



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

S.B. Civil Writ Petition No. 7083/2026

1. Pacific Medical College And Hospital, Bhilon Ka Bedla, Udaipur, Rajasthan Through Its Authorized Representative Puneet Makhija S/o Shri Mohan Makhija Aged 38 Years R/o Pacific Hills, Pratap Nagar, Airport Road Udaipur (Raj).
2. Tirupati Balaji Educational Trust, Bhilon Ka Bedla, Udaipur, Rajasthan Through Its Authorized Representative Puneet Makhija S/o Shri Mohan Makhija Aged 38 Years R/o Pacific Hills, Pratap Nagar, Airport Road Udaipur (Raj).

-----Petitioners

Versus

1. Chairman, Neet Pg Medical And Dental Admission/ Counseling Board-2025 And Principal And Controller, Sms Medical College And Attached Hospitals, Jaipur
2. Union Of India, Through Its Secretary, Ministry Of Health And Family Welfare, Dental Education Section, Nirman Bhawan, P.o. And P.s. New Delhi.
3. National Medical Commission, Through Its Secretary General, Pocket 14, Sector 18, Dwarka Phase-I, New Delhi-110077.

-----Respondents

connected with

S.B. Civil Writ Petition No. 7086/2026

1. Pacific Institute Of Medical Sciences, Having Its Campus At Ambua Road, Village- Umarda Udaipur, Through Its Authorized Representative Rais Mohammed Khan S/o Sardar Mohammed Khan, Age-50 Years, R/o 31, Nag Marg, Bhinder Ki Haveli, Outside Chandpole, Udaipur.
2. Sai Tirupati University, Having Its Office At 4, Fatehpura, Udaipur Through Its Authorized Representative Rais Mohammed Khan S/o Sardar Mohammed Khan, Age-50 Years, R/o 31, Nag Marg, Bhinder Ki Haveli, Outside Chandpole, Udaipur.

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Versus

1. Chairman, Neet Pg Medical And Dental Admission/ Counseling Board-2025 And Principal And Controller, Sms Medical College And Attached Hospitals, Jaipur
2. Union Of India, Through Its Secretary, Ministry Of Health And Family Welfare, Dental Education Section, Nirman Bhawan, P.o. And P.s. New Delhi.
3. National Medical Commission, Through Its Secretary General, Pocket 14, Sector 18, Dwarka Phase-I, New Delhi-110077.

-----Respondents

For Petitioner(s)	:	Mr.Vikas Balia,Sr.Adv. Assisted by Mr. Hemant Kumar Balani Mr.Harsh Chittora Mr.Jayant Pitawat
For Respondent(s)	:	Mr.B.S.Sodha for Mr. N.S. Rajpurohit,AAG

HON'BLE MR. JUSTICE FARJAND ALI

Order

28/03/2026

1. The petitioners have preferred the present writ petitions with following prayer-

(i) The respondent authority may kindly be directed to issue appropriate directions for conducting the Special Stray vacancy round at the institutional level with due information to the designated authority.

(ii)In the alternate, the respondent authority may kindly be directed to conduct counselling for filling the remaining vacant seats Post Graduate Seats in petitioner's college for academic year 2025-2026.

(iii)The respondent authority may kindly be directed to issue revise schedule for conducting special round of counselling

(iv)Any further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may passed in favor of petitioner foundation.

2. Detailed facts of the writ petitions are not required to be narrated for adjudication of the present issue.
3. Both the present writ petitions have been preferred by private medical institutions established and administered by their respective sponsoring bodies, seeking substantially similar reliefs. The petitioner institutions are duly recognized medical colleges running undergraduate (MBBS) and postgraduate (PG) medical courses with requisite permissions granted by the Central Government under the applicable statutory framework. Over the years, the intake capacity of MBBS as well as PG courses in the petitioner institutions has been enhanced, and at present, the institutions are running PG courses in multiple disciplines with substantial sanctioned intake.
4. The petitioners, having fulfilled all eligibility requirements, were granted permission to commence Postgraduate medical courses pursuant to the regulatory regime governed initially by the Medical Council of India and now by the National Medical Commission. The admissions to such PG courses for the academic session 2025–2026 were conducted through the NEET-PG 2025 examination, followed by centralized

counselling conducted by the State Counselling Board, Rajasthan, in multiple rounds, including first, second, third, and stray vacancy rounds, which concluded on 27.02.2026.

5. It is not in dispute that despite completion of all rounds of counselling, a substantial number of PG seats have remained vacant across the State, including a significant number of seats in the petitioner institutions. In S.B. Civil Writ Petition No. 7083/2026, 79 seats out of the total sanctioned PG intake remained vacant, whereas in S.B. Civil Writ Petition No. 7086/2026, as many as 169 seats out of 225 sanctioned PG seats remained unfilled. The last date for admission as per the NEET-PG schedule was 28.02.2026.
6. The grievance of the petitioners in both the writ petitions is that despite the settled legal position that medical seats, particularly in postgraduate courses, ought not to remain unfilled, the respondent authorities have not conducted any further counselling or special stray vacancy round to fill the remaining seats. It is contended that the Hon'ble Supreme Court, as well as various High Courts, have consistently emphasized that such seats should not go waste and have, in similar circumstances, permitted or directed conduct of institutional-level stray vacancy rounds. In these circumstances, the petitioners have approached this Court seeking directions to the respondent authorities to permit conduct of a special stray vacancy round at the institutional

level for filling up the remaining vacant PG seats for the academic session 2025–2026.

