



2026:DHC:6940



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IN THE HIGH COURT OF DELHI AT NEW DELHI*Judgment reserved on: 29.07.2026**Judgment pronounced on: 19.08.2026*

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W.P.(C) 8158/2026 & CM APPL. 38842/2026, CM APPL. 38843/2026, CM APPL. 41766/2026**DR. SANCHARI GHOSH**

.....Petitioner

Through: Mr Shivendra Singh, Adv Mr Ankur Sood, Adv Mr Kaushik Mishra, Adv Mr Shailesh K Rajora, Adv Ms Aryama Singh Rajput, Adv Mr Vishvajeet Singh Rana, Adv Adv. Deepshikha Kumar

versus

NATIONAL BOARD OF EXAMINATION IN MEDICAL SCIENCES & ANR.

.....Respondents

Through: Mr. Waize Ali Noor Adv. Mr. Mrinal Kumar Sharma Adv Mr. Varun Rajawat Adv. Mr. Zillur Rahman Adv.

CORAM:**HON'BLE MR. JUSTICE JASMEET SINGH****J U D G M E N T**

1. The present case serves as a reminder that the integrity of a high-stakes examination system is a shared responsibility. Neither can the candidates take the system for granted, nor can the system take the candidates for granted.



2. This is a writ petition filed under Article 226 of the Constitution of India seeking quashing of the impugned cancellation letter dated 22.05.2026 issued by respondent No. 1/NBEMS cancelling the petitioner's candidature for the FNB Cardiac Electrophysiology Fellowship (2024 admission session), and a direction to NBEMS to permit the petitioner to continue and complete the fellowship in accordance with the NBEMS Regulations.

FACTUAL BACKGROUND

3. The petitioner, an MD (Medicine), pursued the DrNB Cardiology course at Medica Super specialty Hospital, Kolkata as part of the 2021- 2024 batch and cleared the DrNB final examination in the January 2025 session. She was issued a provisional DrNB Cardiology pass certificate on 29.05.2025.
4. Thereafter, she appeared in and qualified the Fellowship Entrance Test ("**FET**") -2024 conducted by NBEMS, securing Rank 14, and was allotted an FNB Cardiac Electrophysiology seat at Narayana Hrudayalaya, Bengaluru, in Round-1 counselling held on 14.08.2025. She joined the course on 18.08.2025 and has since undergone approximately nine months of specialised training in the two-year programme.
5. The respondent No. 1, the National Board of Examinations in Medical Sciences ("**NBEMS**"), is the statutory examination body under the Ministry of Health and Family Welfare, Government of India. It conducts, inter alia, the FET, accredits institutions for various fellowship programmes, prescribes the eligibility conditions governing such programmes, and conducts centralized merit-based counselling for admission.



6. Under the FET-2024 Information Bulletin, candidates who possessed, or were likely to possess, the prescribed postgraduate qualification by the stipulated cut-off date of 31.12.2024 were eligible to apply.
7. In the course of registration through the Online Portal for Joining and Registration (“**OPJR**”), certain deficiencies were raised by NBEMS on 18.12.2025, including a requirement to furnish proof showing that the requisite postgraduate qualification had been obtained by the prescribed cut-off date and to submit an Additional Qualification Registration Certificate. The petitioner submitted documents in response on 04.05.2026 as according to the petitioner, the communication dated 18.12.2025 had gone to her spam folder and was noticed by her only on 02.05.2026.
8. NBEMS, upon scrutiny of the documents, took the view that the petitioner did not satisfy the eligibility requirement, since her DrNB Cardiology qualification had been obtained only on 29.05.2025. It further noticed the wrong particulars furnished by the petitioner in her FET application and subsequently in the OPJR, wherein the date of passing the postgraduate qualification was recorded as 31.12.2024.
9. A show cause notice dated 08.05.2026 was accordingly issued to the petitioner proposing cancellation of her candidature for non-fulfilment of the prescribed eligibility criteria. The petitioner submitted her response dated 13.05.2026, explaining, inter alia, that the delay in completion of the DrNB examination process was attributable to disruptions caused by the COVID-19 pandemic and requesting that she be permitted to continue the fellowship.
10. By letter dated 22.05.2026, NBEMS cancelled the petitioner’s candidature from the FNB Cardiac Electrophysiology programme by



invoking Clause 2.1 of the FNB Counselling Handbook and Clause 5.2 relating to false/fabricated documents and unfair means, solely on the ground that the petitioner had qualified DrNB Cardiology after 31.12.2024.

11. Hence the present petition.

SUBMISSIONS ON BEHALF OF THE PETITIONER

12. Mr. Shivendra Singh, learned counsel for the petitioner, states that the impugned cancellation letter is arbitrary and unsustainable as the petitioner possesses the prescribed feeder qualification of DrNB (Cardiology), and the only objection is that the provisional pass certificate was issued after the notified cut-off date due to COVID-induced delays in the examination schedule, which were entirely beyond the petitioner's control.
13. It is further contended that clause 5.2 of the FNB counselling handbook dealing with production of false and fabricated documents and unfair means is not applicable to the petitioner as there is no fabrication and all documents submitted were authentic. Therefore, it is submitted that penalising the petitioner under this clause is incorrect and misplaced.
14. He also states that the petitioner has neither suppressed any material fact nor made any false declaration or misrepresentation. At every stage of the admission process, she disclosed her correct qualifications, submitted only genuine documents, and her eligibility was verified by both NBEMS and the admitting institute before she was permitted to join the fellowship.



