



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment Reserved on: 09.05.2024***  
***Judgment pronounced on: 31.5.2024***

+ **LPA 661/2023, CM Nos.50279/2023 & 50281/2023**

DR CHAYAN JAIN & ORS.

..... Appellants

Through: Mr Shubham Singh, Mr Kamal Kishor, Mr Aditya Singh and Mr Aditya Kumar, Advs.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Rajesh Kumar, SPC with Mr Rahul Kumar Sharma and Ms Mishika, Advs. along with Col. Mahesh Mishra and Bgdr. Vikas Srivastava.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**[Physical Hearing/Hybrid Hearing (as per request)]**

**AMIT BANSAL, J.**

1. The present appeal impugns the judgment dated 11<sup>th</sup> September, 2023 passed by the learned Single Judge whereby the claim of the appellants for counselling/admission in post-graduate medical courses at various Armed Forces Medical Services ('AFMS') institutions was rejected.

2. Brief facts giving rise to the present appeal are set out hereinafter:

2.1 'National Eligibility cum Entrance Test for Post Graduation Examination' (NEET-PG exam) is a common entrance exam conducted every year by the National Board for Medical Examination (NBE) for MD/MS post-



graduate courses in medicine.

2.2 Counselling for seat allotment is conducted by the Medical Counselling Committee (MCC). However, respondent no.2/Directorate General of AFMS conducts counselling for admission in AFMS institutions.

2.3 As per the notification dated 6<sup>th</sup> March, 2013, seats in the AFMS institutions are allotted as per the priority set out below:

*“**Priority I** – AFMS Officers detailed on Advance Specialist courses / PG courses.*

***Priority II** – Foreign students sponsored by Government and AFMS Officers granted study leave.*

***Priority III** – Medical Officers sponsored by Para Military organization and other GoI organizations.*

***Priority IV** – Ex-SSC Officers of AFMS within 3 years of their release from service.*

***Priority V** – Civilian candidates.”*

2.4 The candidates who fulfil the prescribed eligibility criteria and qualify the NEET PG exam are required to register on the MCC website. The candidates opting for AFMS institutions are required to participate in the AFMS counselling as per their respective priority.

2.5 The appellants are graduates of medical colleges working at various government organisations who had appeared in the NEET-PG exam held on 5<sup>th</sup> March, 2023 and secured more than the prescribed minimum cutoff score. Being eligible, the appellants registered on the MCC website for counselling in the AFMS institutions.

2.6 The appellants fall under the Priority-III category. Therefore, in order to avail priority in AFMS institutions, the appellants obtained permissions



from their respective employers and submitted the sponsorship certificates for pursuing post-graduate medical courses.

2.7 On 10<sup>th</sup> August 2023, AFMS published the merit list for the Priority-III candidates. However, the names of the appellants were not included in the said list.

2.8 Various email communications were sent by the appellants to respondent no.2 raising their grievance, however, there was no response.

3. Hence, the appellants along with other similarly placed candidates, filed a writ petition i.e., W.P.(C) 10856/2023, seeking quashing of the merit list dated 10<sup>th</sup> August, 2023 of Priority-III candidates. Originally the writ petition was filed by 17 petitioners. However, only five of the original petitioners i.e., petitioners no.14, 4, 6, 9 and 11 have filed the present appeal.

4. The writ petition was dismissed by the learned Single Judge *via* the impugned judgment. The impugned judgment held that it was a mandatory requirement for the sponsorship certificates to possess the rubber stamp of the sponsoring authority as well as the official seal. Accordingly, the action of the respondents in rejecting the candidature of the candidates, whose sponsorship certificates were deficient was not *mala-fide*. The fact that the respondents had relaxed the requirement in earlier years, would not enure to the benefit of the appellants to claim a similar relaxation in the current year.

5. Assailing the impugned judgement passed by the learned Single Judge, the appellants have filed the present appeal seeking directions to respondent no.2/Directorate General of AFMS to prepare a fresh merit list, strictly in accordance with the merit of the candidates, including the appellants herein, in terms of their respective 'All India Rank', and to conduct a fresh round of



counselling for Priority-III candidates.

