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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12846 OF 2026

JITENDRA SHANKAR NIJASURE
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Date: 2026.10.14 18:38:38 +0530

Vrutika Vasantbhai Rohit **…Petitioner**

Versus

The Union Territory of Dadra and Nagar Haveli & Ors. **…Respondents**

Mr. Sanjiv Sawant with Mr. Malhar Bageshwar i/b. Ms. Rekha Musale for the Petitioner.

Dr. Sanjay Jain, Mr. Jugal Haria with Mr. Harsh Dedhia for the Respondent Nos.2 and 5.

Mr. Kunjan Makwana with Mr. Ganesh Gole for Respondent No.3 (NMC)

CORAM : R.I. CHAGLA AND FIRDOSH P. POONIWALLA, JJ.

Reserved on : 5TH OCTOBER 2026.

Pronounced on : 14TH OCTOBER 2026.

J U D G M E N T:-

Per.:- R. I. CHAGLA, J.

1. By this Petition, the Petitioner is seeking quashing and setting aside of what the Petitioner has claimed is the erroneous and illegal allocation of seats, including, Clause e4 of the Prospectus-cum-Guidelines for Admission to the First Year of MBBS Course for

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Academic Year 2026-2027, issued by Respondent No. 1 (Exhibit E to the Petition), to the extent that they earmark/allocate 22 seats (15%) under “NRI Quota” and 15 Seats (10%) under “Management Quota”. Further, direction is sought to Respondent No. 2 to treat 37 seats reserved for NRI-cum-Management Quota as forming part of the lawful/general merit pool of Respondent No. 2, and to prepare and publish a revised and consolidated Merit List for admission to the MBBS Course for Academic Year 2026-2027 in accordance with law and on the basis of inter se merit. Further, direction is sought against Respondent Nos. 1 and 2 to admit the Petitioner to the First Year MBBS Course for Academic Year 2026-2027 on the basis of the revised and consolidated Merit List to be prepared as aforesaid, and to grant admission to the Petitioner or in the alternative, to admit the Petitioner against one of the seats presently earmarked under the NRI Quota/Management Quota.

2. The Petitioner applied for admission on 6th August 2025 to First Year MBBS for Academic Year 2025-2026, having secured 373 marks in NEET and being placed at Serial No. 2 in the Scheduled Caste Category of the provisional Merit List.

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3. Writ Petition No.11318 of 2025 had been filed by the Petitioner challenging, inter alia, the allocation of Economic Weaker Section ("EWS") seats and the division of the Union Territory for preparation of separate Merit List.

4. In Writ Petition No. 11318 of 2025, Respondent Nos. 1 and 2 had, on 30th July 2026, stated that the issue of allocation of EWS and Scheduled Caste seats required resolution before the admission process could proceed. The Writ Petition was accordingly adjourned to 25th August 2026 and subsequently to 4th September 2026.

5. The Respondent Nos.3 and 4 issued the admission prospectus for Academic Year 2026-2027. The Petitioner states that for the first time, the prospectus introduced 22 seats (15%) under NRI Quota and 15 seats (10%) under Management Quota out of the total sanctioned intake of 177 seats.

6. The First Provisional Merit List for the Scheduled Caste (SC) category and the General Merit List for Dadra and Nagar Haveli ("DNH") were published on 10th September 2026. The Petitioner figures at SC Category Merit No. 2 and General Merit List No. 126,

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with 363 marks and NEET All India Rank 375218.

7. Further, Merit Lists, including the Management/Institute Quota list, were published on 10th September 2026 and 11th September 2026.

8. The Petitioner has placed the subsequent developments and the 2026-2027 allocation on record by filing an Affidavit-in-Rejoinder in Writ Petition No.11318 of 2025 on 18th September 2026.

9. This Court has granted liberty to the Petitioner to challenge the fresh allocation for Academic Year 2026-2027 by filing a separate proceeding. This by the Order dated 21st September 2026, by which the Petitioner was granted leave to withdraw the Writ Petition with liberty to file a fresh Writ Petition.

10. The present Writ Petition was accordingly filed and had come up before this Court on 1st October 2026, when Mr. Sanjiv Sawant, learned Counsel appearing for the Petitioner, had sought leave to amend the cause title of the Writ Petition by joining NAMO Medical Education and Research Society, Silvassa, as Respondent No.