15. Having admitted the petitioner through its own centralized counselling process, verified her documents, allotted the seat, accepted her joining report, and permitted her to undergo nearly nine months of fellowship training, NBEMS cannot subsequently cancel her candidature on a purely technical interpretation of the cut-off date. The respondent No. 1 cannot take advantage of its own acts and omissions.
16. It is vehemently contended that the FET-2024 scheme itself contemplates candidates who are “likely to be in possession” of the requisite qualification. It further provides that eligibility is to be determined at the stage of admission and registration. By the time the petitioner was admitted in August 2025, she had already acquired the prescribed DrNB qualification and had produced the requisite documents.
17. Reliance is placed on *Abha George & Ors. v. AIIMS*, 2022 SCC OnLine Del 366, as followed in Order dated 04.12.2023 in *Dr. Praveen George Paul v. AIIMS*, W.P.(C) 5089/2023 to state that once admission has been granted and the candidate has undergone some portion of the course due to lack of diligence by the authorities, then the respondents cannot cancel the admission at a later stage.
18. Mr. Singh also states that the impugned action is discriminatory and violative of Article 14 of the Constitution. NBEMS and allied authorities have granted relaxation to similarly situated COVID-affected candidates in other super-specialty admission processes, yet the petitioner alone has been denied similar treatment despite being identically placed.



19. It is further stated that the cancellation is grossly disproportionate. It has nullified nearly nine months of intensive super-specialty training, caused irreparable prejudice to the petitioner's career, and will result in the wastage of a valuable fellowship seat, despite there being no allegation of fraud or any prejudice caused to NBEMS or any other candidate. He states that due to the delayed action of cancellation on part of NBEMS, the petitioner could not also apply for the FET 2025-26.
20. It is also stated that the petitioner would have given a caveat/undertaking that she is in the process of completing her requisite qualification by May 2025 but there was no column for filing/providing such details in the application form.
21. Learned counsel, further submits that that only 3 out of 15 seats in the concerned FNB Cardiac Electrophysiology fellowship came to be filled, with 12 seats remaining vacant which clearly shows that the petitioner has not taken away any rights of any deserving candidate. If any other seat is left vacant that would be a gross wastage of a national resource.
22. Accordingly, the petitioner submits that the impugned cancellation order dated 22.05.2026 deserves to be quashed, and the petitioner is entitled to continue and complete the FNB Cardiac Electrophysiology Fellowship in accordance with the NBEMS Regulations.

SUBMISSIONS ON BEHALF OF RESPONDENT NO. 1
(NBEMS)

23. Mr. Waize Ali Noor, learned counsel for respondent No. 1 submits that the writ petition is wholly misconceived and liable to be dismissed as the petitioner was ineligible for admission to the FNB



Cardiac Electrophysiology course under the FET-2024 Information Bulletin and the Counselling Handbook.

24. It is contended that the Information Bulletin unequivocally prescribed 31.12.2024 as the mandatory cut-off date for acquiring the prescribed feeder qualification, namely DrNB/DNB/DM in Cardiology. Admittedly, the petitioner obtained her DrNB Cardiology qualification only on 29.05.2025, nearly five months after the prescribed cut-off date, rendering her ineligible for admission for the 2024-2025 session.
25. It is stated that the petitioner knowingly misrepresented her eligibility by declaring in her FET-2024 application form that she had passed the qualifying postgraduate course on 31.12.2024, despite being aware that she had not completed the course. Similar declarations were allegedly repeated by the petitioner during registration on the OPJR portal and in the self-appraisal undertaking, thereby attracting cancellation under Clause 5.2 of the Counselling Handbook relating to false declarations and misrepresentation.
26. Further, it was contended that the petitioner's candidature was only provisional at every stage, including counselling, admission and document verification. Mere participation in the examination, allotment of a seat, issuance of a provisional registration number or joining the institute did not create any vested right, as the Information Bulletin expressly provided that eligibility would remain subject to final scrutiny and candidature could be cancelled upon detection of ineligibility.
27. Mr. Noor submits that the fixation of 31.12.2024 as the cut-off date is a policy decision uniformly applicable to all candidates. Since the



petitioner has not challenged the validity of the cut-off date itself, no direction can be issued compelling NBEMS to relax or disregard its own binding eligibility conditions.

28. It is further stated that the petitioner's reliance on COVID-related delays and the eligibility criteria applicable to NEET-SS 2024 is misconceived. FET and NEET-SS are independent examinations governed by different regulations, eligibility conditions and academic calendars. The petitioner completed her DrNB training in April/May 2025 and cannot rely upon alleged delays to overcome her admitted ineligibility or justify the false declarations made in her application.
29. It is contended that the recommendation of Narayana Hrudayalaya Hospital and the petitioner's provisional admission cannot operate as an estoppel against the statutory regulations governing admissions. The hospital's verification was provisional and subject to final approval by NBEMS, and the hospital itself was subsequently issued a caution letter for recommending an ineligible candidate.
30. The respondent submits that the decisions in *Abha George (supra)* and *Dr. Praveen George Paul (supra)*, relied upon by the petitioner, are distinguishable, as those cases involved candidates who had not made any false declaration or misrepresentation. In contrast, the present case involves deliberate misrepresentation of the petitioner's eligibility, making the principles laid down therein inapplicable.
31. Reliance is instead placed upon *Khushmita Nagoura v. State of Rajasthan*, 2022 SCC OnLine Raj 3220, wherein it was held that a candidate who secured admission by misrepresentation cannot claim equitable relief. The respondent No. 1 also relies upon *Registrar of Jadavpur University v. Arindam Dutta Gupta*, (2013) 11 SCC 565 to



contend that vacant seats cannot justify continuation of an admission granted contrary to the prescribed eligibility criteria.