6. Notice in the present appeal was issued by the Coordinate Bench on 26<sup>th</sup> September, 2023. Taking note of the submission of the respondents that 51 seats were lying vacant at that point of time, it was ordered that the appellants shall be permitted to participate in the counselling for the vacant seats. It was further clarified that the sponsorship certificates submitted by the appellants would be treated as provisional in nature and one week's time would be granted to the appellants to furnish proper sponsorship certificates as per the prescribed format under the Information Bulletin. Further, in the event there was no official seal for the sponsoring authority, an affidavit from the said authority shall be annexed with the sponsorship certificate.

7. Pursuant to the aforesaid order, appellant no.5 took admission in the seat offered to her. Accordingly, the counsel for the appellants submits that appellant no.5 is not interested in pursuing the instant appeal. Appellant no.3 also took admission on the basis of the seat offered to him pursuant to the order of the Coordinate Bench, however, he later opted out. We are informed that the seat vacated by appellant no.3 was given to another candidate. On the other hand, appellants no. 1, 2 and 4 did not take the benefit of the order passed by the Coordinate Bench as they were not being offered seats of their choice. Therefore, only appellants no. 1, 2, 3 and 4 are contesting the present appeal.

8. At this stage, since the academic year is almost over, the appellants are seeking admission in the next academic year i.e., 2024-2025 on the basis of their ranks in the NEET PG 2023 exam.

9. Arguments were heard on 26<sup>th</sup> April, 2024 and 30<sup>th</sup> April, 2024. After hearing submissions, judgement was reserved on 9<sup>th</sup> May, 2024.



10. Broadly, following submissions have been advanced on behalf of the appellants:
- I. The requirement of having an official seal on the sponsorship certificate was not mandatory. In this regard, the appellants rely on Clauses 16(c) and 20(f)(xiv) of the Information Bulletin.
  - II As per the aforesaid provisions of the Information Bulletin, the only mandatory requirement was that the sponsorship certificate be countersigned by the sponsoring authority and not the official seal. The presence of the official seal on the sponsorship certificate was a mere formality and its absence cannot be a ground to reject the candidature of an otherwise meritorious candidate.
  - III If the appellants are otherwise entitled to a particular seat in a particular institution on the basis of their merit, the same cannot be denied on technical grounds. Since the academic year for which the appellants sought admission is almost over, the appellants should be given admission as per their rank in NEET PG 2023 exam in the next academic year 2024-2025. In this regard, reliance is placed on ***Dolly Chhanda v. JEE, Chairman***, (2005) 9 SCC 779 and ***S. Krishna Sradha v. State of Andhra Pradesh and others***, (2020) 17 SCC 465.
  - IV At the time when the sponsorship certificates were submitted by the appellants, the respondents did not raise any objection with regard to the said certificates being defective. Even if it is assumed that the requirement of official seal was mandatory, the respondents ought to have given an opportunity to the appellants to cure the said defect by furnishing the sponsorship certificates with the office seal.



- V In the previous years, candidates were allowed to participate in counselling on the basis of the sponsorship certificate without the office seal. Therefore, the stand of the respondents does not stand the test of fairness and reasonableness.
11. *Per Contra*, the counsel appearing on behalf of the respondents has made the following submissions:
- I. 75 applications were received from candidates seeking admission under the Priority-III category. Out of the said 75 applications, 42 applications were found to be eligible whereas 33 applications, including the applications of the appellants, were found to be ineligible. The total number of seats in various subjects offered to Priority-III candidates in the counselling held on 11<sup>th</sup> August, 2023 was 144. Since 33 candidates in Priority-III were found to be ineligible, the available seats were offered to candidates in the next order of priority or the candidates below the appellants in the Priority-III category.
  - II. The sponsorship certificate bearing the official seal was a mandatory condition. It is reiterated that the format for sponsorship certificate was annexed to the Information Bulletin and the candidates were duly notified about this *via* public notice dated 26<sup>th</sup> July, 2023. Since the appellants did not submit the sponsorship certificates bearing office seal within the stipulated time period i.e., 2<sup>nd</sup> August, 2023, their candidature was rightly rejected by the respondents.
  - III. Pursuant to the order dated 26<sup>th</sup> September, 2023 passed by the Predecessor Bench, the appellants were offered the left-over seats, however, they did not opt for the same and hence, the said seats got



wasted. Therefore, the appellants are not entitled to any seats in the subsequent academic year.