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5, which leave was granted. The amendment was accordingly carried out during the course of the day.

11. The Writ Petition had been moved seeking an interim direction to Respondent Nos. 1 and 2 to keep at least one seat vacant and reserved for the Petitioner, in terms of the directions issued by this Court vide order dated 28th November 2024, passed in Writ Petition No.8532 of 2023. It was the contention on behalf of the Petitioner that the said Writ Petition No.8532 of 2023 was similar to the present Petition, in that, the Petitioner was entitled for admission in Scheduled Caste (SC) category, and claimed to have been deprived of a seat in that category. Pursuant to statements made by Respondent Nos. 1 and 2 therein, one seat was directed to be kept vacant in Respondent No. 2 – College and the Petitioner was permitted to continue her education, subject to the final outcome of the Petition.

12. Mr. Sawant has submitted that in the Admission Prospectus 2026-27 issued by Respondent No. 5, in the seat allocation, for the first time, 15% of the seats have been earmarked for the Non-Resident Indian (NRI) quota. He has submitted that the

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number of seats in the merit pool for candidates from DNH was reduced from 63 to 55, and for candidates from Daman and Diu ("D &D") from 62 to 55, without obtaining Central Government sanction. Further, in Clause 4.3 of the prospectus, the seats earmarked for NRI Quota which remain vacant are to be filled in under the Management Quota.

13. Mr. Sawant has submitted that there is only one seat reserved for the Scheduled Caste (SC) category in the said prospectus. He has submitted that the Petitioner, being a candidate belonging to the SC category and standing second in the said category by securing 363 marks in NEET, would place higher in merit than the only candidates under the NRI quota in the 1st Provisional Merit List who secured 230 and 216 marks in NEET. This is borne out from the document on record which has been annexed to the Petition viz. Exhibit G, which gives the Merit List of the First Provisional Merit List MBBS (NRI Quota).

14. It is pertinent to note that Mr. Sawant has submitted that the urgency for moving the present Petition is that, as per the schedule of Respondent No. 2, the provisional Merit List will be

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published on 5th October 2026 and the list of candidates selected in Round 3 will be declared on 6th October 2026. The schedule has been notified on the webpage of Respondent No. 2.

15. Mr. Sawant has placed reliance upon the Office Memorandum dated 17th January 2019, issued by the Government of India, Ministry of Human Resource Development, Department of Higher Education, wherein the reservation for EWS has been provided, and there is an express provision that the extent of reservation for EWS shall be limited for that academic session in such manner that the number of seats made available to EWS for each academic session shall not reduce the number and the percentage of reservation provided for SC/ST/OBC categories. He has submitted that in the present case, by reduction in the number of seats in the merit pool for candidates of DNH and D & D from 63 seats in the previous year to 55 seats in the current Academic Year, and for candidates from D & D from 62 seats in the previous Academic Year to 55 seats in the current Academic Year, the prior sanction of the Central Government has not been taken. He has submitted that by virtue of such reduction, the seats reserved for SC category is only one seat. He has submitted that such reduction in seats have resulted

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in depriving the Petitioner of a seat of admission to First year of MBBS Course for Academic Year 2026-2027, the Petitioner having stood second in the Merit List of SC category.

16. Mr. Sawant has not pressed the main ground of challenge in the Petition, viz. that the introduction of 15% NRI quota and 10% Management Quota is wholly without authority of law. He has challenged the allocation of seats reserved for SC category and submitted this was required to be increased by combining the said reserved seats in DNH with D & D and consequential increase in the seats reserved for SC category.

17. Mr. Sawant has also referred to the order dated 28th November 2024 passed by this Court in ***Ms. Larissa Rohit v. Union Territory of Dadra and Nagar Haveli and Daman and Diu & Ors.***[1], wherein this Court had accepted the submission on behalf of the Petitioner/Applicant that if the allocation of reservation effected by Respondent No.4 - NMC and/or Respondent No.2, would have been as per the mandate of the Constitution, then the Petitioner was entitled for admission in SC category. Accordingly, the Petitioner had been deprived of the seat on account of erroneous application of the

1 Writ Petition No.8532 of 2023.

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constitutional mandate. This Court has, by way of interim order, kept one seat vacant in the concerned college viz. Respondent No. 2 and directed Respondent No. 2 to allot the said seat to the Petitioner so as to permit her to continue her education in the said seat. He has submitted that similar order is required to be passed in the present Petition.

