 44032/2025. The Apex Court has dismissed the special leave petition in No. 33173/2025 on 17.11.2025 filed against the decision dated 12.11.2025

selection round they must either take the seat retained in the first selection round or take the seat allotted in the second selection round, and that the failure to do either of these would result in forfeiture of the medical admission fee and also initiation of legal action.

[g] This procedure, as contemplated under the CET Rules, 2006, is to avoid rippling effect that would be inevitable if seats are offered even during the casual vacancy round [mop up round] continuing the selection process in perpetuity. Therefore, this procedure is adopted and continued for the allotment of medical seats and seats in other disciplines during simultaneous rounds.

12.2 Mr. N. K. Ramesh canvasses that *ij* the petitioners, and those placed like them, are given an opportunity to participate for allotment of additional

seats in the first stage of the third selection round without defeating the afore, and **[ii]** the petitioners, who have participated in multiple rounds [*the first and the second selection rounds and the first stage of the third selection round*] accepting these and the other conditions that are published well in time through various Bulletins, cannot now contend that there is arbitrariness because either the procedure is not made known or that they have been denied participation in the allocation of the *Consequential Seats/ Vacancies* in the second stage of the third selection round.

12.3 Mr. N K Ramesh also canvasses that the KEA has informed from the very first Bulletin that the candidates have the option of cancelling the seats allotted in the first/ second selection rounds and participating in the third selection round, and if the petitioners had so cancelled and participated in the third selection round, they could have participated for

the additional seats in the second stage of the third selection round. The learned counsel argues that because of the afore and the fact that the decision of the Apex Court in ***Bhavna Tiwari*** [supra], which is for allotment of Postgraduate medical seats, the direction of the Apex Court in para 16 [iv] cannot be extended to the petitioners.

Reg.: The legal framework for the KEA to conduct Selection Rounds for the allotment of Government Medical Seats.

13. The GMER - 23¹⁸ provides for a regulation on admission and counselling in its Chapter III. The National Medical Council, as contemplated under Regulation 7 of this Chapter, may conduct the NEET-UG or may designate any such agency or authority [by whatever name called] to cause the NEET(UG) to be

¹⁸ *These Regulations have been framed and notified in exercise of the powers under Sections 24 and 57 of the National Medical Commission Act 2019, and is in substitution of the Regulations of 1997 under the erstwhile Medical Council of India Act, 1956*

conducted. The UGMEB must determine the language, manner and modalities etc., for the conduct of the NEET-UG, and if it changes its policies with regard to conduct of NEET(UG), it must notify such change with reasonable lead time.

13.1 On Counselling, the first stipulation is under Regulations 12 and 13 of this Chapter, and the stipulation is that there shall be common counselling for admission to graduate courses in medicine for all Medical Institutions in India based on the merit list of the NEET (UG) and that the counselling shall entirely be based on the seat matrix provided by National Medical Commission and that common counselling may have multiple rounds as may be necessary. The next stipulation under Regulation 14 of this Chapter is that the UGMEB should publish guidelines, and the

Designated Authority¹⁹, must conduct the Common Counselling subject to the stipulations in the Regulations.

13.2 The UGMEB, as stipulated under Regulation 14 of the GMER-23, shall publish guidelines for the conduct of common counselling, and the Designated Authority under Regulation 17 of these Regulations shall conduct the common counselling in conformity with such published guidelines²⁰. The learned counsel for the parties have not placed on record the Guidelines published by the UGMEB for the conduct of common counselling, and the KEA, with the change in regime for allotment of medical seats based on the National Eligibility-cum-Entrance Test under the National

¹⁹ *The Regulation 15 of this Chapter records that the Government of India will decide and notify the agency and method of counselling for all undergraduate seats.*

²⁰ *Conduct of common counselling - the UGMEB shall publish guidelines for the conduct of common counselling, and the designated authority under section [sic] 17 below shall conduct the common counselling in conformity with such published guideline*

Medical Commission Act, 2019 and the requirement of common counselling under GMER-23, has held simultaneous selection rounds continuing with the procedure under the CET Rules, 2006 adopting to the changing circumstances and emerging exigencies.