12. We have heard the parties and examined the material on record.

13. To appreciate the rival submissions, it is pertinent to refer to the relevant clauses from the Information Bulletin for the year 2023, which are extracted below:

*“16. Admissions for PG studies are strictly governed by Govt of India, Ministry of Defence letter No F/PC-851 0/DGAFMS/DG-1/345/2013/D(Med) dated 6th March 2013. The admission and training is controlled by the Office of the DGAFMS in accordance with prevalent rules. The priority for admission of candidates is as follows:-*

...

*(c) Priority-III - Medical Officers sponsored by Para Military Organization/ other Govt. of India organization. Sponsorship certificate mentioning the subjects for sponsorship, **duly countersigned by the sponsoring authority in respective ministry of Govt of India in which the individual is employed**, is mandatory requirement for the candidate to be considered for counseling.*

... ..

20. *The following methodology will be adopted by candidates:-*

...

***(f) List of certificates to be submitted in original by the selected candidates at the college on the day of admission:-***

...

*(xiv) Priority III candidates (Para-Military Officers / other Govt of India Org): Subject-specific sponsorship certificate (as per format placed at Appx ‘A’) issued by the respective Para-Military I other Govt of India organization **duly signed by the Competent Authority in the respective ministry of Govt of India in which the individual is permanently employed**. This has to be produced at the time of counseling without which candidate shall not be allowed to attend the counseling. During counseling, eligible candidates will be considered eligible for only those subjects, which are mentioned in their sponsorship certificate duly signed by competent authority in the respective ministry of Govt of India in which the individual is permanently employed. Ink signed copy of the sponsorship certificate*



will be required to be deposited at the time of admission to the respective AFMS Institution.”

14. Reference may also be made to Appendix-A referred to hereinabove, which provides the format for the sponsorship certificate.

**Appx 'A'**

(Refer para 21(f)(xiv) of Info Bulletin)

**FORMAT OF SPONSORSHIP CERTIFICATE TO BE SUBMITTED BY PARAMILITARY/  
GOVT OF INDIA SPONSORED CANDIDATES (PRIORITY-III)**

1. I certify that Dr. \_\_\_\_\_ (Full name) is being sponsored by the Department of \_\_\_\_\_, Ministry of \_\_\_\_\_ for training at AFMS PG institutions, leading to the award of MD/MS (as applicable) for the academic year 2023-2026 in the following subjects as required by the sponsoring organization:-

(a) \_\_\_\_\_ (b) \_\_\_\_\_  
(c) \_\_\_\_\_ (d) \_\_\_\_\_  
(e) \_\_\_\_\_ (f) \_\_\_\_\_

2. That Dr. \_\_\_\_\_ is a bonafide permanent employee of \_\_\_\_\_ (name of the Paramilitary Organization/Department of Govt/ Ministry etc.). His / Her personal number as per records is \_\_\_\_\_ and his / her address as per records is \_\_\_\_\_

3. That candidate being sponsored, if eligible for counseling, will only opt for above subjects (as mentioned in para 1 above) during AFMS PG counseling.

4. That he / she after receiving the training in the AFMS institution will be suitably employed by the sponsoring authority in the speciality in which training is being provided in Armed Forces Medical Services institution.

5. No financial implications in the form of emoluments/stipend etc will devolve upon your institution during the entire period of the course.

6. That the candidate if allotted a seat during AFMS PG counseling will be sponsored full time for the entire duration of the course .

\_\_\_\_\_  
(Signature of sponsoring authority)

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Name \_\_\_\_\_

Designation \_\_\_\_\_

**Office Seal**

**Rubber Stamp of sponsoring authority**

**NOTE:**

(i) Addition or alteration in the above certificate is NOT allowed.

(ii) The above certificate will be signed by the Competent Authority in the respective ministry of Govt of India in which the individual is permanently employed.

(iii) Subject/Discipline must be specified in the sponsorship certificate failing which the candidature will not be considered under the sponsored category.

15. In our view, on the basis of the aforesaid clauses of the Information Bulletin, it cannot be stated that the requirement of an official seal on the sponsorship certificate was mandatory. Even though the format of the





sponsorship certificate given in Appendix-A provides for an official seal as well as rubber stamp of the sponsoring authority, however, there is nothing to indicate that this requirement is mandatory. If it was the intention of the respondents that the requirement of an official seal was mandatory, then the respondents ought to have provided so in the Information Bulletin by stipulating that in the absence of the official seal, the sponsorship certificate would not be accepted.

