



3. Medical Assessment And Rating Board, Through Its President, National Medical Commission, Pocket-14, Sector-8, Dwarka, New Delhi-110077
4. The Chairman, State Neet Under-Graduate Medical And Dental Admission Cum Controlling Council Board-2021, Jaipur Through Its Principal And Controller, Sms Medical College And Attached Hospitals, Jaipur, Rajasthan.
5. Director General, Directorate Of Medical Education, Govt Of Rajasthan, Room No. 2024, Main Building, Secretariat, Jaipur-302005.
6. The Pacific Institute Of Medical Sciences, Through Its Principal, Village- Umarda, Udaipur, Rajasthan.
7. Sai Tirupati University, Through Its Registrar, Gq479Qw, Ambua Road, Village Umarda, Tehsil Girwa, Udaipur, Rajasthan- 313003.

-----Respondents



For Petitioner(s)

: Mr. P.P. Choudhary, Sr. Advocate
 Mr. Manoj Bhandari, Sr. Advocate
 Mr. Kuldeep Mathur, Sr. Advocate
 Mr. Vikas Balia, Sr. Advocate
 Dr. Sachin Acharya, Sr. Advocate
 all Senior Advocates assisted by
 Dr. Nupur Bhati
 Mr. Akhilesh Rajpurohit
 Mr. Hemant Dutt
 Mr. Milap Chopra
 Mr. Dilip Choudhary
 Mr. Aniket Tater
 Mr. Rahul Vyas
 Mr. Govind Suthar
 Mr. Devesh A. Purohit
 Mr. Vinay Bhatnagar
 Mr. Vikram Singh Bhati

For Respondent(s)

: Mr. R.S. Saluja
 Mr. Manish Vyas, AAG
 Mr. Mukesh Rajpurohit, ASG
 Mr. Mahendra Bishnoi

HON'BLE MR. JUSTICE VIJAY BISHNOI

Order

28/04/2022

In all these writ petitions, the petitioner-institutions have challenged the recommendations made by the Medical Assessment



and Rating Board (hereinafter to be referred as 'the MARB') for withdrawal of letter of permission, cancellation of admission in under-graduate and post-graduate courses for the academic year 2021-22 in the petitioner-institutions vide letters dated 14.04.2022 and 18.04.2022.

Some of the writ petitions have been filed on behalf of the institutions, where admissions were granted to the students for the academic year 2021-22 in the under-graduate as well as post-graduate courses and some of the writ petitions have been preferred on behalf of the students, who have been admitted in these courses.

Learned counsels for the petitioners have vehemently argued that the impugned order passed by the MARB is in excess of its jurisdiction. It is argued that as per Section 26 of the National Medical Commission Act, 2019, the MARB can recommend for imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the Commission for withdrawal of recognition against the medical institution but cannot recommend for cancellation of admission of the students in various courses. Learned counsels for the petitioners have, therefore, argued that the impugned orders dated 14.04.2022 and 18.04.2022 are absolutely illegal.

Learned counsel Mr. R.S. Saluja, appearing for the respondent Nos.2 and 3 has submitted that as he has received copy of the writ petitions recently, therefore, prays for sometime to file reply to the writ petitions. He has also submitted that there is no illegality in the recommendation made by the MARB vide orders dated 14.04.2022 and 18.04.2022 in respect of the petitioner-institutions. Learned counsel Mr. Saluja has also



submitted that the MARB is very well in its jurisdiction for recommending cancellation of admission of the students in the various courses.

Mr. Manish Vyas, learned AAG accepts notice on behalf of the respondent No.5, Mr. Mukesh Rajpurohit, learned ASG accepts notice on behalf of the respondent No.1 and Mr. Mahendra Bishnoi accepts notice on behalf of respondent – Rajasthan University of Health Science, Jaipur.

Let copy of the writ petitions be supplied to learned counsel for the respondents within a period of one week.

Heard on the stay petition.

In the meantime, admissions already granted to the students in various under-graduate or post-graduate courses in the petitioner-institutions for the session 2021-22 shall not be cancelled and the students already admitted shall be allowed to pursue their studies in the respective petitioner-institutions till the next date.

List these matters on 11th May, 2022.

(VIJAY BISHNOI),J

172-Arun/-

सत्यमेव जयते