32. Lastly, it is submitted that the petitioner, having secured admission through false declarations and despite being ineligible on the cut-off date, is not entitled to invoke the equitable jurisdiction of this Court under Article 226.
33. Granting such relief would dilute academic standards, undermine the integrity of the admission process, prejudice eligible candidates and set an undesirable precedent for future admissions.

ANALYSIS

34. I have heard the learned counsels for the parties and perused the material on record.
35. The issues arising for determination are: (i) whether the petitioner was ineligible under the FET-2024 eligibility conditions; (ii) whether NBEMS, having admitted and permitted the petitioner to continue the course after verification of her documents, could subsequently cancel her candidature; and (iii) whether the impugned action is arbitrary, disproportionate and violative of Article 14 of the Constitution.

Issue 1: Whether the petitioner was ineligible under the FET-2024 eligibility conditions?

36. Dealing with the first issue, it is necessary to reproduce the relevant clauses of the FET 2024 Information bulletin:

Clause 3.2

“Student may kindly note that appearance in FET 2024 does not confer any automatic rights to secure a NBEMS Fellowship seat. The selection and admission to Fellowship



Programme in any National Board of Examinations in Medical Sciences Accredited institution running FNB courses is subject to fulfilling the admission criteria, eligibility, medical fitness and such criteria as may be detailed in the information bulletin. The eligibility shall be determined at the time of counseling/admission/registration to the programme. In an event, a student is later found not to fulfil the criteria prescribed, his/her candidature as well as the result for the FET shall deemed to be cancelled.

Clause 3.17

“Student found ineligible at any stage of FET 2024 Examination, will not be permitted to appear in the examination. In an unlikely event of any ineligible student appearing and/or passing the FET 2024 examination, the results/candidature of such student shall be cancelled and/or is deemed to be cancelled, even if result has been declared or Pass Certificate has been issued.”

Clause 5.1

“5.1. Students who are in possession of recognized post graduate medical Degree/Provisional Pass Certificate (MD/MS/DM/MCh/ DNB/DrNB) or an equivalent recognized qualification or likely to be in possession of the same by 31st December 2024 in accordance with eligible feeder qualifications for Fellowship courses as mentioned in Annexure B of this Information Bulletin can apply for FET 2024.”

Clause 5.2



“5.2. Students found to be ineligible at any stage of FET 2024 will not be permitted to appear in the examination. In an unlikely event of any ineligible student appearing and/or being successful in FET 2024, the result/ candidature of such student shall be cancelled and/or is deemed to be cancelled as and when the ineligibility is detected.”

Clause 5.3

“5.3. The cutoff date for qualifying MD/MS/DM/MCh/DNB/DrNB qualification towards determination of eligibility for appearing in FET 2024 shall be 31st December 2024.”

(emphasis added)

37. Further the relevant clauses of Handbook for Centralised Merit Based Counselling for 2024 Admission Session read as under:

“2.1. Eligibility:

Candidates must be in possession of Post Graduate Medical Degree/ Provisional# Pass Certificate (MD/ MS/ DM/ M.Ch./ DNB/DrNB) in eligible feeder specialty for respective fellowship course as mentioned in the Information Bulletin for FET 2024;

AND

Candidate must have qualified the Post Graduate Medical Qualification in eligible feeder specialty by 31st December, 2024;

AND



The Post Graduate Medical Qualification in eligible feeder specialty must be recognized as per the provisions of the NMC Act 2019/repealed Indian Medical Council Act 1956;

AND

Candidate should possess Permanent Registration Certificate of MBBS qualification;

AND

Candidate must have qualified FET 2024 in the respective Fellowship Course applied.

#Provisional Pass certificate of the Post Graduate Medical Qualification (MD/ MS/ DM/ M.Ch./ DNB/ DrNB) in lieu of Degree certificate is acceptable only for those candidates who have qualified their Post Graduate Medical Qualification (MD/ MS/ DM/ M.Ch./ DNB/DrNB) but have not been issued their degree certificates by respective universities/boards.

A certificate from the university/board concerned shall be required to be submitted by such candidates at the time of counselling confirming that the degree shall be conferred in the next convocation.”

...

“5.2. SUBMISSION OF FALSE / FABRICATED DOCUMENTS If, at any stage, it is found that documents uploaded/produced for determination of eligibility for FNB - 2024 Counseling are false/fabricated/forged and/or do not



belong to the candidate, his/her candidature for counseling/admission to FNB course will be cancelled and further penal action may be taken. The matter shall be dealt as per Unfair Means guidelines of NBEMS. Such candidates may be debarred from taking NBEMS examinations in future as per decision of the NBEMS Examination Ethics Committee.”

