

2025 LiveLaw (SC) 219

IN THE SUPREME COURT OF INDIA

SUDHANSHU DHULIA; J., K. VINOD CHANDRAN; J.

Special Leave to Appeal (C) No(s). 6658/2021; 12-02-2025

EBTESHAM KHATOON versus UNION OF INDIA & ORS.

Admission to AYUSH UG Courses – NEET-UG Requirement – Retention of Degrees - The Supreme Court permitted students admitted to undergraduate AYUSH courses without appearing for NEET-UG 2019 to retain their degrees, despite non-compliance with the NEET requirement, to avoid immense hardship from withholding their results after course completion. Although a Division Bench of the High Court had set aside a Single Bench order allowing such admissions—citing a 2018 newspaper notice mandating NEET and compliance by other candidates—the Supreme Court vacated an interim order restraining the announcement of the petitioners’ results. Acknowledging the irregularity of non-NEET admissions, the Court prioritized equitable relief for students who completed their courses, limiting the decision to the case’s specific circumstances. (Para 8)

[Arising out of impugned final judgment and order dated 22-03-2021 in MAT No. 701/2020 passed by the High Court at Calcutta]

For Petitioner(s) :Mr. Indranil Ghosh, Adv. Mr. Plazer Moktan, Adv. Mr. Satya Mitra, AOR

For Respondent(s) :Mr. S.D Sanjay, A.S.G. Mr. Gurmeet Singh Makker, AOR Mr. Akshay Amritanshu, Adv. Mr. Siddhant Kohli, Adv. Mr. Aaditya Dixit, Adv. Ms. Sweksha, Adv. Ms. Pankhuri Shrivastava, Adv. Ms. Neelam Sharma, AOR Mr. Alekshendra Sharma, Adv. Mr. Aditya Kumar, Adv. Ms. Astha Sharma, AOR Mr. Soumitra G. Chaudhuri, Adv. Mr. Chanchal Kumar Ganguli, AOR Mr. Ranjan Mukherjee, Adv. Mr. Santanu Das, Adv. Mr. Anindo Mukherjee, Adv. Mr. Rameshwar Prasad Goyal, AOR Mr. Chandra Bhushan Prasad, AOR Mr. Bikas Kar Gupta, Adv. Mr. Azim H. Laskar, Adv. Mr. Md. Sarfaraz, Adv. Mr. Harsh Verma, Adv. Mr. Debanjan Mandal, Adv. Mr. Kunal Mimani, AOR Mr. Tanish Arora, Adv.

ORDER

1 The petitioners are students of under-graduate AYUSH courses. Admittedly, they obtained admission to said courses without having appeared for the NEET UG-2019 examination. The petitioners contended that they did not have notice of the fact that for seeking admission to the said courses, they were required to appear for the NEET UG-2019 examination.

2 Their admissions was questioned and the petitioners filed Writ Petitions before the High Court where the learned Single Judge allowed admission of non-NEET students in AYUSH courses on the ground that there has not been proper publication of the applicability of NEET UG-2019 for admission to such AYUSH courses.

3 The Union of India challenged the said order before the Division Bench of the High Court. The Division Bench of the High Court at Calcutta vide common impugned order set aside the orders passed by the Single Judge allowing admission of non-NEET students. The Division Bench, relying upon the details supplied by the Government via an affidavit, it was observed that pursuant to notice published in newspapers on 07.11.2018 requiring candidates to qualify NEET in order to gain admission in AYUSH UG-courses. Other candidates had in fact appeared in NEET, and ultimately took admission in AYUSH UG-courses. The Division Bench thus rejected the contention of petitioners that due to inadequate notice they were prevented from participating in NEET UG-2019.

4 Consequently, the petitioners-students are before this Court. The only question before this Court is whether the petitioners were eligible for admission on the basis of

selection made by the concerned college on the basis of merit since the petitioners did not appear in the NEET UG-2019 examination, as stated above.

5 By now, the petitioners have completed their AYUSH course for which they were granted admission. It would therefore, be futile to withhold their results.

6 This Court vide order dated 19th April, 2021 in SLP (C) No. 6396 of 2021 passed the following order:

“The petitioners shall be permitted to take 1st semester examination. The results shall not be announced till further orders.

Issue notice returnable in two weeks.

Learned counsel for the petitioner is permitted to serve the respondents by e-mail.

Additional documents, if any, be filed in the meanwhile.”

7 The order dated 19th April, 2021 passed by this Court in SLP (C) No. 6396 of 2021 hereby stands vacated.

8 It is true that admission to candidates who had not appeared in NEET examination could not have been given by the College, yet as of now these students have completed their course and to withhold the exam results or their Degree will cause immense hardship to them.

9 With these observations, the special leave petitions are disposed of.

10 Pending application(s), if any, stand disposed of.

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