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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 28825 of 2025

and

WMP Nos. 32317, 32320 & 32321 of 2025

Amit Kumar

Petitioner(s)

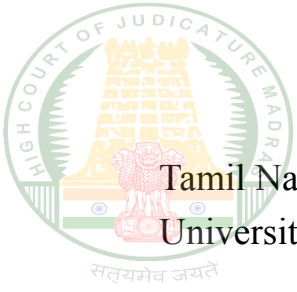
Vs

1.National Medical Commission
Represented By Direction,
Under Graduate Medical Examination,
National Medical Commission
Pocket 14, Sector-8, Dwarka,
New Delhi.

2.The Directorate Of Medical
Education and Research
Kilpauk, Chennai 600 010.

3.The Academic Officer
The Tamil Nadu – Dr.M.G.R. Medical
Universtity, 69 Anna Salai, Guindy,
Chennai.

4.The Controller Of Examination



Tamil Nadu – Dr.M.G.R. Medical
University, 69 Anna Salai, Chennai.

WEB 5.The Dean

Government Thiruvarur Medical
College,
Thiruvarur.

6.The Vice Principal
Government Thiruvarur Medical
College, Thiruvarur.

Respondent(s)

PRAYER

Calling for the records of the 5th respondent to the impugned order of suspension Ref No.1723/ME1/2025 order dated 15.04.2025 in proceedings and quash the same and consequential directing the respondents herein more particularly the 5th respondent to consider the representation of the petitioner dated 24.07.2025.

For Petitioner(s): M/s.Yash Rathi R

For Respondent(s): Ms.V.Sudha
Sr.CGSC for R1
[For MNC]
Mrs.M.Sneha,
Special Counsel
For R2, R5 & R6
Mr.A.Mohamed Gouse
For R3 & R4

**ORDER**

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The present writ petition has been filed challenging the order of suspension dated 15.04.2025 passed by the Dean of Government Thiruvarur Medical College and seeking to direct the respondents to consider the representation submitted by the petitioner on 24.07.2025.

2. The case of the petitioner is that he is currently pursuing Bachelor of Medicine and Bachelor of Surgery (MBBS) course at Government Thiruvarur Medical College, Thiruvarur, Tamil Nadu. The petitioner states that he was issued with the suspension order dated 15.04.2025 by the 5th respondent / Dean of the Government Thiruvarur Medical College without affording any opportunity of hearing from him on the ground that the petitioner was framed with the charges of malpractice in the NEET UG 2024 examination and he is on bail, which was granted by the Patna High Court.

3. However, the learned counsel for the petitioner would submit that against the petitioner, there was an F.I.R (First Information Report) registered in



the year 2024 under various provisions and the above case was taken on file in Special Case No.14 of 2024 before the Special Judge CBI-II at Patna, wherein

he was arrested on the ground of alleged malpractice in solving of the stolen NEET UG 2024 examination. He would further submit that the High Court of Patna in Criminal Miscellaneous No.83786 of 2024 granted bail on 04.07.2024.

4. It is further contended by the learned counsel for the petitioner that since the petitioner was arrested and remanded to judicial custody, the 5th respondent has issued an order of suspension on 15.04.2025 based on the 1st respondent letter dated 15.04.2025.

5. The learned counsel for the petitioner further submitted that if the petitioner, who has been granted bail, is not allowed to attend classes, it would prejudice his education and will affect his eligibility to participate in the examinations. It is further contended that the petitioner is an innocent and he was falsely implicated in the criminal case.



6. The learned counsel for the petitioner relied on a judgment from the Rajasthan High Court in the case of ***Vikas Vishnoi vs. Controller of Examinations, Rajasthan University of Health Science, Jaipur and Others*** (S.B. Writ Petition No. 8864 of 2025, dated 23.05.2025). In this case, Vikas Vishnoi, who is also an accused in Special Case No.14 of 2024, secured an order allowing him to continue his MBBS course. The Rajasthan High Court granted permission for him to complete the course subject to certain conditions.

The relevant paragraphs of the judgment are extracted below:

“31. If the suspension is allowed to continue, the loss would be irreversible and irreparable, inasmuch as the period which the criminal trial will take, the petitioners would not be able to continue with their studies and their future will be left in lurch. And if, they are ultimately acquitted, they would have lost 3-4 precious years of their student life doing nothing.

32. This Court not even for a moment approves petitioners' action of impersonation and firmly believes that looking to the increasing number of such



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cases, it is high time the Central Government brings appropriate legislation, but in absence of such legislation and without any power to suspend, placing the petitioners under suspension is not only illegal, without jurisdiction, but also violative of their fundamental rights guaranteed under Article 19(1)(g) and 21 of the Constitution of India.

33. The action on the part of the respondents in placing the petitioners under suspension is like holding them guilty and punishing them before the competent court convicts them.

34. But, since the allegation against the petitioners is, that they have appeared for other candidates in subsequent examination, this Court is persuaded to take somewhat lenient view, however, with caution and circumspection.