16. Looking at the overall scheme of the admissions in respect of AFMS institutions, Priority-III category is in respect of members/medical officers working with governmental institutions and in this regard, the respondents required them to provide a sponsorship certificate from the concerned government department where they were working. Once such a certificate is provided by the concerned government department, certifying that the candidate is working with them and being sponsored by such department, there cannot be any further mandatory requirement that such certificate should bear the official seal of the concerned department.

17. Even otherwise, if the respondents were of the view an official seal was mandatory and the candidature was liable to be rejected in its absence at the very least, they should have given an opportunity to the candidates to cure the said defect. The appellants got to know that their candidature had been rejected on account of the alleged deficiency in their sponsorship certificates only when the merit list was released on 10<sup>th</sup> August, 2023 since their name did not find a mention. The requirement of the sponsorship certificate bearing the official seal had been there in the previous years as well, but the respondents never insisted on the same. Therefore, the appellants had good



reasons to believe that it was not a mandatory requirement.

18. In fact, appellants no.3 and 4, who were working as medical officers with Central Government Health Scheme ('CGHS') and were issued sponsorship certificates for participating in Priority-III category counselling, produced a certificate from the Director, CGHS, that the Department did not have an official seal. The said certificate also confirmed the genuineness of the sponsorship certificates submitted by them.

19. It is also the case of the appellants that there are various other government departments such as Employees' State Insurance ('ESI') that do not have an official seal and this position remains unrebutted by the respondents.

20. The intent behind the requirement of having an office seal is to ensure the genuineness of the sponsorship certificate. If the respondents had any doubts with regard to the genuineness or authenticity of the sponsorship certificate, it was within their domain to contact the concerned department to verify the said certificate. The respondents have stated in their counter-affidavit that it was not possible to reach out to each and every candidate for rectification of their documents taking in account the tight time limits involved in the counselling process. However, it is an admitted position that in the previous years, the respondents had made a WhatsApp group of the successful candidates which could have been an effective mechanism to inform the concerned candidate of the deficiencies in their documents. In any event, as per the figures provided by the respondents in the short affidavit filed in compliance with the order dated 30<sup>th</sup> April, 2023, there were only 75 candidates, who had applied under the Priority-III category and, therefore, the



respondents could have well verified the genuineness or the authenticity of the sponsorship certificates in case of a doubt.

21. In ***Dolly Chhanda*** (supra), a three-judge Bench of the Supreme Court was dealing with a situation where a candidate was denied admission in MBBS course since she had failed to produce the correct certificate. The Supreme Court held that this was only in the nature of a procedural or technical error and the authorities have denied admission to a candidate on wholly unjust and illegal grounds. In this regard, reference may be made to the following paragraphs of the judgment:

*“7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in [the] application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. Similarly, in order to avail of the benefit of reservation or weightage, etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement to benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.*

...

*“10. The appellant had qualified in JEE-2003 but the said academic year is already over. But for this situation the fault lies with the respondents, who adopted a highly technical and rigid attitude, and not with the appellant. We are, therefore, of the opinion that the appellant should be given admission in MBBS course in any of the State medical colleges in the current academic year.”*

22. The judgment of ***Dolly Chhanda*** (supra) was followed by a Single Judge of this Court in ***Dr. Deepika Veerwal v. National Board of***



*Examination and Another*, 2020 SCC OnLine Del 1342. In *Dr Deepika Veerwal* (supra), this Court was dealing with a issue very similar to the present case. In the said case, the petitioners, who were otherwise successful candidates, were denied participation in counselling for sponsored DNB seats, after appearing in the NEET PG 2019 exam as the ‘No Objection Certificate’ (NOC) submitted by them did not bear the official seal with name and designation of the authority issuing the NOC. The learned Single Judge held that the alleged defects in the NOC were of trivial nature and hence, the petitioner could not have been denied admission. Relying upon the judgment of the Supreme Court in *Dolly Chhanda* (supra), the learned Single Judge held that the decision to debar the petitioner from participating in counselling and denying the seat, which she was otherwise entitled on merit, was arbitrary.

