



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 22309/2025

Vyas Dental College And Hospital, Jodhpur, Having Its Campus Situated At Vyas Medicity, Kudi Haud, Jhalamand, Jodhpur, A Unit Of Rajasthan Vikas Sansthan, Having Its Registered Office At Teesra Prahar Bhawan Building, 1St A Road, Sardarpura, Jodhpur, Through The Chairman Manish Vyas, S/o Lt. Shri Gordhan Das Ji Vyas, Aged About 55 Years.

-----Petitioner

Versus

1. State Neet Ug Medical And Dental Admission Counselling Board, 2025, Through Its Chairman, Sms Medical College And Attached Hospital, Jaipur, Rajasthan.
2. Union Of India, Through Its Secretary, Ministry Of Health And Family Welfare, Nirman Bhawan, New Delhi 110001.
3. The State Of Rajasthan, Through The Principal Secretary, Medical Education (Group I) Department, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Manoj Bhandari, Sr. Advocate asst. by Mr. Aniket Tater
For Respondent(s)	:	Mr. N.S. Rajpurohit, AAG with Ms. Kanchan Jodha Mr. Nishant Gaur

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

14/11/2025

1. Learned Senior Counsel Mr. Manoj Bhandari submits that the petitioner-Institute earlier had an intake capacity of 100 seats for the BDS course since 2007, which was subsequently reduced to 50 seats by order dated 05.07.2024. Aggrieved by the said reduction, the petitioner filed a Writ Petition being S.B. Civil Writ Petition No.14136/2024. The said writ petition was decided on



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06.09.2024, setting aside the order dated 05.07.2024. Despite the said order, the respondents did not revise the intake capacity and in these circumstances, the petitioner preferred another Writ Petition being S.B. Civil Writ Petition No.17215/2024 which came to be disposed of on 23.10.2024 with a direction that no fresh order was required to be passed.

Being aggrieved by the said order, a Special Appeal being D.B. Special Appeal (Writ) No.1126/2024 was filed. The appeal came to be decided on 26.11.2024, permitting the appellant to withdraw the appeal as during the pendency of the said appeal, a representation seeking implementation of the earlier order was rejected. Consequently, the appeal was withdrawn with liberty to challenge the fresh order dated 25.11.2024.

2. Learned counsel submits that by that time, counselling for the academic year 2024-25 had concluded, therefore, the petitioner submitted a fresh application for the academic year 2025-26. After making necessary inspection, the final decision was not taken. In these circumstances, Writ Petition being S.B. Civil Writ Petition No.18256/2025 was filed. The said writ petition was allowed by a Co-ordinate Bench of this Court on 26.09.2025, directing respondent Nos. 1 and 2 to forthwith restore the intake capacity of the petitioner-Institute to 100 seats for the BDS course from the academic session 2025-26.

3. It is stated that despite the said order, the respondent authorities did not issue the requisite order and meanwhile, the first and second rounds of counselling had already concluded. It is further stated that after the third round of counselling was over, the respondents issued the order dated 07.11.2025, restoring the



BDS intake capacity from 50 to 100 seats for BDS course from the academic year 2025-2026 onwards.

4. The grievance of the petitioner in the present writ petition is that, despite the restoration order dated 07.11.2025, the Institute is not being permitted to participate in the mop-up round. It is stated that a decision dated 11.11.2025 (Annexure-11) has been taken as mentioned in Minutes of Meeting, rejecting the representation submitted by the petitioner-Institute seeking permission to participate in the mop-up round. At Serial No. 13 of the said Minutes of Meeting, it has been stated that the petitioner-Institute cannot be permitted to participate for the 50 additional seats which has been restored vide order dated 07.11.2025 on the ground that no up-gradation can be allowed. Consequently, the petitioner has been denied to participate in the mop-up round.

5. Learned Senior Counsel submits that once the petitioner-Institute has been allowed an intake capacity of 100 seats for the academic year 2025-26 pursuant to the order dated 07.11.2025, it cannot be denied participation in the mop-up round. If it is not permitted to participate in the mop-up round, both the orders earlier passed in writ petition being S.B. Civil Writ Petition No.18256/2025 and the order dated 07.11.2025 would be rendered meaningless.

7. Per contra, learned AAG, appearing on advance copy, submits that the petitioner-Institute cannot be permitted to participate in the mop-up round. He places reliance on the Graduate Medical Education Regulations, 2023, particularly Regulation 17, which stipulates that medical institutions cannot admit students beyond the notified number of seats for a





particular institute and that any change in the intake capacity can only be implemented in the next academic year. It is to be noted that decision to revise intake capacity from 50 to 100 BDS seats has already been taken by the respondents and no adjudication is to be made on the said issue in the present writ petition. Only issue which requires consideration in the present writ petition is whether petitioner-Institute can be allowed to participate in the mop-up round or not. The reason for denial as stated by learned AAG *prima facie* appears to be highly technical.

8. Considering the submissions made above, issue notice of the writ petition as well as of the stay petition, returnable within a period of four weeks.

Notice need not be issued to respondent No.3 as already represented by learned Additional Advocate General. Let notice be issued to respondent Nos.1 and 2.

9. Meanwhile and till the next date of hearing, the petitioner-Institute shall be permitted to participate in the stray-vacancy round for the purpose of filling of 50 seats. It is made clear that all students admitted against the stray-vacancy round shall be given admission purely on a provisional basis and such students shall not claim any equity on the basis of the present order.

(SUNIL BENIWAL),J

114-Ashutosh/-