- 38.** The relevant provisions of the FET-2024 Information Bulletin and the Handbook for Centralised Merit Based Counselling, extracted hereinabove, make the position clear.
- 39.** Clause 5.1 of the Information Bulletin permitted candidates who were in possession of, or were likely to be in possession of, the requisite postgraduate qualification by 31.12.2024 to apply for FET-2024. Clause 5.3 prescribed 31.12.2024 as the cut-off date for determining eligibility. The same requirement was reiterated in Clause 2.1 of the Counselling Handbook, which specifically required a candidate to have qualified the postgraduate medical qualification in the eligible feeder speciality by 31.12.2024.
- 40.** In the case of the petitioner, the eligible feeder qualification for FNB Cardiac Electrophysiology was DrNB Cardiology. It is not in dispute that the petitioner had not obtained the said qualification by 31.12.2024. Her DrNB final examination was conducted only in January 2025 and the provisional pass certificate was issued on 29.05.2025. Thus, on the prescribed cut-off date, the petitioner had neither qualified the DrNB examination nor obtained the requisite provisional pass certificate.



41. The expression “likely to be in possession” occurring in Clause 5.1 does not assist the petitioner in the facts of the present case. The requirement was that the candidate should be likely to possess the qualification by 31.12.2024. In the present case, the petitioner had not even appeared in the DrNB final examination by that date, the examination itself having been conducted in January 2025. Consequently, it cannot be said that she was likely to be in possession of the qualification by the prescribed cut-off date. The subsequent issuance of the provisional pass certificate on 29.05.2025, though it established her eventual qualification, could not retrospectively satisfy the eligibility condition as on 31.12.2024.
42. The matter does not end with the petitioner’s ineligibility on the cut-off date. The record further shows that while submitting her application for FET-2024, the petitioner entered her “PG Year of Passing” as 31.12.2024 and identified her postgraduate qualification as DrNB. The respondent. No. 1 has placed the relevant application form on record. The actual date of acquisition of the DrNB qualification, however, was 29.05.2025. The details entered in the application form are reproduced below:



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**Qualification Details**

Super Speciality Program	Interventional Cardiology/Cardiac Electrophysiology
MCI/SMC REGISTRATION NUMBER	
Medical Council	West Bengal Medical Council
State of PG Completion	WEST BENGAL
PG Country	INDIA
PG City	Kolkata
PG University of Completion	National Board of Examinations in Medical Sciences
PG Institute Name	OTHERS
PG Year Of Passing	31/12/2024
PG Year Of joining	16/04/2022
Country of completion of Course	INDIA
State of Completion Course	WEST BENGAL
City of Completion Course	Kolkata
University of Completion Course	West Bengal University of Health Sciences,Kolkata

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Name of College Course	KPC Medical College,Jadavpur,Kolkata
Date of joining Course	08/08/2010
Date of Completion Course	16/05/2015
Type of PG Qualification	DrNB
Name of Speciality	DM/ DrNB Cardiology
PG Other College Name	KPC MEDICAL COLLEGE AND HOSPITAL
Aggregate Marks in Percentage	58.9

Test Center Details

43. The subsequent events are also material. During scrutiny of the petitioner's registration application, NBEMS noticed that the provisional DrNB pass certificate furnished by her was dated 29.05.2025. A deficiency was consequently raised through OPJR requiring proof that the postgraduate qualification had been completed and the result declared before 31.12.2024. The petitioner was also required to furnish her Additional Qualification Registration Certificate.

Signed By:ANSH
SRIVASTAVA
Signing Date:19.08.2026
19:55



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44. The OPJR record, as relied upon by NBEMS, further records that on 13.10.2025 the petitioner verified the particulars of her postgraduate qualification and again entered the date of passing the DrNB course as 31.12.2024. The same has been reproduced below:

B. Personal Details				Eligibility	Remarks
Name:	SANCHARI GHOSH	Date of Birth:	██████████	Father's Name:	██████████
Mother's Name:	██████████	Gender:	Female	Category:	GENERAL
EWS Status:	NO	PwBD Status:	NO	Correspondence Address:	██████████
Permanent Address:	██████████	Govt. Identification Type:	Voter ID CARD/ PAN CARD/ DRIVING LICENSE/ PASSPORT NUMBER	Govt. Identification Number:	██████████
Email:	██████████	Mobile Numbers:	██████████		Verified
Above details have been checked and verified by the candidate on:				13-10-2025 13:16:41	
Above details have been checked and verified by the hospital on:				21-10-2025 12:24:14	

C. Educational Qualifications				Eligibility	Remarks
Medical Qualification Registration Details:				Permanent Registration Certificate of MBBS Additional Qualification Registration Certificate of MD/MS/DM/MCh	
NMC/MCI/SMC Reg. Number:	██████████	MBBS State:	WEST BENGAL	Medical Council Name:	West Bengal Medical Council
MBBS Qualification Details:				MBBS Degree	
Date of Passing MBBS:	16/05/2015	Start Date of Internship:		Completion date of Internship:	
MBBS College Name:	KPC Medical College, Jadavpur, Kolkata	MBBS University:	West Bengal University of Health Sciences, Kolkata	MBBS City:	Kolkata
MBBS State:	WEST BENGAL				
Post Graduate Qualification Details:				Degree Certificate/ Provisional Pass Certificate(MD/MS/DM/MCh/DNB/DrNB) in the concerned Specialty	
Post Graduate passed in:	DM/ DrNB Cardiology	Date of Joining:	16/04/2022	Date of Passing:	31/12/2024
PG College Name:	KPC MEDICAL COLLEGE AND HOSPITAL	PG University:	National Board of Examinations in Medical Sciences	PG City:	Kolkata
PG State:	WEST BENGAL				
Above details have been checked and verified by the candidate on:				13-10-2025 13:18:36	
Above details have been checked and verified by the hospital on:				21-10-2025 12:24:21	

45. The Self-Appraisal submitted by her also contained an affirmation that she had qualified the postgraduate medical qualification on or

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SRIVASTAVA
Signing Date: 19.08.2026
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before the prescribed cut-off date and had uploaded the corresponding pass certificate.

