



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 15194 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE NIRZAR S. DESAI

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Approved for Reporting	Yes	No

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RONIL UMESHKUMAR MODI
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR TARAK DAMANI(6089) for the Petitioner(s) No. 1
MR ADITYA DAVDA ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 1
MR ANKIT SHAH(6371) for the Respondent(s) No. 3

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 20/11/2025

ORAL JUDGMENT

1. Leave to correct the prayer clause and to consider the correct percentage of the petitioner, i.e., 68.30%, instead of the wrongly stated percentage of 67.63%.



2. Heard learned advocate Mr. Tarak Damani appearing for the petitioner; learned Assistant Government Pleader Mr. Aditya Davda appearing for respondent No.1 – State; learned Additional Advocate General Ms. Manisha Luvkumar Shah appearing with learned Assistant Government Pleader Mr. Kanva Antani for respondent No.2; and learned advocate Mr. Ankit Shah appearing for respondent No.3.

3. With the consent of the learned counsels appearing for the respective parties, the matter is taken up for final hearing. Hence, Rule. Learned counsels waive service of Rule on behalf of the respective respondents.

4. By way of this petition, the petitioner has challenged the action of the respondents—more particularly respondent No.2 in declaring the petitioner as non-eligible for NEET-PG 2025, and has prayed that the petitioner's aggregate percentage, as reflected in the original university mark sheet, be considered for all counselling and tie-breaking purposes. The petitioner has also prayed for



permission to participate in the ongoing NEET-PG 2025 State counselling process.

5. It is the case of the petitioner that he has completed MBBS and is now seeking admission to a postgraduate course by participating in the NEET-PG 2025 admission process. The petitioner has secured 68.30% marks, which is the average of the three years of the MBBS course. However, while filling up the form for admission to NEET-PG, instead of entering 68.30%, the petitioner inadvertently mentioned his average MBBS marks as 67.63%. In view of the above discrepancy, and in view of the guidelines issued by respondent No.3—more particularly Clause 2.2 and Clause 10.2 of the NEET-PG 2023 Information Bulletin—the petitioner's candidature was cancelled upon examination of his application form due to the discrepancy in the percentage of marks obtained in MBBS. Hence, the petitioner has preferred the present petition seeking the reliefs stated hereinabove.

6. Learned advocate Mr. Tarak Damani submitted that although the petitioner's aggregate marks for the



three years of MBBS are 68.30%, due to an inadvertent mathematical error, the percentage was stated as 67.63% in the application form. During the scrutiny of the application form, upon noticing the discrepancy between the petitioner's actual percentage and the percentage mentioned in the form, the petitioner's candidature was cancelled in view of Clause 10.10.1. Learned advocate Mr. Tarak Damani submitted that the aforesaid mistake was an inadvertent mathematical error, not intended to commit any malpractice or to misrepresent the petitioner's case, nor was it aimed at any suppression. However, the mistake committed is purely a mathematical error, and for such a minor mistake, the petitioner's participation in the NEET-PG admission process ought not to be cancelled. The petitioner is a meritorious candidate, and there is every possibility that, if permitted to participate in the NEET-PG admission process, he may secure admission in the branch of his choice. Therefore, for such a small mathematical error, this Court may not allow the rules to ruin the career of the petitioner.



7. The petition was vehemently opposed by learned Additional Advocate General Ms. Manisha L. Shah, assisted by learned Assistant Government Pleader Mr. Kanva Antani, and by learned advocate Mr. Ankit Shah appearing for respondent Nos. 2 and 3, respectively. According to learned counsel Ms. Manisha Shah, respondent No.2 is only conducting the admission process and has no role in framing the rules. Respondent No.2 is also not empowered to correct any mistake, as the guidelines are framed by respondent No.3, which only oversees the admission process. It was further contended that even if the petitioner is allowed to participate, at the stage of cross-verification, the petitioner's actual percentage compared with the percentage stated in the application form would result in a mismatch in the software. Consequently, there is every likelihood that the petitioner would again be denied admission on the ground that the marks actually obtained in MBBS do not match the marks entered in the application form. Learned Additional Advocate General



Ms. Manisha Shah also submitted that, since respondent No.2 is not empowered to make any corrections or to permit the petitioner to participate in the process, this Court may dismiss the petition.

8. Learned advocate Mr. Ankit Shah, appearing for respondent No.3, submitted that the rules are framed to ensure that no malpractice, misrepresentation, or suppression takes place in the admission process, and that only meritorious candidates are granted admission. Therefore, the rules are designed to protect the interests of students. It was contended that the student was expected to be extra vigilant while filling up the form, and once the form is filled, submitted, uploaded, and the admission process is about to commence, the applicant cannot, at this stage, seek to correct the marks. Hence, the petition is required to be dismissed.