7. Heard learned counsels present for the parties and gone through the materials available on record.

Observation

8. It is a well-settled principle of law that seats in postgraduate medical courses ought not to remain unfilled and must not be allowed to go to waste. However, in the present case, the State Counselling Board has failed to declare any counselling schedule for filling up the remaining vacant seats.
9. In this factual backdrop, the Federation of Private Medical Colleges preferred a Special Leave Petition before the Hon'ble Supreme Court. The Hon'ble Supreme Court, while disposing of the said petition, was pleased to direct the Federation to submit an appropriate representation before the Central Government, which, in turn, was directed to consider and decide the same on its own merits, expeditiously, in accordance with law (Annex.10).
10. In compliance with the aforesaid order dated 25.03.2026, a representation was duly submitted to the Central Government on the same day i.e. 25.03.2026, setting out the position of the vacant seats. It was, in particular, emphasized that non-filling of such seats would be prejudicial to the national interest as well as to the interests

of meritorious candidates, who would otherwise be deprived of admission and consequently lose an entire academic year.

11.It is further pertinent to note that, while dealing with analogous issues, the Hon'ble High Court of Bombay, vide judgment dated 12.03.2026 (Annex.12), has been pleased to direct the conduct of a stray vacancy round at the institutional level.

12.Thereafter, a writ petition came to be instituted before the Hon'ble High Court of Madhya Pradesh at Indore, wherein, vide order dated 26.03.2026, the Court was pleased to pass the following directions. The relevant extract of the said order is reproduced hereinbelow:

"Counsel for the petitioners argued that as per schedule of the counseling, the last date for admission in the P.G. course is 31.03.2026 and after the said date, the petition may render infructuous.

The operative part of the order passed by Bombay High Court in W.P.No. 3058/2026 is reproduced herein

"5. We have considered the submissions. There is no order passed by the Supreme Court till date which comes in the way of this Court passing a similar order as has been passed in Writ Petitions which concerns UG Course and PG Course including Writ Petition filed by Dr. N.Y. Tasgaonkar Institute of Medical Science by way of Writ Petition No. 2668 of 2026 (order dated 26 February 2026). A similar ad-interim Application had been made in those cases. This Court has already

taken a prima facie view with regard to Rule 14 pertaining to PG Course and challenge to the circular dated 24 July 2023 which had prohibited filling of vacancies to Institutional Round. This Court has prima facie held that the said circular was in the form of an Executive Instruction and could not operate in a manner that would run counter to the said Rule which permits holding of Institutional Level Rounds. The prima facie view expressed by this Court would equally apply here. This in view of, there being vacant seats which are to be filled up by the petitioner Institutions in the given/captioned matters.

6. We direct the respondent No.5-State CET Cell to take necessary steps to act in accordance with Rule 14 of the said Rules framed under the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 for filling up the vacant seats by the Petitioner Institutions after the CAP Rounds/Stray vacancy Rounds which have come to an end. This be done with prior approval of the Competent Authority not later than one week from the uploading of this order. Accordingly, ad-interim relief is granted in these Petitions in terms of prayer clause (h) of the Petition.

7.The Respondent shall file their affidavit-in-reply to the Writ Petitions within a period of three weeks from the date of this order. The Petitioner is at liberty to file rejoinder thereto within a period of one week thereafter."

Similar directions are issued in the present case, and the directions contained in para Nos. 5, 6 and 7 shall apply mutatis mutandis in the present case, and the competent authority shall proceed in accordance with the directions contained in the aforesaid paragraphs of the order.

Counsel for the petitioners further pointed out that the respondent may also be directed to consider the interim order dated 25.02.2026 passed in the present case. The relevant part of the interim order is reproduced as under:

"As an interim measure, it is reiterated that in subjects where vacancies exist, and if there is no other legal impediment, the respondent shall adhere to the provisions of Rule 14(a)(2) of the Rules, 2018 for admission in PG subjects."
The authority shall also consider the said interim order while taking a decision in terms of the directions issued by the Hon'ble High Court of Bombay.

List in the week commencing 20.04.2026.

On the said date, parties shall apprise this Court about the latest developments in the present case."

13. In view of the aforesaid, the present writ petitions are disposed of with a direction to the respondents to take a decision on the representation submitted by the petitioners, while duly considering the orders passed by the Hon'ble High Court of Bombay as well as the Hon'ble High Court of Madhya Pradesh, for conducting a special stray vacancy

round for filling up the vacant seats, preferably before the cut-off date i.e. 31.03.2026, as referred to in the order passed by the Hon'ble High Court of Madhya Pradesh.

14. The pending application(s), if any, also stands disposed of.

(FARJAND ALI),J

18-Mamta/-