46. She further affirmed that she had gone through the eligibility criteria contained in the FET-2024 Information Bulletin and the counselling Handbook and fulfilled the same.
47. The questionnaire of self-appraisal is reproduced below:

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Questionnaire of Self-Appraisal	Response by the Trainee	Agreement of Hospital with response of trainee
1. Candidate Profile: I have gone through the details mentioned under the heading candidate profile and found them correct and accordingly verified the same under the heading verification of candidate profile.	Yes 24-10-2025 22:53:17	Agree 25-10-2025 10:29:16
2. Seat Allotment: I have verified the details mentioned on this portal regarding allotment of the NBEMS Fellowship seat and found it correct.	Yes 24-10-2025 22:53:17	Agree 25-10-2025 10:29:16
3. Documents Uploaded: I have uploaded all the required documents on this portal and also paid the required course fees for first year before reporting to the institution in-person for joining.	Yes 24-10-2025 22:53:17	Agree 25-10-2025 10:29:16
4. Joining and Annexure - A: I have produced all the required documents in original to the institution allotted for NBEMS Fellowship training and joined the NBEMS Fellowship program at the same institution in the specialty of Cardiac Electrophysiology (Name of Specialty) on 18.08.2025 (DOI). The institution has completed the proforma titled Annexure A as per the format prescribed by NBEMS confirming to my joining to the above said course and the said document has been uploaded on this portal.	Yes 24-10-2025 22:53:17	Agree 25-10-2025 10:29:16
5. Qualified MBBS: I have qualified the final examination of MBBS course and I have uploaded the degree certificate to this effect on this portal.	Yes 24-10-2025 22:53:17	Agree 25-10-2025 10:29:16
6. Qualified Post Graduate Medical Qualification(DNB/DrNB/MD/MS/DM/MCh): I have qualified the Post Graduate Medical Qualification(DNB/DrNB/MD/MS/DM/MCh) course on or before the prescribed cut-off-date i.e. 31.12.2024 and I have uploaded the Pass certificate/Provisional Pass Certificate to this effect on this portal.	Yes 24-10-2025 22:53:17	Agree 25-10-2025 10:29:16
7. Recognition of MBBS and Post Graduate Medical Qualification(DNB/DrNB/MD/MS/DM/MCh): My MBBS and Post Graduate Medical qualification(DNB/DrNB/MD/MS/DM/MCh) are duly recognized as per the provisions of the National Medical Commission Act 2019 and the repealed Indian Medical Council act 1956. The status of recognition of my MBBS and Post Graduate medical qualification are mentioned on the website of the National Medical Commission as recognized.	Yes 24-10-2025 22:53:17	Agree 25-10-2025 10:29:16
8. Permanent Registration of MBBS and Post Graduate Medical Qualification: I have obtained the permanent registration of my MBBS and Post Graduate Medical qualification(DNB/DrNB/MD/MS/DM/MCh) with a State Medical Council or the National Medical Commission/erstwhile Medical Council of India and have uploaded the additional qualification registration certificate (AQRC) to this effect on this portal.	Yes 24-10-2025 22:53:17	Agree 25-10-2025 10:29:16
9. Eligibility Criteria as per Information Bulletin: I have gone through the eligibility criteria as detailed in the information bulletin of NBEMS-FET 2024 as well as in the handbook for counselling and I confirm that I fulfil the same.	Yes 24-10-2025 22:53:17	Agree 25-10-2025 10:29:16
Above details have been checked and verified by the candidate on:		24-10-2025 22:53:17
Above details have been checked and verified by the hospital on:		25-10-2025 10:29:16

48. The material details of the petitioner have been redacted for privacy purposes and to protect the identity of the petitioner.

Signed By: ANSH
SRIVASTAVA
Signing Date: 19.08.2026
19:55



49. A perusal of the aforesaid clearly shows that, on no fewer than three occasions, the petitioner misrepresented that she had fulfilled the eligibility criteria as on 31.12.2024. This representation was presumably made with the intent of establishing her eligibility for the FET, despite the petitioner admittedly not meeting the requisite eligibility criteria as on the said date.
50. It is also relevant that Clause 3.2 expressly cautioned candidates that appearance in FET-2024 did not confer an automatic right to secure an FNB seat and that eligibility was liable to be determined at the stage of counselling, admission or registration. Clause 3.17 clearly stated cancellation of the result or candidature if a candidate was subsequently found to be ineligible. Thus, the mere fact that the petitioner was permitted to participate in the FET, qualified therein, and was subsequently allotted a seat could not, contrary to the express terms of the Bulletin, create an independent right to admission or continuation in the fellowship.
51. The fact that the petitioner was provisionally allotted a seat and permitted to join the fellowship on 18.08.2025 also does not alter the position. As evident from the record, the documents were initially provisionally verified by the hospital and that a provisional registration number was subsequently issued. It was only during scrutiny of the registration application that the discrepancy concerning the date of acquisition of the DrNB qualification came to the notice of NBEMS.
52. In these circumstances, I am unable to accept that the provisional verification at the stage of joining amounted to a final determination by NBEMS that the petitioner satisfied the eligibility criteria. The



FET-2024 Bulletin itself made eligibility subject to verification at the stages of counselling, admission and registration and expressly reserved the consequence of cancellation upon subsequent detection of ineligibility. The initial allotment and provisional registration, therefore, cannot operate as an estoppel against NBEMS from examining the petitioner's eligibility at a later stage.