13.3 The KEA, undisputedly, has been conducting simultaneous selection rounds for UG seats in Engineering, Medicine, Veterinary Science, Agricultural Science, Alternative Medicine [AYUSH] on a common platform, and it has been conducting these rounds on a common platform under the CET Rules, 2006, which provide *inter alia* for **[a]** Common Selection Process, **[b]** Entry of Options, **[c]** Selection Round, and **[d]** Casual Vacancy Round. The KEA even for this academic year has issued the first Bulletin in January 2025 for CET and Medical/Dental seats selection rounds as prescribed under the framework of CET Rules 2006 and as the Designated Authority under the GMER-2023.

13.4 The KEA has, with the CET/NEET results being announced, issued different Bulletins highlighting not just the procedure but also putting out advice and instructions. This Bench has elaborately referred to the different Bulletins that the KEA has published at the beginning of this year [*on 22.01.2025*] and during the selection rounds. The KEA, while informing the candidates about the seat matrix, the entry of *Options*, the consequences of *Choices* and the other terms of participation, has informed the candidates that they could cancel the seat selected subject to Rule 12 of the CET Rules, 2006.

13.5 The counselling by the KEA on a common platform for different disciplines at the same time based on merit with the possibility to the candidates to first enter their *Options* and later make *Choices* through the first and second selection rounds, enables the

candidates to select a seat based on their merit and preference to a particular discipline with the possibility of keeping the *Options* across disciplines until Casual Vacancy Round [Mop-up round] as mentioned in the CET Rules, 2006. The advantage of this framework to the student community, which is both under the CET Rules, 2006 and the GMER-23, is inarguably obvious.

13.6 The petitioners contend that the KEA operates without Regulation/Rules, and the candidates are not informed about the procedures. However, in the light of the afore discussed framework, this Bench opines that the petitioners cannot succeed on either of the two questions formulated on the ground that the selection rounds are without a framework or that selection rounds [*including the third selection round*] are without prior information or on the ground of parity with procedure of selection [counselling] for AIQ under

the NMC Guidelines which would be only for Medical/Dental/ B.Sc. Nursing seats.

Reg. The petitioners' rights on the conclusion of the third selection round

14. As observed earlier by this Bench, the KEA has conducted simultaneous selection rounds across disciplines even for this academic year under the CET Rules 2006, but with necessary changes based on emerging circumstances and after prior information to the candidates. The KEA has conducted such simultaneous selection rounds even as the Designated Authority under the GMER -23. The CET Rules 2006 provide for selection/ cancellation rounds first for Medicine/ Dental Sciences and next for other disciplines and for cancellation of seats chosen in the first selection round [by those under physical disability and sports quota] when a seat is chosen in the next

selection round. The framework is in Rule 10, and this framework could be stated thus.

- [i]** The *Option* to select the seat of choice in the order of merit from amongst the seats displayed using a projector; the candidate can select a seat in a discipline based on eligibility and choose the course as also the institution - *Rule 10 [1]*.
- [ii]** The candidates with physical disability, and under NCC and sports quotas must first be permitted to select seats - *Rule 10 [2]*.
- [iii]** The first selection of seats must be for the Medical and Dental courses where all the eligible candidates and even those who have selected seats and a physical disability/NCC/sports quota can participate.
- [iv]** The seat held by a candidate [*under the aforesaid quota*] shall automatically stand cancelled if such candidate selects a seat in medical and dental courses -*Rule 10 [3]*.

[v] The selections shall be held next for other disciplines, and the seats that remain unfilled, surrendered, cancelled forfeited and newly added seats are sanctioned by the competent shall be treated as casual vacancies -*Rule 10 [4-7]*.

[vi] The casual vacancy for selection shall be held first for Medical and Dental courses which shall be followed by the Indian System of Medicine and Homeopathy Courses and then Engineering and Technology courses followed by the Architecture Course - *Rule 10 [8]*.

[vii] The candidates who have selected seats in the different disciplines will be eligible to participate in the casual vacancy round and the seats in selection round will automatically stand cancelled when a candidate selects a casual vacancy in Medical and Dental sciences -*Rule 10 [10]²¹*.

²¹ *There are also further rules first filing Casual Vacancy Seats in Medicine and Dental Sciences followed by other disciplines.*

14.1 The KEA has initially followed this framework with changes but with the insistence upon **[i]** the entry of *Options* for a seats in a discipline and institution before the commencement of the first selection round is frozen but with liberty to alter the ranking within the *Options* for the subsequent rounds, **[ii]** surrendering the seat blocked at the first instance by paying fee when a seat is selected in the next round, and **[iii]** the Casual Vacancy Round [the third selection round] would only be for those who have not been allotted a seat either in the first or the second selection rounds though the seats could be better seats preferred.