23. In *Dr. Shidore Shital Mhatardeo v. National Board of Examination*, 2019 SCC OnLine Del 10444, one of us (Rajiv Shakhder, J.) dealt with a case of candidates who were denied admission to DNB course (Post MBBS Course) as they were unable to produce their original MBBS certificate or a letter from the competent authority to the effect that the original MBBS degree had been issued to them at the time of counselling. It was not in dispute that otherwise the petitioners were duly qualified. Relying upon the judgment of the Supreme Court in *Dolly Chhanda* (supra), the Single Bench emphasized that while there can be no dilution of the eligibility criterion prescribed for granting admission to a particular course, the inability of a candidate to produce the necessary certificate on the cut-off date, cannot be the reason for denying admission since it was in the domain of the authorities to verify whether the candidates possess the requisite eligibility qualification. In this



regard, reference may be made to following paragraphs of the judgment:

*“135. If one were to distill the ratio of the judgments adverted to above what would come through is that while there can be no dilution of the essential eligibility criteria prescribed for gaining admission to the course, a distinction has to be drawn between the factum of a candidate having acquired the eligibility qualification(s) on or before the cut-off date as against the proof required to establish this fact.*

*136. A mere inability to produce the original degree or certificate on the cut-off date cannot be the reason for denying admission as long as there is material available with the Counselling Committee or the authority charged with the responsibility of admitting the student which is demonstrative of the fact that a candidate has acquired the eligibility qualification or met the eligibility criteria.*

*137. Apart from anything else, such conditions that require the production of original certificates depicting attainment of eligibility criteria by a certain date have been held by the courts as being directory and not mandatory.”*

24. In light of the aforesaid legal position, in our considered view, the fixing of the official seal on the sponsorship certificate was in the nature of a formality, especially when the said certificate was duly signed and stamped by the competent authority. In fact, the learned Single Judge in the impugned judgment notes that the requirement of official seal was a technical requirement and the respondents had applied the strict rule of scrutiny with regard to its non-compliance, which was further stated to be ‘harsh’.

25. In view of the foregoing discussion, we are unable to accept the submission of the respondents that fixing of the official seal was a mandatory requirement. It is not the case of the respondents that the sponsorship certificates submitted by the appellants are fabricated or forged or that they are in any manner not eligible to be offered a seat in the Priority-III category. Hence, in our considered view, the decision of the respondents to reject claim of the appellants on this ground was wholly arbitrary, unjust and irrational.



26. In view of the fact that the academic year for which the appellants sought admission is almost over, the question that arises for our consideration is that what is the relief that can be granted to the appellants at this stage.

27. In ***Dolly Chhanda*** (supra), the Apex Court held that where authorities have denied admission to a candidate on wholly unjust and illegal grounds, and the academic year, for which the admission was denied, was already over, the candidate should be given admission in the next academic year.

28. In ***S. Krishna Sradha*** (supra), a three-judge Bench of the Supreme Court has laid down principles with regard to what relief can be granted to a student who has been denied admission on unjust and arbitrary grounds. The said principles are set out below:

*“13. In light of the discussion/observations made hereinabove, a meritorious candidate/student who has been denied an admission in MBBS course illegally or irrationally by the **authorities for no fault of his/her and who has approached the Court in time and so as to see that such a meritorious candidate may not have to suffer for no fault of his/her**, we answer the reference as under:*

*13.1. That in a case where candidate/student has approached the court at the earliest and without any delay and that the question is with respect to the admission in medical course all the efforts shall be made by the court concerned to dispose of the proceedings by giving priority and at the earliest.*

*13.2. Under exceptional circumstances, if the court finds that there is no fault attributable to the candidate and the candidate has pursued his/her legal right expeditiously without any delay and there is fault only on the part of the authorities and/or there is apparent breach of rules and regulations as well as related principles in the process of grant of admission which would violate the right of equality and equal treatment to the competing candidates and if the time schedule prescribed — 30th September, is over, to do the complete justice, the Court under exceptional circumstances and in rarest of rare cases direct the admission in the same year by directing to increase the seats, however, it should not be more than one or two seats and such admissions can be ordered within reasonable time i.e. within one month from 30th*



*September i.e. cut-off date and under no circumstances, the Court shall order any admission in the same year beyond 30th October. However, it is observed that such relief can be granted only in exceptional circumstances and in the rarest of rare cases. In case of such an eventuality, the Court may also pass an order cancelling the admission given to a candidate who is at the bottom of the merit list of the category who, if the admission would have been given to a more meritorious candidate who has been denied admission illegally, would not have got the admission, if the Court deems it fit and proper, however, after giving an opportunity of hearing to a student whose admission is sought to be cancelled.*

