

(2026) 01 JH CK 1864
In the Jharkhand High Court
Case No : Writ Petition (C) No. 5832 Of 2025

Surabhi Kumari

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 19-01-2026

Acts Referred:

Indian Penal Code, 1860 — Section 120(B), 407, 408, 409

Citation : (2026) 01 JH CK 1864

Hon'ble Judges : Rajesh Kumar, J

Bench : Single Bench

Advocate : Saurav Arun, Ayushi, Dr. Ashok Kumar Singh, Dr. Mithlesh Kr. Pandey, Apoorva Singh

Final Decision : Disposed Of

Judgement

Rajesh Kumar, J

1. The writ petition has been filed for the following relief(s):-

(A) For issuance of appropriate writ(s), direction(s) and/or order(s), particularly a writ in the nature of certiorari for quashing of letter dated 24.07.2024 (as contained in Annexure- 3 to this writ application) by which the petitioner was suspended by the Dean of Faculty under the instruction of the respondent no.3 when the petitioner was 1 year MBBS student on account of the fact that the petitioner was arrested and taken into custody on 19.7.2024 in connection with Shastrinagar P.S. Case No.358 of 2024 for allegation of offence under Sections, 407, 408, 409 and 120B of L.P.C. and later on CBI reregistered this F.I.R. as R.C. No.221/2024/E0006- CBI/EO-111/New Delhi pending in the court of learned Special Judge, CBI-II, Patna as there is no such provision under Prevention and Prohibition of Ragging in Medical College and Institution Regulation, 2021: National Medical Commission Act, 2019; Medical Education Guidelines, 2023 read with RIMS Act and Rules 2002 and its amendment in terms of Regulation 2014 does not give any power under any of the provisions

for issuing the suspension order against a candidate pursuing MBBS course or for any act done outside the campus of the college in any case there is no power of suspension, hence issuance of the impugned order of suspension is illegal, void and without jurisdiction.

AND/OR

(B) For issuance of appropriate writ(s), direction(s) and/or order(s), particularly a writ in the nature of certiorari for quashing of letter dated 19.5.2025 (as contained in Annexure-4 to this writ application) after the suspension made by the respondent no.3 again on 19.5.2025 a direction was issued to the respondent no.3 to suspend the petitioner by NMC which is in violation of National Medical Commission Act, 2019; Medical Education Guidelines, 2023 and the Prevention and Prohibition of Ragging in Medical College and Institution Regulation, 2021 does not entail any power or any provision to suspend the candidate for act and commission of offence as that of in the present case.

AND/OR

(C) For issuance of appropriate writ(s), direction(s) and/or order(s), particularly a writ in the nature of mandamus commanding upon the respondents to let the petitioner participate in the examination to be held in the month of November, both theory and practical examination i.e. 3rd terminal examination, for which the tentative schedule date of examination for MBBS Batch 2023 on 8.5.2025 has already been published and the petitioner was earlier also allowed to appear in the 1st professional MBBS supplementary examination on parole by the Hon'ble Patna High Court.

AND/OR

(D) For issuance of appropriate writ(s), direction(s) and/or order(s), particularly a writ in the nature of mandamus commanding upon the respondents to declare the action of the respondent authorities as much as suspending the petitioner from the college as well as from the hostel is illegal, void and without jurisdiction as allegation for the offence against the petitioner cannot be tried and the respondents cannot make inquiry which is within the domain of investigation agency and the trial court who are the competent authorities to make trial of the cases, may take orders, even the suspension usually presupposes initiation and contemplation of inquiry and admittedly no inquiry has been initiated against the petitioner from the respondent side, even if the respondent wishes or proposes to initiate inquiry it is not possible for them to make inquiry for the charges which is subject matter of investigation agency as well as the trial court because any act done by the petitioner has been done outside the college campus and no act has been done by the petitioner in the college and suspension in contemplation of inquiry by the respondent is nothing but futile exercise or a farce.

AND/OR

(E) For issuance of appropriate writ(s), direction(s) and/or order(s), particularly a writ in the nature of mandamus commanding upon the respondents to stay the suspension of the petitioner as the petitioner cannot be put under suspension for indefinite period unless there is any statute or regulation which provides for suspension/rustication or even cancellation of the admission of the candidate involved in the criminal offence.

