

ITEM NO.3

COURT NO.8

SECTION IX-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) Nos.13079-13081/2025

[Arising out of impugned final judgment and order dated 24-03-2025 in PIL(L) No. 12834/2024 24-03-2025 in WP No. 2703/2023 24-03-2025 in WPL No. 24270/2024 passed by the High Court of Judicature at Bombay]

COLLEGE OF PHYSICIAN AND SURGEON CPS HOUSE

Petitioner(s)

VERSUS

SUHAS HARI PINGLE & ORS.

Respondent(s)

IA No. 116733/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 116735/2025 - EXEMPTION FROM FILING O.T. IA No. 117898/2025 - PERMISSION TO FILE ADDITIONAL, DOCUMENTS/FACTS/ANNEXURES, IA No. 116734/2025 - PERMISSION TO FILE LENGTHY LIST OF DATES

WITH

SLP(C) No. 16906-16908/2025 (IX-A)

IA No. 128200/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Diary No(s). 46017/2025 (IX-A)

IA No. 229488/2025 - CONDONATION OF DELAY IN FILING
IA No. 229485/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 229483/2025 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Date : 13-11-2025 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN**

**For Petitioner(s) : Mr. Chandra Sekhar Padhi, Adv.
Mr. Pradeep Chandra Sati, Adv.
Mr. Nitish Kumar Rai, Adv.
Mr. Jaydip Pati, AOR**

**Mr. Sanjay R Hegde, Sr. Adv.
Mr. Raj Kishor Choudhary, AOR
Mr. Shakeel Ahmed, Adv.
Mr. Vikram Patralekh, Adv.
Ms. Pratibha Singh, Adv.
Ms. Shalini Tripathi, Adv.
Mr. Himanshu Gupta, Adv.
Mr. Shivam Yadav, Adv.
Mr. Anupam Bhati, Adv.
Mr. Vikramjeet Singh Ranga, Adv.**

**Mr. Roddam Prashanth Reddy, Adv.
Mr. Poornachandiran R, Adv.
Ms. Sivani Kms, Adv.
Mr. Vairawan A.s, AOR**

**For Respondent(s) : Mr. Shekhar Naphade, Sr. Adv.
Mr. Sudhanshu Chaudhari, Sr. Adv.
Mr. V M Thorat, Adv.
Mr. Samrat Krishnarao Shinde, AOR
Mr. Amar Bodke, Adv.
Ms. Salonee Paranjape, Adv.
Ms. Nitya Agrawal, Adv.
Mr. Karan Bishnoi, Adv.**

**Mr. R Venkataramani, Attorney General
Mr. Kartikay Aggarwal, Adv.
Ms. Ameyavikrama Thanvi, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Abhishek Kr.Pandey, Adv.
Mr. Mukesh Kr.singh, Adv.
Mr. Sudarshan Lamba, AOR**

Mr. Gaurav Sharma, Sr. Adv.
Mr. Prateek Bhatia, AOR
Mr. Dhawal Mohan, Adv.

Mr. Siddharth S. Chapalgaonkar, Adv.
Mr. Mahesh Bhatane, Adv.
Ms. Sneha Sanjay Botwe, AOR
Mr. Akash Tripathi, Adv.

Mr. Adarsh Dubey, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.

Mr. V.M. Thorat, Adv.
Mr. Sagar Pahune Patil, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. We heard Mr. R Venkataramani, the learned Attorney General for India appearing for the Union of India, Mr. Gaurav Sharma, the learned senior counsel appearing for the National Medical Commission of India and Mr. Sanjay R. Hegde, the learned counsel appearing for some of the students.
2. We are happy to note that there is some substantial progress in the matter for which we are very grateful to the learned Attorney General.
3. In a meeting which was convened between all stakeholders

excluding the College of Physician and Surgeon, in principle the authorities have reached to the following understanding:-

"a. Students may be categorized as follows:

1. CATEGORY -1: Students enrolled in any of the 10 qualifications (i.e. 6 FCPS course, 3 Diploma Course and 1 MCPS course) up to the academic year 2022-2023;

ii. CATEGORY-II: Students enrolled in any of the 10 qualifications (Le. 6 FCPS course, 3 Diploma Course and 1 MCPS course) in academic year 2023-2024 and onwards;

iii. CATEGORY-III: Student enrolled in courses other than the above mentioned 10 qualifications in academic year 2017-2018, 2018-2019 etc.