9. At this juncture, learned advocate for the petitioner submitted that, considering the nature of the mistake committed by the petitioner, the fact



that he is a doctor seeking admission to a postgraduate course, the overall facts and circumstances of the case, and the fact that the petition has not been filed with any intention to obtain an undue advantage from the correction, appropriate relief may be granted. This Court may exercise its powers under Article 226 of the Constitution of India and permit the petitioner to participate in the postgraduate admission process by directing the respondents to allow the petitioner to correct his percentage of marks in the application form itself, so that there are no further complications arising from any discrepancy between the petitioner's actual marks and the marks stated in the application form.

10. I have heard the learned counsels for the parties and perused the record. Upon perusal of the record as well as the information bulletin, I find that the relevant clauses are Clause 2.2 and Clause 10.10.1, and more particularly Clause G of Clause 10.10.1, which are reproduced as under :-



"10.10. VALIDITY OF NEET-PG 2025 RESULT

10.10.1. The validity of the result of NEET-PG 2025 shall be only for the current admission session i.e. 2025-26 admission session for MD/MS/PG Diploma courses and cannot be carried forward for the next session of admissions for MD/MS/PG Diploma courses. Kindly note that the registration of admissions for MD/MS/PG Diploma courses is governed by Post Graduate Medical Education Regulations, 2023 issued by the NMC with prior approval of Central Government and the Judgments of Hon'ble Supreme Court of India.

TIE BREAKER CRITERIA:

In the event of two or more candidates obtaining same normalized marks, one or more of the following tie breaking criteria shall be used for resolving the tie. The merit position shall be determined using following tie breaker criteria in descending order

A. Candidate having **overall lesser number of negative responses in the entire question paper** will be placed at a better merit position and will get a higher rank in the merit list.

B. Candidate having **lesser number of negative responses in the Section A of the question paper** will be placed at a better merit position i.e. will get a higher rank in the merit list.

C. Candidate having **lesser number of negative responses in the Section B of the question paper** will be placed at a better merit position i.e. will get a higher rank in the merit list.

D. Candidate having **lesser number of negative responses in the Section C of the question paper** will be placed at a better merit position i.e. will get a higher rank in the merit list.



E. Candidate having lesser number of negative responses in the Section D of the question paper will be placed at a better merit position i.e. will get a higher rank in the merit list.

F. Candidate having lesser number of negative responses in the Section E of the question paper will be placed at a better merit position i.e. will get a higher rank in the merit list.

G. Candidate securing higher aggregate marks (in percentage) in all MBBS Professional Examinations will be placed at a better merit position ie. will get a higher rank in the merit list. In case of Indian Citizens/ OCI who have obtained their Primary Medical Qualifications from outside India, their FMG Examination marks (in percentage) shall be considered in lieu of aggregate marks (in percentage) in all MBBS Professional Examination. It is to be noted that the aggregate marks in percentage shall be provided by the applicant while submitting her/his application form to NBEMS. The marks shall be provided as an accurate value rounded down to two decimals. An illustration to this process is as follows

Candidates	Maximum Marks	Marks Obtained	Aggregate Percentage	Percentage to be rounded down to
A	900	623	69.22222	69.22
B	900	619	68.77777	68.77

11. Considering the fact that the petitioner has filled up the form and nothing has been brought on record to indicate that the petitioner has indulged in any malpractice, attempted to suppress any



information, or filed the petition with an intent to misrepresent his case, When a student is seeking admission to a postgraduate medical course, such an inadvertent mathematical mistake should not prove costly to the student, and such a minor error should not be allowed to jeopardize a person's career. Therefore, since the admission process has not yet commenced and the petitioner has approached this Court before its initiation, the petitioner's case deserves to be considered sympathetically. Furthermore, there is nothing on record to indicate that the petitioner is attempting to obtain any undue advantage, as the only relief sought is the correction of the percentage of marks stated in the application form, and thereafter, participation in the admission process on that basis. Even the petitioner's participation in the admission process would not confer any right upon him or create any assurance that he will be able to secure admission. Therefore, such participation is not likely to adversely affect any of the stakeholders.



12. Accordingly, such a clerical and inadvertent mathematical mistake is required to be corrected, and the same is hereby directed to be corrected. The respondents are directed to permit the petitioner to correct the aggregate percentage of marks obtained in the MBBS course as 68.30 instead of 67.63, and such correction shall be given effect in all the records maintained by the respondents. The petitioner shall thereafter be permitted to participate in the admission process for the PG medical course. Resultantly, in view of the above directions, the respondents' order or action in not permitting the petitioner to participate in the PG medical course selection process is hereby quashed and set aside.

13. The respondents are directed to allow the petitioner to participate in the PG admission process after the petitioner corrects the application form, and such correction shall be duly reflected in all the computed data maintained by the respondents. This exercise is directed to be completed by Monday evening, i.e., 24th November 2025.



14. With the aforesaid directions, the petition is allowed. Rule is made absolute. There shall be no order as to costs.

15. Liberty is reserved in favour of either party to approach the Court in case of any difficulty. In view of the fact that the respondents shall carry out the exercise de novo in respect of the petitioner, the petitioner is directed to pay a sum of Rs. 10,000 towards costs to respondent No. 3 and a sum of Rs. 15,000 to the High Court Legal Services Authority.

(NIRZAR S. DESAI,J)

Pallavi