14.2 The second and the third conditions have come up for consideration before a Division Bench of this Court in WP Nos. 39109-39110/2017. The Division Bench has disposed of these petitions on 29.08.2017 holding that these conditions cannot be termed arbitrary and that the process must end somewhere.

The third condition has also come up for consideration before a Division Bench of the High Court of Madhya Pradesh, as canvassed by Sri N. K Ramesh, in WP No. 44032/2025. This Division Bench, while observing that if those who are allotted seats in the earlier rounds are permitted to participate in the stray vacancy round [like the mop up round], the seats chosen by them will open up for allotment and there must be another stray round for those seats, and that this process may continue in perpetuity creating a rippling effect. The Apex Court has dismissed the special leave petition in No. 33173/2025 as against the decision of the Division Bench of the High Court of Madhya Pradesh.

14.3 The selection of a seat in professional courses such as Medicine and Dental Sciences based on merit cannot continue in perpetuity, and once an *Option* is selected based on preference, and a seat is selected based on merit the right to select must end. Arguably,

another opportunity to select "*a better seat*" could open up when somebody who is more meritorious and has selected a seat gives up such seat to select a seat in another discipline, or because these persons give up such seat for reasons, and those seats are available for selection in the next round. This is a matter of chance, and it would not be fair or just to infer a right when it is a matter of chance. As such, this Bench's opinion agrees with the observations in the two decisions by these two Division Benches. Therefore, this Bench concludes that the petitioners' right to claim a seat based on merit fructified when they selected seats in the second selection round, and they cannot assert a right.

Reg. *The petitioners' grievance with the new entrants being permitted to participate in the third selection round.*

15. The petitioners' next case is that the KEA has not given them a fair opportunity to participate in

the third selection round, and this is essentially premised in the assertion that the new entrants are permitted to participate in the second stage of the third selection round for the *Consequential Seats/ Vacancies*. The petitioners rely upon the decision of the Apex Court in ***Bhavna Tiwari*** [*supra*] to assert a right. They contend that they had to take the seats allotted in the second selection round because the stipulation was that unless they took admissions with the concerned college, the fee paid would be forfeited and there would be legal action. The petitioners, asserting that they should be permitted to participate in the second stage of the third selection round for *Consequential Seats/Vacancies*, contend that:

- they are denied the opportunity to participate for better seats while such opportunity is extended to the less meritorious, and

- they were under duress to take admission to the seat allotted in the second selection round because of this stipulation.

15.1 The Apex Court in ***Bhavna Tiwari*** [supra] was examining the merits directions issued by the High Court of judicature at Allahabad in WP No. 28550/2017²² "to open a window for up gradation" for the candidates who had taken admission in the first and the second selection rounds and to fill up the remaining seats in the Mop up round. The High Court, in issuing these directions, has observed in the facts on hand that there was large-scale blocking of seats with 80% of the Post-Graduation medical seats.

15.2 The Apex Court, while recording the different reforms introduced after its order dated 09.05.2017 in WP(C) No. 267/2017, has referred to one of its key directives in such order *viz.* that after the second

²² *The High Court's directions are in its order dated 19.01.2018.*

selection round of counselling, the students, who have already taken admission, should not be allowed to vacate their seats. The Apex Court has then issued certain directions to ensure effective implementation of revised counselling framework to uphold the principles of merit, fairness and transparency; and one direction issued, and which is relied upon by the petitioners, is to permit upgrade Windows post-round 2 for admitted students to shift to better seats without reopening counselling to new entrants. This direction reads as under:

"[iv] Permit upgrade windows post-round 2 for admitting candidates to shift to better seats without reopening counselling to new entrants."

15.3 The KEA, after the announcement of the second selection round results, has published a Bulletin on 22.09.2025. This Bulletin contemplates cancellation of seats by those who have selected seats both under

AIQ and KEA but wish to surrender the KEA seat, and the KEA has also stipulated that no penalty will be imposed for such cancellation. This Bulletin further stipulates cancellation of KEA seats by those who have chosen medical seats in the first selection round and reported to college. This Bulletin is to prepare the candidates for the third selection round.