53. Consequently, I am of the firm view that the petitioner did not satisfy the eligibility condition prescribed under the FET-2024 Information Bulletin and the Counselling Handbook, as she had not qualified the requisite feeder qualification, namely DrNB Cardiology, by the stipulated cut-off date of 31.12.2024. The subsequent issuance of the provisional pass certificate on 29.05.2025 could not retrospectively cure the eligibility defect.
54. Reliance placed on ***Abha George (supra)*** is misplaced as the judgment was rendered in light of different facts wherein there was absence of any default on part of the petitioner. The relevant paras read as under:

“14. In the undisputed factual situation narrated above, the question which arises for consideration is whether the admission of a candidate, even if he/she is erroneously admitted, is liable to be cancelled in the absence of any wrongdoing or default on the part of the candidate. This question has been considered in several judgments of the Supreme Court and of this Court. Three judgments of the Supreme Court, and one of this Court, are particularly instructive for adjudication of the present dispute.

15. In Rajendra Prasad Mathur v. Karnataka University [Rajendra Prasad Mathur v. Karnataka University, 1986 Supp SCC 740] , the Supreme Court was concerned with a question of cancellation of admissions in engineering courses in Karnataka University. During the



pendency of the writ petition before the High Court, the petitioners were permitted to continue their studies in the college. The petitions were, however, ultimately dismissed by the High Court, and the Supreme Court also came to the conclusion that the candidates were ineligible for admission. However, on the question of whether the students, having been admitted, should be permitted to continue their studies, the court held in their favour for the following reasons:

“8. We accordingly endorse the view taken by the learned Judge and affirmed by the Division Bench of the High Court. But the question still remains whether we should allow the appellants to continue their studies in the respective engineering colleges in which they were admitted. It was strenuously pressed upon us on behalf of the appellants that under the orders initially of the learned Judge and thereafter of this Court they have been pursuing their course of study in the respective engineering colleges and their admissions should not now be disturbed because if they are now thrown out after a period of almost four years since their admission their whole future will be blighted. Now it is true that the appellants were not eligible for admission to the engineering degree course and they had no legitimate claim to such admission. But it must be noted that the blame for their wrongful admission must lie more upon the engineering colleges which granted admission than upon the appellants. It is quite possible that the appellants did not know that neither the Higher Secondary Examination of the Secondary Education Board, Rajasthan nor the first year BSc examination of the Rajasthan and Udaipur Universities was recognised as equivalent to the Pre-University Examination of the Pre-University Education Board, Bangalore. The appellants being young students from Rajasthan might have presumed that since they had passed the first year BSc examination of the Rajasthan or Udaipur University or in any event the higher secondary examination of the Secondary Education Board, Rajasthan they were eligible for admission. The fault lies with the



engineering colleges which admitted the appellants because the Principals of these engineering colleges must have known that the appellants were not eligible for admission and yet for the sake of capitation fee in some of the cases they granted admission to the appellants. We do not see why the appellants should suffer for the sins of the managements of these engineering colleges. We would therefore, notwithstanding the view taken by us in this judgment, allow the appellants to continue their studies in the respective engineering colleges in which they were granted admission. But we do feel that against the erring engineering colleges the Karnataka University should take appropriate action because the managements of these engineering colleges have not only admitted students ineligible for admission but thereby deprived an equal number of eligible students from getting admission to the engineering degree course. We also endorse the directions given by the learned Judge in the penultimate paragraph of his judgment with a view to preventing admission of ineligible students.” [Emphasis supplied]

...

20. Applying these authorities in the present case, it appears that the petitioners’ documents were accepted by the respective centres of AIIMS, despite the fact that their qualifying examination results were declared one week later than stipulated in the prospectus. The petitioners have prosecuted their studies for almost two months prior to issuance of the impugned OM dated 18-10-2021. There is no allegation that the petitioners had misrepresented or concealed any information from AIIMS — indeed, there cannot be, as the qualifying examination was conducted by AIIMS itself. Applying the observations of the Supreme Court in *Rajendra Prasad Mathur* case [*Rajendra Prasad Mathur v. Karnataka University*, 1986 Supp SCC 740] , in the present case also, the blame lies more upon the institution than the petitioners. The candidates applied;



their results were declared by AIIMS, New Delhi; those results were submitted to the regional centres to which they have been assigned, and they were granted admission. Their admissions were cancelled after they had spent almost two months on the course. The judgment of this Court in Javed Akhtar case [Javed Akhtar v. Jamia Hamdard, 2006 SCC OnLine Del 1504] , in fact, goes further to hold that an academic institution cannot be permitted to cancel admissions after the course had started, at any time during the year, due to prejudice that would be caused to the candidates who were admitted as they would by then be unable to take admission in any other university to which they may have been admitted.”

55. Further the order of **Dr. Praveen George Paul (supra)** does not aid the petitioner's case as it clearly states that it is not to be treated as a precedent.
56. In the present case, the petitioner has repeatedly concealed the true and correct state of affairs and made material misrepresentations regarding her eligibility. On the date of submission of the application, the petitioner admittedly did not satisfy the prescribed eligibility criteria, yet she proceeded to seek admission by suppressing this material fact and making incorrect affirmations.
57. The admission form did not provide any mechanism for a candidate to qualify or alter the cut-off date of 31.12.2024, as relied upon by the petitioner. A candidate who did not possess the requisite eligibility qualification as on the prescribed cut-off date, therefore, could not legitimately seek admission on the basis of a subsequent qualification. The petitioner, having sought admission on the basis of material concealment and misrepresentation, cannot claim any equitable relief from this Court.