18. Mr. Sawant has placed reliance upon the Indian Medical Council Act and in particular Section 10A, which provides that no medical college shall increase its admission capacity in any course of study or training, including a post-graduate course of study or training, except with the previous permission of the Central Government obtained in accordance with the provisions of this section. He has submitted that this would apply also to the allocation of seats for candidates in DNH and D & D, and sanction of Central Government would be a prerequisite for such change in allocation.

19. Dr. Sanjay Jain, learned Counsel appearing for Respondent No.5, has placed reliance upon the Affidavit-in-Reply filed on behalf of Respondent No.5. He has submitted that Respondent No.5 has been restructured and converted into an

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autonomous Society, registered under the Societies Registration Act, 1860, upon approval by the Union Cabinet vide decision dated 30th March 2026, and the consequent admission architecture quota allocation, and fee structure has been determined by the Society for the Academic Year 2026–2027. He has accordingly submitted that a high-level executive and economic policy decision ought not to be interfered by this Court.

20. Dr. Jain has submitted that the Petitioner participated in the centralized admission counseling process knowing fully well the terms, conditions, and rules published in the Admission Prospectus 2026–2027. The Petitioner, having participated in the selection or admission process under published rules and prospectus without demur, cannot turn around and challenge the rules of the game upon finding the Petitioner's ranking insufficient for securing an allotment. The Petitioner would thus be estopped from challenging the same.

21. Dr. Jain has submitted that in the year 2019, the original intake capacity of NAMO Medical Education and Research Institute, Silvasa ('NAMO') was 150 seats, approved by the National Medical Commission ('NMC'). He has submitted that the allocation of seats is

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not dealt with NMC. He has, in this context, placed reliance upon an Affidavit which had been filed by the NMC on 16th January 2025 in Writ Petition No. 8532 of 2023, which is pending before this Court. NMC has taken a consistent stand that, it does not formulate reservation policy for admission to MBBS Course and the reservation of seats for various categories of students falls within the exclusive domain of the Government of India, which is implemented by the concerned counseling agencies.

22. Dr. Jain has submitted that the Petitioner's challenge to allocation of seats under NRI quota (15%) and institutional /management quota (10%) was the premise for filing the present Petition, which now is not being pressed. In any event, the introduction of quotas by an autonomous registered Society to establish a self-financing cross-subsidization model is fully recognized and protected by the constitutional benches of the Supreme Court. He has, in this context, placed reliance upon the Judgment of the Supreme Court in ***Dr. Ashok Sinha v. State of Tripura & Ors***[2]***.,*** at paragraphs 6 and 7.

23. Dr. Jain has submitted that the statutory percentages of

2 (2020) 11 Supreme Court Cases 757.

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reservation of seats immediately prior to the appointed day continued even after the merger of Dadra and Nagar Haveli and Damand and Diu (Merger of Union Territories Act, 2019) ("Merger Act"). This is in accordance with Section 2(c) of the Merger Act, that expressly provides for any enactment, ordinance, regulation, order, bye-laws, rules, schemes, notification, or other instrument having the force of law in the whole or any part of the existing Union Territories immediately before the appointed day shall continue to be in force in those areas. It is by virtue of the Merger Act that the said two territories were unified in a single Union territory ("UT") with effect from 26th January 2020.

24. Dr. Jain has referred to the rationale for establishing of the Society and cabinet decision for autonomous self-financing model in the context of the Respondent No. 5. He has submitted that the Admission Prospectus for the Academic Year 2026–2027 has been published by Respondent No. 5. The 2% SC reservation in DNH corresponds to the 2% SC population of DNH. The merging of the two territories pools would dilute the 43% ST reservation in DNH. He has submitted that the mathematical computation of a 2% entitlement yields one seat, and rounding off cannot double it.

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25. Dr. Jain has submitted that the order passed by this Court in ***Ms. Larissa Rohit (Supra)*** is not applicable to the present Petition as in that case, the Petitioners had impugned the allocation of seats to the EWS Category under the Official Gazette dated 2nd September 2023. This was contended to be in breach of the constitutional mandate under Article 15(6) of the Constitution of India. The EWS reservation has not been challenged in the present Petition.