15.4 However, on 06.10.2025, the KEA has issued the next Bulletin relevant to the third selection round. In this Bulletin, the KEA has informed that **[i]** those who are not allotted any medical seal in the first and second selection rounds/ those who have cancelled medical seats by forfeiting Caution Deposit, **[ii]** even the candidates who are allotted Dental Seats, **[iii]** those who joined other courses can also participate for allotment of seats. In addition, and crucially, the KEA has permitted newly registered candidates [*the new entrants*] also to

enter *Options* in the order of priority to be eligible to participate in this round.

15.5 The KEA, with the addition of seats and the publication of consequential seat matrix, has issued further Bulletins extending the timeline for entering *Options*. The first Bulletin is dated 13.10.2025, and in terms of this Bulletin those who have already joined Medical Colleges because of the allotment either in the first or the second selection round cannot participate, but in the next Bulletin of the even date, the KEA has informed that those who have already joined the Medical Colleges after the allotment in the first or the second selection rounds may participate for allotment of only the added seats.

15.6 The KEA, with the addition of further seats, has continued the same terms for selection of seats in the third selection round. Admittedly, all five categories of candidates, including those who have joined Medical

Colleges because of the allotment in the first or the second selection round, are permitted to participate in the first stage of the third selection round but for the additional seats. The KEA has permitted neither the petitioners nor others who were allotted seats in the first/second selection rounds to participate in the second stage of the third selection round for allotment of seats that remain unoccupied [820 seats].

15.7 The petitioners, who have participated in the first stage of the third selection round raising no objection with the new entrants being permitted to participate in third selection round, contend that the KEA could not have excluded them [and the similarly placed persons] but permitted the new entrants to participate in the second stage of the third selection round for allotment of *the Consequential Seats/Vacancies*. This Bench must observe that it is undisputed that because of this, some of those who are

less meritorious than the petitioners have been able to get better seats; the petitioners are denied *a window for upgrade* while those less meritorious have been admitted that window.

15.8 The KEA has allowed the new entrants, the petitioners [who had joined the corresponding Medical Colleges because of the allotment of seats in the first/second selection rounds] and the others to participate in the first stage of the third selection round because of the addition of 443 seats. The KEA justifies excluding the *Consequential Seats* at this Stage of the third selection round and limiting it to additional Seats on the ground that all are permitted to participate for allotment of additional seats. However, unwittingly perhaps, the KEA has allowed the less meritorious to the benefit of the better seats. The Apex Court in ***Bhavna Tiwari [supra]*** has stipulated that "the admitted candidates" must be permitted an '*upgrade*

window' to shift to better seats without reopening allotment to the new entrants, and this direction is in the light of its observation that this and the other directions are to ensure '*effective implementation of the revised counselling framework and upholding the principles of merit, fairness and transparency*'.

15.9 This Bench is of the view that, notwithstanding all circumstances that could be offered in justification of the decision to permit the petitioners [and the other similarly placed persons] to participate only for the newly added seats, the KEA in permitting the new entrants to participate in the second stage of the third selection round for allotment of seats, both *Consequential Seats and Consequential Vacancies*, has brought into peril the principle on which seats are allotted *viz.*, a fair and transparent manner based on merit. The petitioners have therefore shown a cause for certain directions, but this Bench must next examine

whether *the clock must be turned back* to enable the third selection round to be re-done.

Reg. Directing the KEA to redo the third selection round.

16. The KEA in the first stage of the third selection round, which is only for 443 new seats approved after the commencement of the third selection round, has allotted 248 seats; and in the second stage of the third selection round, the KEA has allotted 783 seats, which include 377 *Consequential Seats*, 184 seats that opened up because the candidates gave up those seats to select from out of the newly added seats, 195 seats that were not taken in the first stage of the third selection round and 64 seats that opened up because candidates shifted to other disciplines.

16.1 The petitioners are only 27 in number, and they have not arrayed others who stand to benefit from the allotment as aforesaid. The petitioners contend that

this cannot be a reason to deny the benefit of Upgrade-window that is contemplated by the Apex Court in ***Bhavna Tiwari*** [*supra*] asserting that a provisional list does not confer any right in those who are on the list. However, the following are canvassed against the petitioners. **[a]** The last date for joining is 01.11.2025. **[b]** The petitioners have joined colleges and were attending classes for over two months even as of the date of the petition. **[c]** The petitioners did not raise objections though they had opportunities. **[d]** The first opportunity is on 13.05.2025 when for the first time the KEA published a Bulletin stating that they could only participate for the allotment from 443 seats, and the petitioners have not objected.