58. Further the explanation furnished by the petitioner that the 18.12.2025 email of the respondent No. 1 pointing out the deficiencies went to her spam folder and she only noticed the same on 02.05.2026, does not inspire any confidence and again shows the misrepresentation by the petitioner.
59. Lastly, the petitioner has vehemently contended that the present case is about a delayed timing. I am not inclined as the submission, overlooks the foundation on which competitive examinations are structured. Eligibility is determined with reference to a particular date prescribed by the competent authority. In the present case, that date was 31.12.2024. A cut-off date will, by its very nature, include some candidates and exclude others. Candidates who do not satisfy the prescribed requirement on that date will only become eligible in the subsequent examination cycle.
60. What matters, therefore, is not merely whether the petitioner eventually acquired the requisite qualification, but whether she possessed it within the time stipulated for FET-2024. She did not. Her qualification was obtained only after the cut-off date and, significantly, after she had appeared in the qualifying DrNB examination itself. The subsequent acquisition of the qualification cannot retrospectively place her within the class of candidates who were eligible for FET-2024.
61. If the petitioner's argument were accepted, the prescribed cut-off would cease to have any real meaning. Every candidate who acquired the qualification shortly after the cut-off would claim that the difference was merely one of timing and seek inclusion in the same admission cycle. Such an approach would not only undermine the



authority of the body prescribing the eligibility criteria but would also operate unfairly against candidates who adhered to the stipulated requirements and competed within the prescribed framework.

Issue 2: Whether NBEMS, having admitted and permitted the petitioner to continue the course after verification of her documents, could subsequently cancel her candidature?

62. It is the case of the petitioner that since her documents were verified by the Hospital and her candidature was approved, pursuant to which she was also allowed to attend the classes, the respondent No. 1 at this stage cannot bar her.
63. The said submission has no merit as just because the petitioner was allotted a seat, permitted to join the course and underwent training for several months does not confer upon her a vested right to continue in the programme. The allotment itself was premised upon the petitioner's declaration that she possessed the requisite postgraduate qualification as on 31.12.2024. Since she admittedly did not possess the qualification by that date, the allotment was not validly made in the first place.
64. The provisional verification by the hospital cannot cure the underlying ineligibility. The hospital's verification was provisional, and the discrepancy was subsequently detected by NBEMS during scrutiny of the petitioner's registration documents. More importantly, Clauses 3.2 and 3.17 of the FET-2024 Information Bulletin expressly contemplate cancellation where ineligibility is detected at a later stage, including after declaration of the FET result or issuance of a pass certificate.



65. The mere passage of several months, therefore, cannot operate as an estoppel against NBEMS or create a right in favour of the petitioner. The rules clearly include subsequent detection of ineligibility and prescribe cancellation as the consequence. Administrative delay in discovering the defect cannot enlarge the petitioner's eligibility or validate an admission which was invalid from its inception. Nor can equity be invoked in favour of the petitioner on account of the training undergone by her.
66. The petitioner cannot claim an equitable advantage from a candidature in which she had herself furnished an incorrect date of passing in the FET application and subsequently affirmed the same particulars in the OPJR process. To permit the petitioner's continuation merely because the error was detected belatedly would effectively reward an incorrect declaration and create an anomalous situation where the validity of an ineligible candidature depends upon how late the defect is discovered.
67. The same is also in line with the case of ***Guru Gobind Singh Indraprasth University v. Ram Narayan Tiwari***, 2018 SCC OnLine Del 12786 wherein the Court held as under:

"27. In any event, there is not a single decision that has been brought to the notice of this Court where for the B. Tech course, a candidate who does not secure even 40% marks in the Mathematics paper is allowed to not only get admitted to the B. Tech Course but allowed to continue and complete. This is simply unacceptable from even the basic standard of University education.

28. Consequently, this Court is of the view that in matter of such nature, there could be no question of equitable estoppel coming to the aid of the student. Ms. Sikri, learned counsel for the Appellant, has drawn the attention of the



Court to the judgment in *Maharashi Dayanad University v. Surjeet Kaur* (2010) 11 SCC 159 where the Supreme Court observed, in matters concerning admission to academic institutions, in paras 18 and 19 as under:

“18. There can be no estoppel/promissory estoppel against the Legislature in the exercise of the legislative function nor can the Government or public authority be debarred from enforcing a statutory prohibition. Promissory estoppel being an equitable doctrine, must yield when the equity so requires...”

19. On the other hand, the conduct of the respondent was such that even though she had no statutory right or any vested right to pursue her B.Ed. course, the mistake on the part of the appellant to allow her to appear in the examination cannot be by any logic treated to be a conduct of the appellant to confer any such right on the respondent. The rules and regulations cannot be allowed to be defeated merely because the appellant erroneously allowed the respondent to appear in the B.Ed. examination. The records reveal that the respondent did not challenge the cancellation of her results in respect of 1995 examination. The said order attained finality. Respondent straightaway approached the District Forum in the year 2000 for the conferment of B.Ed. degree in pursuance of the examinations conducted under the Notification dated 16.3.1998. This, in the opinion of the court, was a totally misdirected approach and the District Forum fell into error by granting the relief.””