(F) For issuance of appropriate writ(s), direction(s) and/or order(s), particularly a writ in the nature of mandamus commanding upon the respondents to stay the order of suspension, if allowed to continue then the loss shall be irreparable and irreversible and in as much as the period which the criminal trial will take the petitioner would not be able to continue with her studies and her future will be left in lurch even if the petitioner is ultimately acquitted, she would have lost precious years of the student life doing nothing.

(G) For issuance of appropriate writ(s), direction(s) and/or order(s), particularly a writ in the nature of mandamus commanding upon the respondents to reconsider the case of the petitioner in respect of the suspension arising out of the same F.I.R. and which has been converted by the CBI in R.C. Case, two of the accused suspension orders have already been stayed by the Hon'ble High Court of Rajasthan at Jodhpur i.e. in S.B. Civil Writ Petition No.11030/2025 and S.B. Civil Writ Petition No.11050/2025 as they were question solver not the persons who leaked the question papers of NEET UG and the case of the petitioner is same and similar and the petitioner cannot be discriminated from others arising out of the same criminal case, their suspension has been stayed by the Hon'ble Court.

AND/OR

(H) For stay of the operation of impugned letters dated 24.07.2024 and 19.05.2025, as contained in Annexure-3 and 4 to this writ application till the final disposal of this writ application."

2. It appears that the petitioner is a student of MBBS in RIMS and she has taken admission in the academic year 2023.

3. There was an allegation of leak of question paper and this petitioner has been made accused as a solver of the question paper. F.I.R. has been registered numbered as R.C. No. 221/2024/E0006/EO- III/CBI, New Delhi (Annexure-5).

4. On the strength of the said criminal case, the candidature of the petitioner has been suspended by the RIMS vide order dated 24.07.2024 (Annexure-3). This has been justified by the RIMS authority on the strength of the order dated 19.5.2025 (Annexure-4), communicated by the National Medical Commission.

5. Learned counsel for the petitioner has submitted that the same issue and the circumstances have been dealt by the two High Courts i.e., Annexure 9 and Annexure-10 wherein finding has been recorded that the college in question has no authority to suspend the student. However, so far as

National Medical Commission is concerned, it has also been held that effective order can be passed only on the conclusion of the proceeding, which has neither been drawn nor has been brought to the notice of the Court.

6. The issue framed and decided by the High Court of Judicature for Rajasthan at Jodhpur in the case of Vikas Vishnoi Vrs. Controller of Examinations, Rajasthan University of Health Sciences, Jaipur and others in S.B. Civil Writ Petition No. 8864 of 2025 and other analogous cases and the High Court of Judicature at Madras in the case of Amit Kumar Vrs. National Medical Commission & others in W.P No. 28825 of 2025 and other writ miscellaneous petitions are not being jotted down in detail as it will be a repetition.

7. Suffice it to say that the crux of the matter is whether the N.M.C could suspend a candidate or not? The same can be done by initiating a proceeding and recording a finding and then only effective order can be passed.

8. In the present case, no such proceeding has been drawn and as such, following the mandate of the above High Courts in the aforesaid cases, the following order is hereby passed similar to the order passed by the High Court of Judicature at Madras in the case of Amit Kumar Vrs. National Medical Commission & others (supra):

1) The petitioner's suspension order dated 24.07.2024 (Annexure- 3) and letter dated 19.05.2025 (Annexure-4) whereby a direction was given by the N.M.C to the RIMS apprise about the follow up action taken after the suspension of the petitioner are hereby quashed and set aside. The suspension is treated as quashed from the date of this order. The respondent college shall forthwith allow the petitioner to attend classes and avail the hostel facility.

2) If the petitioner fulfills the requisite attendance criteria, she 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 her a degree or register her unless the trial is concluded and she 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 her admission to the medical course. It is needless to state that if the petitioner is acquitted, she shall be issued a degree as soon as she is acquitted.

9. With the above observations and directions, the present writ petition stands disposed of.