16.2 This Bench, after opining on the consequence in law on the KEA's decision to permit the new entrants to participate in the second stage of the third selection round excluding the petitioners who are

permitted to participate only in the first stage of the third selection round, has considered all the afore circumstances to examine whether the KEA must be directed to redo the third selection ground. A direction to the KEA to do this undoubtedly jettisons the allotment of seats to those who are not before this Court. This Bench is informed that some candidates who are allotted seats in the second stage of the third selection round have filed writ petitions, which stand disposed of by the Division Bench consequent to it is order dated 19.11.2025 but those petitions are not before this Bench

16.3 The Petitioner's right to seek allotment to medical seats stood fructified with the allotment of seats in the second selection round and they taking admissions with the corresponding colleges, but the KEA has, in permitting them to participate in further selection round [*albeit for only additional seats in the*

first stage of the third selection round] has resurrected this right. The petitioners are thus brought back into the selection process. Further, the KEA has not confined the second stage of the third selection round to the *Consequential Seats* but also offered the *Consequential Vacancies* which include the newly added seats. The KEA, in offering the additional seats to all including the new entrants and those whose rights stood fructified with the selection and admission to colleges, has opened up the selection round.

16.4 Once the petitioners are brought back into the selection process, they must be permitted a window to upgrade to better seats; be that *qua* the cost or the Institution. If the petitioners are not extended this opportunity, with the benefit flowing therefrom even to others, the precedence that must be to the fair process is violated. This must essentially mean that the additional seats that were not taken at this stage and

the seats that opened up because some additional seats are taken must be offered to all those who participated in the first stage of the third selection round but were not allotted a seat. The KEA must then conduct the final round for the *Consequential Seats* and the seats that remain even after this exercise.

16.5 The petitioners cannot assert a right to seek allotment of the *Consequential Seats* [377 seats]. On the claim that could be by those whose names are now included in the impugned List, this Bench must observe that no right is crystallized in them and that there could be some order in their favour in equity if such right had vested in them if they had taken admissions in the college as per the impugned List. The exercise as aforementioned will ensure that all the seats are allotted based on opportunity flowing from merit and in a fair and transparent manner, and that this exercise will be in consonance with the procedure adopted by the KEA

within its framework before the addition of seats after the second selection round.

16.6 The admissions to the Medical Colleges had to be completed with the approval of the NMC by 01.11.2025, but these proceedings have intervened. The allotment of the impugned List is imperiled by the KEA accommodating the additional seats and the publication of the seat matrix for these seats. The students cannot be denied the advantage of allotment on the ground of delay when the authorities have brought about the situation. As such, there must be directions not only to the KEA to redo the third selection round in terms of the directions herein within a timeline but also to the NMC to approve the final selection list that is submitted by the KEA in compliance without denying such approval on the ground of delay.

ORDER

[A] The petitions are allowed-in-part quashing the Provisional Seat Allotment List dated 24.10.2025.

[B] The KEA is issued with the following directions:

[i] To publish on its website and in two English/Kannada Dailies with wide publication the outcome of these writ petitions.

[ii] To firstly undertake the process for allotment of the additional seats [443 seats] for those candidates who are permitted to participate and this process shall be based on the *Options* as already entered.

[iii] To secondly undertake the process for allotment of those additional seats which are not taken in the first stage as mentioned in direction [B][ii].

[iv] To next undertake the process for allotment of "*the Consequential Seats*" [377 seats] and the seats that remain after the process under direction [B][ii] and B[iii].

[C] The entire process in terms of directions at [B] shall be completed by 17.12.2025.

[D] The NMC is called upon to consider granting approval for the List submitted by the KEA in terms of direction (C) notwithstanding the delay.

[E] The NMC when it proposes additional intake for the next academic year and the State

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publishes seat matrix for such additional seats are directed to consider the circumstances outlined and the observations in Paragraph-9 of this Judgment.

**Sd/-
(B.M. SHYAM PRASAD)
JUDGE**

**Sd/-
(M.I. ARUN)
JUDGE**

**Sd/-
(T.M. NADAF)
JUDGE**

nv*