



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

S.B. Civil Writ Petition No. 12315/2023

1. Tirupati Balaji Educational Trust, Bhilon Ka Bedla, Udaipur, Rajasthan Through Its Authorized Representative Puneet Makhija S/o Shri Mohan Makhija Aged 37 Years R/o Pacific Hills, Pratap Nagar, Airport Road Udaipur (Raj).
2. Pacific Medical College And Hospital, Bhilon Ka Bedla, Udaipur, Rajasthan.

----Petitioners

Versus

1. Chairman, NEET, PG Medical & Dental Admission/counseling Board 2023 R.U.H.S Jaipur, Subash Nagar, Jothwara Road Jaipur.
2. Union Of India, Through Its Secretary, Ministry Of Health And Family Welfare, Nirman Bhavan, New Delhi.
3. National Medical Commission, Through Its Secretary General, Pocket 14, Sector 18, Dwarka Phase I, New Delhi 110077.
4. Medical Assessment And Rating Board (MARB), Postgraduate Section, Through Its President, Pocket 14, Sector 18, Dwarka Phase I, New Delhi-77.

----Respondents

For Petitioner(s) : Mr. Vikas Balia, Sr. Advocate through V.C, assisted Mr. Rajendra Singh Shekhawat

For Respondent(s) : Mr. Manish Vyas, AAG with Mr. Kailash Choudhary Mr. Mukesh Rajpurohit, Dy. S.G. with Mr. Prakash Raika

JUSTICE DINESH MEHTA

Order

02/09/2023

1. Mr. Vikas Balia, learned Senior Counsel, invited Court's attention towards the order dated 13.01.2022, passed by this Court in petitioner's earlier writ petition (being S.B. Civil Writ Petition No.5592/2020) and subsequent interim order dated 14.09.2022, which has been passed by a Coordinate Bench of this



Court in the second writ petition (S.B. Civil Writ Petition No.12624/2022) and argued that in spite of the clear adjudication made by this Court that the petitioner-institution is entitled for total 96 seats in 12 disciplines of the Post Graduate Course, the respondents have reflected only 23 seats in the seat matrix notified by them.

2. The learned Senior Counsel submitted that so far as four subjects (Anaesthesia, Paediatrics, General Medicine and Obst. & Gynaecology) mentioned in Annex-6 are concerned, as a matter of fact 41 seats should have been reflected, as indicated in Annex.10. He argued that because of the lapse/approach of the respondents, petitioners' right to fill remaining 18 seats would be impaired, if their rights are not appropriately protected by passing interim order.

3. During the course of arguments, it has transpired that the respondent Board (Counselling Board, 2023) has reflected lesser seats, because of their flawed understanding of the above referred orders dated 06.06.2022 and 14.09.2022, passed by this Court that the same were applicable to the concerned NEET Board and for the year 2020-21 and 2021-22 only.

4. Mr. Balia, learned Senior Counsel argued that simply because a new NEET Board has come into being, the adjudication already made in petitioners' favour cannot be given a go by or ignored.

5. Mr. Manish Vyas, learned Additional Advocate General and Mr. Mukesh Rajpurohit, learned Deputy Solicitor General have not been able to give any plausible reason, for which, the seats of the petitioner-institution have been reduced from 41 to 23.



6. The matter requires consideration.
7. Issue notice. Issue notice of stay application also.
8. Mr. Manish Vyas, learned Additional Advocate General accepts notice on behalf of the State - respondents and Mr. Mukesh Rajpurohit, learned Deputy Solicitor General accepts notice on behalf of the respondent Nos.2 to 4 and pray for three weeks' time to file their replies.
9. List this case on 21.09.2023, as prayed.
10. Meanwhile, the respondents shall allow the petitioner-institution to participate in the ongoing counselling for the Post Graduation course as under:-

S.No.	Subjects	Number of seats
1.	M.D. (Anaesthesia)	- 07 seats
2.	M.D. (Paediatrics)	- 08 seats
3.	M.D. (General Medicine)	- 16 seats
4.	MS (Obst. & Gynaecology)	- 10 seats
Total		- 41 seats

11. It is hereby made clear that simply because the interim order has been passed in presence of Mr. Vyas, learned Additional Advocate General and Mr. Rajpurohit, learned Deputy Solicitor General, it will not preclude them from filing stay vacation application.

(DINESH MEHTA),J

267-Ramesh/-