



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27<sup>TH</sup> DAY OF MARCH, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM**

**WRIT PETITION NO.3746 OF 2024(S-RES)**

**BETWEEN:**

1. MR. MUKESH KUMAR  
S/O SAHADEV MODI  
AGED 38 YEARS  
PRESENTLY R/AT STAFF QUARTERS NO.52,  
RRMCH CAMPUS, MYSURU ROAD, KAMBIPURA  
BENGALURU-560074.
2. DR. (MRS). DWAJANI S.  
D/O S. SANATH KUMAR  
AGED 40 YEARS  
R/AT NO.88, AVINASH MOUNT JOY EXTENSION  
HANUMANTH NAGAR  
BENGALURU-560019.
3. MRS. N. PADMALATHA  
D/O N. RAMA MOHAN REDDY  
AGED 41 YEARS  
R/AT NO 210, MAHAVEER WILLOW ANNEXE  
NEAR BETHESDA CHURCH  
Kengeri Satellite Town  
BENGALURU-560060.
4. MR. VINEESH P.V.  
S/O VISHWAMBHARAN P. V.  
AGED 39 YEARS  
R/AT NO.88, 1<sup>ST</sup> MAIN, 4<sup>TH</sup> CROSS  
BSK 2<sup>ND</sup> STAGE, ITTAMADU  
BENGALURU-560085.
5. MRS. ROHINI H. N.  
D/O H.V. NAGENDRA PRASAD  
AGED 37 YEARS  
R/AT NO.15, HEMAADRI

Digitally signed  
by CHAITRA A  
Location: HIGH  
COURT OF  
KARNATAKA



NEAR SANKRANTHI APARTMENT  
REFLEX LAYOUT, RAJARAJESHWARI NAGARA  
BENGALURU-560060.

6. MRS. RASHMITHA VINAYAK KAMATH  
D/O RAMAKRISHNA NAYAK  
AGED 36 YEARS  
R/AT NO.129, GURUGOVINDAMILANA  
6<sup>TH</sup> CROSS, SARASWATHINAGAR  
VIJAYANAGAR,  
BENGALURU-560040.
7. MRS. LAVANYA S.  
D/O SIDDARAJU S. P.,  
AGED 29 YEARS  
R/AT NO.42, NEHASHRITHA NILAYA  
BALAJI LAYOUT, KADABAGERE POST  
DASANPURA HOBLI  
BENGALURU-562130.
8. MRS. NISHITHA LINET MENDONCA  
D/O D.B. MENDONCA  
AGED ABOUT 38 YEARS  
R/AT G4-LAVENDRE CONNECTING BLOCK  
REGENCY PINNACLE HEIGHTS  
RACHENAHALLI  
BENGALURU-560077.
9. DR. (MR) G.J.K. PRAKASH RAJU  
S/O G. RAVINDRANATH RAJU  
AGED 34 YEARS  
PRESENTLY R/AT STAFF QUARTERS NO.54  
RRMCH CAMPUS, MYSURU ROAD  
KAMBIPURA  
BENGALURU-560074.
10. MRS. HEMAMALINI M.B.  
D/O RAMAKRISHNAYYA M.B.,  
AGED 45 YEARS, R/AT NO.320,  
2<sup>ND</sup> FLOOR, MAHAVEER LAKES APARTMENT  
UTTARHALLI MAIN ROAD  
KENGARI  
BENGALURU-560060.



11. MR. KRISHNA G.  
S/O GOVINDAPPA S.  
AGED 41 YEARS  
PRESENTLY R/AT NO.129  
STAFF QUARTERS NO.46  
RRMCH CAMPUS, MYSURU ROAD  
KAMBIPURA  
BENGALURU-560074.
12. MRS. SHRUTHI A.N.  
D/O A.R. NAGARAJ RAO  
AGED 32 YEARS  
R/AT 368, MUKAMBIKA NILAYA  
GF, 9<sup>TH</sup> CROSS, AVALHALLI BDA LAYOUT  
GIRINAGAR, BSK 3<sup>RD</sup> STAGE  
BENGALURU-560085.
13. MRS. SWETHA KUMARI K.  
D/O VASANT KUMAR K.  
AGED 36 YEARS  
R/AT NO.86, 4<sup>TH</sup> CROSS, J. P. NAGAR  
YELCHENAHALLI, NEAR GANESHA TEMPLE  
BENGALURU-560078.

...PETITIONERS

(BY SRI MANMOHAN P. N., ADVOCATE)

**AND:**

1. UNION OF INDIA  
DEPARTMENT OF HEALTH AND FAMILY WELFARE  
NIRMAN BHAVAN  
MAULANA AZAD ROAD  
NEW DELHI-110011  
REPRESENTED BY ITS SECRETARY.
2. NATIONAL MEDICAL COMMISSION  
(UNDERGRADUATE MEDICAL EDUCATION BOARD)  
POCKET-13, SECTOR-8,  
DWARKA PHASE-I  
NEW DELHI-110077  
REPRESENTED BY ITS DIRECTOR.

...RESPONDENTS

(BY SRI RAJASHEKAR S., ADVOCATE FOR R-1  
SRI N. KHETTY, ADVOCATE FOR R-2)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT DECLARING THAT THE GUIDELINES FOR UNDER GRADUATE COURSES UNDER ESTABLISHMENT OF NEW MEDICAL INSTITUTIONS, STARTING OF NEW MEDICAL COURSES, INCREASE OF SEATS FOR EXISTING COURSES AND ASSESSMENT AND RATING REGULATIONS, 2023 DATED 16/08/2023 BEARING NO.U.11022/2/2023-UGMEB (PRODUCED AS ANNEXURE-C) IS ULTRA VIRES THE CONSTITUTION OF INDIA AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

This captioned petition is filed questioning the Medical Institution Regulations, 2023 on an apprehension that the decision will be implemented retrospectively.

2. This Court vide order dated 26.02.2024 has granted stay of the implementation of Guidelines for undergraduates courses under establishment of New Medical Institutions by implementing 2023 Regulations dated 16.08.2023 as per Annexure-C.

3. Learned counsel for respondent No.2 has filed statement of objections and has clarified the apprehension of petitioners indicating that these Regulations will not be implemented retrospectively. Para 6 of the statement of



objections would be relevant and the same is extracted,  
which reads as under:

*"That the Guidelines for Undergraduate Courses under Establishment of New Medical Institutions, Starting of New Medical Courses, Increase of Seats for existing Courses & Assessment and Rating Regulations, 2023, notified on 16.08.2023 are prospective in nature, and applicable from 16.08.2023".*

4. In view of the clarification indicated in the statement of objections filed by respondent No.2, the captioned petition does not survive for consideration.

Accordingly, petition stands ***disposed of.***

Respondent No.2, to avoid future litigations, shall publish this clarification in its official website.

**Sd/-  
JUDGE**

GPG  
List No.: 1 Sl No.: 10