

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

D.B. Spl. Appl. Writ No. 959/2025

Vyas Dental College And Hospital, Through Its Principal, Pali Road, Jodhpur.

----Appellant

Versus

1. Rajasthan University Of Health Sciences, Through Its Controller Of Examination, Sector 18, Kumbha Nagar, Pratap Nagar, Jaipur, Rajasthan.
2. Dental Council Of India, Through Its Joint Secretary, Aiwan-E-Galib Marg, Kotla Road, New Delhi, 110002.
3. Pooja Punaram Patel D/o Punaram Patel, Resident Of Ashok Nagar, 24B 701, Om Sai Bhiwandi, Thane, Maharashtra.
4. Kanishka Sharma D/o Ramesh Chander Sharma, Resident Of House No. 15, Ward No. 5 Batote, Tehsil Batote, District Rambadbatote, Jammu And Kashmi (U.t.).
5. Harshita Sadhwani D/o Raju Sadhwani, Resident Of 112, Sindhi Colony, Shastri Nagar, Jodhpur, Rajasthan.

----Respondents

For Appellant(s)	:	Dr. Sachin Acharya, Sr. Advocate with Mr. Chayan Bothra
For Respondent(s)	:	Mr. S.S. Rathore, AAG with Mr. Pravin Kumar Choudhary Mr. Vinay Kothari Mr. Mahendra Vishnoi Mr. Ayush Goyal

**HON'BLE MR. JUSTICE MUNNURI LAXMAN
HON'BLE MR. JUSTICE BIPIN GUPTA**

Order

28/08/2025

1. Heard on the interim stay application.
2. Learned Senior Counsel Dr. Sachin Acharya, appearing for the appellant submits that vide impugned order admission of the

students were regularized who were allegedly admitted irregularly and simultaneously proceedings were initiated by Rajasthan University of Health Sciences (RUHS) for imposition of penalty for violation of procedure while giving the admission to the students.

3. The main thrust of the argument raised by the learned Senior Counsel for the appellant is that there cannot be a double fine for the same violation.

4. Learned counsel appearing for the respondents - Dental Council of India (DCI) as well as the Rajasthan University of Health Sciences (RUHS) submit that the amounts were awarded for the reason of flagrant violation of the procedure in giving admissions.

5. Apart from that, the conduct of the appellant – College in not intimating regarding the discharge-order passed by the DCI to students, who have been wrongly admitted is contrary to the procedure of admission is serious lapse.

6. Learned counsel for the respondents further submits that in similar circumstances, compensation was awarded to those students whose admissions were done contrary to the procedure, however, the Court did not regularize their admissions. In such cases, entire compensation was ordered to be deposited. A similar direction may also be passed in the present case to deposit the entire fine, if an interim order is to be passed staying the operation of the impugned order.

7. Considering the above contentions of the learned counsel appearing for the appellant as well as the respondents, we are of the view that the present special appeal requires admission as the

impugned order not only imposed fine but also imposed default condition of debarment in the event fine is not deposited.

8. In the opinion of this Court, we are inclined to stay the operation of the impugned order so far as the payment of fine as ordered by the learned Single Judge against appellant, subject to the appellant depositing Rs.5,00,000/- for each student.

9. The amount shall be deposited to respondent - RUHS within a period of four weeks after the receipt of certified copy of this order. The RUHS shall keep the amount in Fixed Deposit Receipt (FDR) during the pendency of the present appeal.

10. If the appellant deposits the amount as ordered by this Court, the order which are passed shall not come in the way of any further participation in the counselling process.

11. Admit.

12. Issue notice.

Notices need not be issued as respondents are already being represented by their respective counsel.

13. List the matter on 29.10.2025.

(BIPIN GUPTA),J

(MUNNURI LAXMAN),J