*13.3. In case the Court is of the opinion that no relief of admission can be granted to such a candidate in the very academic year and **wherever it finds that the action of the authorities has been arbitrary and in breach of the rules and regulations or the prospectus affecting the rights of the students and that a candidate is found to be meritorious and such candidate/student has approached the court at the earliest and without any delay**, the court can mould the relief and direct the admission to be granted to such a candidate in the next academic year by issuing appropriate directions by directing to increase in the number of seats as may be considered appropriate in the case and in case of such an eventuality and if it is found that the management was at fault and wrongly denied the admission to the meritorious candidate, in that case, the Court may direct to reduce the number of seats in the management quota of that year, meaning thereby the student/students who was/were denied admission illegally to be accommodated in the next academic year out of the seats allotted in the management quota.*

*13.4. Grant of the compensation could be an additional remedy but not a substitute for restitutorial remedies. Therefore, in an appropriate case the Court may award the compensation to such a meritorious candidate who for no fault of his/her has to lose one full academic year and who could not be granted any relief of admission in the same academic year.*

*13.5. It is clarified that the aforesaid directions pertain to admission in MBBS course only and we have not dealt with postgraduate medical course.”*

29. Even though the aforesaid principles were enunciated in the context of admission in the MBBS Course, in our view, these would equally apply to the present case which involves admission to the Post Graduate medical courses.

30. Relying upon the judgment in **S. Krishna Sradha** (supra), a



Co-ordinate Bench of this Court in *University of Delhi v. Ravindra Bishnoi*, 2023 SCC Online Del 6421, gave relief to a student, who was unfairly deprived admission on account of arbitrary decision of the university, by giving him admission in the next academic year.

31. Applying the aforesaid legal principles in the facts and circumstances of the present case, it cannot be denied that the appellants have approached this Court at the earliest and without any delay. We have already observed earlier that the authorities were at fault in denying admissions to the appellants by adopting a hyper-technical approach, even though, on merits, the appellants ought to have been granted admission.

32. It is the case of the appellants that if their case was considered on merits, as per the rank in the NEET PG 2023 exam, the appellants would have secured admission in courses in the institutions indicated below:

Name of the candidate	Course	AFMS Institution
Dr. Chayan Jain	M.D. Medicine	R&R, Delhi.
Dr. Mohd. Abid Ansari	M.D. Medicine	AFMC, Pune
Dr. Soumen Chakraborty	M.D. Medicine	Eastern Command Hospital, Kolkata.
Dr. Doongar Singh	M.D. Medicine	AFMC, Pune.

33. Taking note of the aforesaid submission, this bench *vide* order dated 30<sup>th</sup> April, 2024, directed the respondents to place before the Court a note concerning the stream and institution(s) that would have been made available to the appellants had they not been excluded from the merit list on the ground that the sponsorship certificates did not bear the official seal. The operative directions passed by this Court are set out below:

“2. *Learned counsel for the respondents is directed to place before us a note concerning the stream and institution(s) that would have been made available to the appellants on the counselling date had they not*





been excluded on the ground that the sponsorship certificate did not bear the official seal.

2.1 The note would also indicate whether the candidates below the appellants in the merit list gained a seat because the appellants were excluded.

2.2 The note will be supported by an affidavit. A copy of the affidavit will be furnished to learned counsel for the appellants.”

34. Pursuant to the aforesaid directions, the official respondents filed a short affidavit, *inter-alia*, providing the requisite details. The seat matrix filed on behalf of the respondents along with the affidavit dated 4<sup>th</sup> May, 2024 confirms the aforesaid assertion of the appellants.

35. In view of the foregoing reasons, we direct the respondents to grant admission to appellants no.1, 2, 3 and 4 in the academic year 2024-2025, in the manner indicated in the table below:

Name of the candidate	Course	AFMS Institution
Dr. Chayan Jain	M.D. Medicine	R&R, Delhi.
Dr. Mohd. Abid Ansari	M.D. Medicine	AFMC, Pune
Dr. Soumen Chakraborty	M.D. Medicine	Eastern Command Hospital, Kolkata.
Dr. Doongar Singh	M.D. Medicine	AFMC, Pune.

36. Accordingly, the present appeal is allowed and the impugned judgment is set aside. Pending applications/if any stand disposed of.

**AMIT BANSAL  
(JUDGE)**

**RAJIV SHAKDHER  
(JUDGE)**

**MAY 31, 2024/rt/at**