- 68.** The petitioner ought to have completed her DrNB qualification and obtained the requisite pass certificate before participating in the FET in the subsequent admission cycle. Having chosen to participate in FET-2024 despite not satisfying its eligibility condition, she cannot



now rely upon the intervening period of training or the respondent No. 1's delay in detecting the defect to claim a right to the seat.

69. The second issue is accordingly answered in favour of NBEMS. The provisional allotment, verification and subsequent passage of time did not create an indefeasible right in favour of the petitioner, and NBEMS was entitled under the governing rules to cancel her candidature upon detection of her ineligibility.
70. At this stage it is important to note that even in the case of *Jadavpur University (supra)*, vacant seats were allotted only if the candidate was eligible. I am conscious of the fact that keeping seats vacant does not enure to anyone's favour, however, in the present case the petitioner's candidature is tainted with irregularity and therefore a vacant seat cannot be allotted as the same would amount to putting a premium on dishonest conduct.

Issue 3: Whether there is a violation of Article 14 of the Constitution of India?

71. One of the main limbs of the petitioner's argument is that the petitioner belongs to the same cohort of COVID 19 affected students. The contention that the impugned action violates Article 14 of the Constitution is also without merit.
72. The petitioner's reliance upon the eligibility relaxation extended in the NEET-SS 2024 process is misplaced. NEET-SS and FET are distinct examinations, governed by separate eligibility conditions, feeder qualifications and admission schedules. The conditions applicable to NEET-SS 2024 cannot be imported into FET-2024 in the absence of any provision in the FET framework providing for a similar relaxation.



73. The prescription of a cut-off date for determining eligibility is within the regulatory domain of NBEMS, particularly in relation to a national-level competitive examination and a time-bound admission process. The date of 31.12.2024 was prescribed uniformly for all candidates under the FET-2024 Information Bulletin and the Counselling Handbook and was not devised specifically in relation to the petitioner.
74. In this view, the contention of the petitioner regarding violation of Article 14 cannot be accepted.

CONCLUSION

75. In view of the foregoing discussion, I am of the considered view that the impugned cancellation letter dated 22.05.2026 is in accordance with the governing framework and does not suffer from any infirmity warranting interference under Article 226 of the Constitution. The same is neither arbitrary nor discriminatory, nor does it violate any enforceable right of the petitioner. The petition is, accordingly, liable to be dismissed.
76. Before parting, however, this Court considers it necessary to make certain observations.
77. In India, examinations, particularly competitive and professional examinations, are not mere academic exercises. For millions of students, they represent years of preparation, sacrifice and uncertainty, and often determine the direction of their professional lives. This applies more to the medical field, where a limited number of super-speciality seats are sought by a large number of qualified doctors. Merit loses its meaning if the process through which it is determined is compromised.



78. The present case serves as a reminder that the integrity of a high-stakes examination system is a shared responsibility.
79. It reflects a failure on both sides. The petitioner did not approach the FET-2024 process with the candour expected of a candidate seeking admission to a specialised medical programme. Despite not having appeared for the qualifying DrNB examination by the prescribed cut-off date, she declared 31.12.2024 as her date of passing and subsequently reiterated the same particulars in the OPJR process. Such conduct cannot be condoned or permitted to yield an equitable advantage.
80. At the same time, the conduct of the petitioner does not absolve NBEMS of its own responsibility. The respondent is entrusted with conducting and regulating high-stakes national-level medical examinations and admissions. The fact that an ineligible candidate could proceed through the examination, counselling, allotment, joining and provisional registration stages before the discrepancy was detected raises serious concerns regarding the robustness of the verification mechanism. The responsibility of an institution entrusted with the academic future of thousands of candidates cannot end with prescribing rules; those rules must also be effectively implemented.
81. A medical seat lost or wrongly allotted can alter the course of a candidate's professional life. The credibility of the entire system depends upon candidates knowing that the rules will be applied uniformly and upon the examining authority ensuring that eligibility is verified with the degree of care that the nature of the examination demands.



- 82.** In the present case, the petitioner has, time and again, disclosed her date of joining as 16.04.2022. Respondent No.1 was, therefore, fully aware that the duration of the course was three years and that there was no possibility of the petitioner completing her DrNB course before the prescribed cut-off date. Despite being aware of the relevant facts, respondent No.1 permitted the petitioner to continue her education for more than nine months. Moreover, on account of the inaction and delay attributable to respondent No.1, the petitioner lost the academic year 2025-26. Such lethargy and callousness on the part of NBEMS, particularly when the career of a medical professional is at stake, cannot be countenanced or condoned.
- 83.** In view of the foregoing, a cost of Rs. 1,000/- is imposed upon the petitioner, payable to the Delhi High Court Legal Services Committee. At the same time, a cost of Rs. 10,000/- is imposed upon Respondent No.1, NBEMS, payable to the Delhi High Court Legal Services Committee. The cost imposed upon the petitioner is purely token in nature. In contrast, the cost imposed upon respondent No.1 is intended as a measure of institutional accountability and to impress upon NBEMS the need to exercise greater diligence, care and responsibility in the conduct of examinations, counselling and verification processes, particularly where the careers of medical professionals are directly affected.
- 84.** The present petition, along with any pending applications, if any, is accordingly disposed of.

JASMEET SINGH, J

AUGUST 19th , 2026/DE