26. Dr. Jain has submitted that, on 20th September 2026, the proposal of NAMO to increase the number of seats in the Respondent No. 5 autonomous body has been approved by the Appellate Body of the National Medical Council, by virtue of which 23 seats have been added.

27. Accordingly, in the 177-seats baseline, prior to the increase in number of seats, 27 supernumerary seats were provided for EWS. In the revised 200-seat matrix, 10% EWS reservation has been applied to the territorial pools (6 seats for DNH and 6 for DD). While the full statutory quotas are maintained for ST (43% in DNH = 27 seats; 9% in DD = 6 seats), SC (2% in DNH = 1 seat; 3% in DD =

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2 seats), and OBC (5% in DNH = 3 seats; 27% in DD = 17 seats). He has submitted that the Petitioner has applied for seats from DNH under the SC category, which has remained one seat, and there is no change in so far as that is concerned.

28. Dr. Jain has submitted that the Petition is accordingly devoid of merit and requires to be dismissed with costs.

29. Having considered the submissions, the Petitioner, having challenged the allocation of seats under NRI quota and the vacant seats from that quota being filled up under management quota, has thereafter not pressed this challenge during the oral arguments. The Petitioner had admittedly applied for admission to MBBS Course for Academic Year 2026–2027 under the Scheduled Caste (SC) quota. The Petitioner was well aware from the published Admission Prospectus for the Academic Year 2026–2027 for the MBBS Course that there was only one seat reserved for SC for DNH in which Category the Petitioner had applied. Having participated in the Central Admission Counseling Process ('CAP') knowing fully well the seat distribution, without demur, it is not open for the Petitioner to now raise a challenge to the seat allocation.

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30. The contention of the Petitioner that the seats for DNH and DD are required to be combined is misconceived. The statutory percentage of reservation of seats immediately prior to the appointed date has continued even after the merger in accordance with Section 2(c) of the Merger Act. The seat allocation has remained the same pre and post-merger due to separate Citizen Charters for the then two UTs having distinct demographics, geographical, and local needs. This is borne out from the Merger Act, under which the two territories were unified into a single Union Territory ("UT") with effect from 26th January, 2020.

31. The Petitioner, while filing the present Petition, has overlooked the fact that Respondent No. 5 is now an autonomous registered society, on 9th April, 2026, its registration having been approved by the Union Cabinet under the Societies Registration Act, 1860. The Admission Prospectus 2026–2027 has thus been formulated, approved, and issued by the Respondent No. 5 - Society in an autonomous capacity as an independent legal entity and not by a Government Department. Accordingly, the contention of the Petitioner, that prior approval of the Central Government is required for reduction in number of seats in the Merit Pool for DNH and D & D

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by placing reliance upon the Office Memorandum dated 17th January, 2019, is misconceived.

32. There is also no merit in the contention on behalf of the Petitioner that the NMC has not granted approval to the allocation of seats for which the Petitioner has placed reliance upon Section 10A of the IMC Act, which is now Section 28 of the NMC Act. This provision applies only to increase in admission capacity in the course of study, and not to the allocation of seats. This has also been confirmed by NMC in an Affidavit dated 16th January, 2025 filed in Writ Petition No. 8532 of 2023, which is pending in this Court.

33. The interim order dated 28th November, 2024 passed in ***Ms. Larissa Rohit (Supra)***, where this Court had kept one seat vacant in the concerned college for the Petitioner, is inapplicable in the present case, as, in that case, the issue was pertaining to allocation of seats to EWS category under Official Gazette dated 2nd September, 2022 being in breach of Article 15(6) of the Constitution. There is no such issue raised in the present Petition.

34. We, accordingly, do not find any merit in the present Petition, apart from the fact that the Petition, having challenged the

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NRI quota and management quota, has given up this challenge. Further, there is no real basis for the Petitioner seeking admission to the MBBS Course for the Academic Year 2026–2027, under the SC category, when admittedly the Petitioner would stand second in the Merit List for such category and there being only one seat reserved for that category for DNH.

35. Accordingly, the Petition is dismissed. There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.] **[R.I. CHAGLA J.]**

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