35. The writ petitions are, therefore, allowed.

36. The petitioners' suspension order(s) in each of the writ petitions are, hereby, quashed. Their suspension shall naturally be treated quashed from the date of order instant.

37. The respondent-colleges) shall forthwith



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allow them to attend classes. In case, petitioners fulfill the requisite attendance criteria, they shall be allowed to appear in the ensuing examination in accordance with law.

38. The petitioners shall be allowed to complete their course, but the respondents shall neither issue them degree nor shall they be registered, unless the trial is concluded and they are acquitted of the charges.

39. In case, the petitioners are held guilty in the trial, the NMC shall be free to take appropriate decision in accordance with law, which may include even cancellation of their admission in the medical course.

40. Needless to observe that in case, the petitioners are acquitted, then obviously, they shall be issued degree(s) as soon as they are acquitted.

41. Stay applications also stand disposed of, accordingly.”



7. Per contra, the learned Senior Central Government Standing Counsel appearing on behalf of the National Medical Commission and the learned Special Counsel appearing on behalf of the respondents 2, 5 and 6, strongly objected the above contentions and submitted that the petitioner was arrested on serious allegations of malpractice in the NEET UG 2024 examination and an investigation is currently in progress by the Central Bureau of Investigation (CBI). The petitioner was suspended based on the recommendation of the 1st respondent / National Medical Commission. Consequently, the question of reviving the suspension order would not arise at all, since the conduct of the petitioner is not only unethical but also unbecoming of a student. Therefore, contended that the present writ petition is liable to be dismissed.

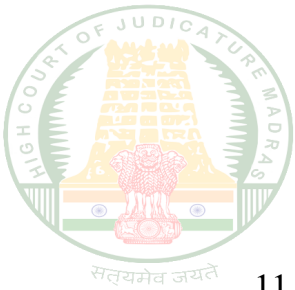
8. I have given my anxious consideration to the submissions made by both sides.

9. From the above submissions of either sides, there are no serious disputes in factual aspect. It is an admitted fact that the petitioner was involved



in a criminal case related to malpractice in the NEET UG 2024 examination. It is also not in dispute that the petitioner was granted bail by the Patna High Court. Further, it is equally not in dispute that the petitioner is a student in the 5th respondent / College and pursuing third year MBBS course. It is also not in dispute that a similarly placed person has got an order of revocation of suspension from Rajasthan High Court.

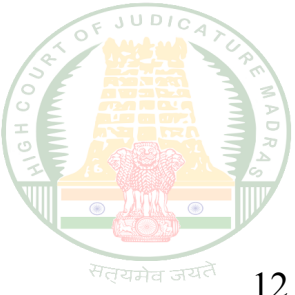
10. Therefore, this Court is of the considered opinion that as rightly held by the Rajasthan High Court, suspending the petitioner, who is a student, while the trial is pending would affect the petitioner's right to pursue his studies and would jeopardize his future. Moreover, if the petitioner is ultimately acquitted, he would suffer the irreversible and irreparable loss of precious years of his studies. The petitioner being a student, this Court would like to have a soft approach, though the allegations against the petitioner are serious in nature. Therefore, suspending the petitioner from College would effectively presume the petitioner guilty and amount to punishment before a final determination by the Competent Court.



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11. Therefore, in view of the above fact and that the case of the petitioner is also similar to the *Vikas Vishnoi's* case (cited supra), this Court would like to grant the following relief:

- (1) The petitioner's suspension order dated 15.04.2025 passed by the 5th respondent is hereby quashed. The suspension is treated as quashed from the date of this order. The respondent college shall forthwith allow the petitioner to attend classes.
- (2) If the petitioner fulfills the requisite attendance criteria, he shall be allowed to appear in the ensuing examination in accordance with law. The petitioner shall be allowed to complete the course, but the respondents shall not issue him a degree or register him unless the trial is concluded and he is acquitted of the charges.
- (3) If the petitioner is held guilty in the trial, the National Medical Commission (NMC) shall be free to take an appropriate decision in accordance with law, which may include cancellation of his admission to the medical course. It is needless to state that if the petitioner is acquitted, he shall be issued a degree as soon as he is acquitted.



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12. In result, this Writ Petition stands allowed with the above directions.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

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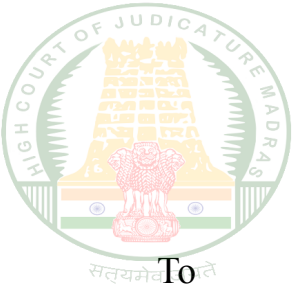
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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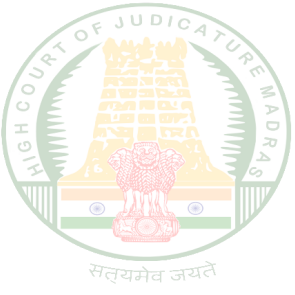
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C.KUMARAPPAN J.

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