b. Regarding Category-1, Ministry of Health & Family Welfare (MoHFW) in consultation with National Medical Commission (NMC), after due deliberation and discussion with all bodies involved in conducting of examination, with a view to protect the interest of the students, and as a one-time measure, has decided as under:

i. Category I students whose final examinations are due shall be permitted to appear in their final examination of their respective FCPS/Diploma/MCPS course.

ii. As a onetime measure, the examination shall be conducted by the CPS in a fair and transparent manner, as per their course curriculum, not later 3 months from the date allowed by this Hon'ble Court.

iii. Students shall be granted only 2 attempts to pass the examination. 2nd attempt, if any, to be conducted within a period of 2 months after the declaration of results of 1st examination. No additional attempts will be

given to the students for appearing in the examination.

iv. Students successfully passing the examination will be entitled to have the qualification FCPS/Diplomat MCPS as granted by CPS entered in the State Medical Council / National Medical Commission, as the case may be. Students will not be entitled to claim any additional benefit or privilege, except having FCPS/ Diploma/ MCPS entered in State Medical Register / National Medical Register.

c. For this category of students it is further suggested that:

i. Permission may be granted to appear in the final examinations of respective FCPS/Diploma/MCPS courses

ii. Examination to be conducted by CPS, as a one-time measure, within 3 months.

iii. Only two attempts allowed; second attempt within 2 months of first result.

iv. Successful candidates' qualifications to be entered in state/National Medical Registers.

d. For Category II, as per the list furnished by CPS there are 239 students. These students have been admitted by CPS despite MoHFW letter dated 19.07.2024, wherein, MoHFW has made it unequivocally clear that no admission can be granted by CPS for the a.y. 2023-2024. By the said letter, CPS was categorically informed by MoHFW the last date for admission as fixed by this Hon'ble Court is already over. Despite there being specific direction from MoHFW, CPS has deliberately admitted these students. It is also pertinent to mention that by this time PGMEB, NMC had de-recognized / discontinued the courses conducted by CPS. The admission are completely illegal. Extension of the length being given to Category 1, to this Category will be a matter of consideration

for this Hon'ble Court.

- e. *In this category, as per the list furnished by CPS, CPS has included many admissions in different qualifications (other than the above 10 qualifications) from 2017 onwards. On an earlier occasion, MoHFW vide its letter dated 18.10.2022 had regularized the qualification granted to 466 students by CPS who were admitted between 17.1.2017 to 22.01.2018. CPS has not explained as to how the names of these students did not figure earlier and has now cropped up for the 1st time after 7 years. CPS in its list has added students who have failed the course in the year 2017 and 2018. It appears that the attempt of CPS is to procure additional attempts for every student who has been enrolled in the past. Extension of the length being given to Category I, to this Category will be a matter of consideration for this Hon'ble Court."*

4. It appears that there are almost 852 students in Category (I). So far as the Category (II) is concerned, there are around 239 students and insofar as the Category (III) is concerned, there are 57 students.

5. Insofar as all those students falling in Category (I) are concerned, their interest has been well protected. Insofar as the students falling in Category (II) is concerned, we take notice of the fact that the CPS had admitted them despite letter received from MoHFW dated 19.7.2024 informing that no admission should be granted for AY 2023-2024, the students were admitted. The respondents are not inclined to afford any protection to the

students falling in Category (II). Insofar as the students falling in Category (III) are concerned, they are around 57 in numbers. They have already completed their entire course long time back.

6. Today, we may only request the learned Attorney General and Mr. Gaurav Sharma to once again re-consider the decision insofar the as Category (III) is concerned.

7. We enquired with the learned counsel appearing for the petitioner(s) as to who are the students, who are falling in each of the categories. However, they do not have the necessary data in this regard. In such circumstances, the CPS shall provide a complete correct & statement of all the students with their names falling in three different categories i.e. Category No.I, Category No.II and Category No.III respectively by the next date of hearing.

8. List on 18.12.2025.

9. Once the entire list of the students is placed before us, we shall thereafter proceed to pass an order to publish it and make it public.

10. We once again request the Learned Attorney General to re-consider students falling within Category III.

**(CHANDRESH)
ASTT. REGISTRAR-cum-PS**

**(POOJA SHARMA)
COURT MASTER (NSH)**