

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Writ Miscellaneous Application No. 86/2026

In

D.B. Special Appeal (Writ) No.1385/2025

Vaishnavi Agarwal D/o Sanjay Agarwal, Aged About 17 Years,
R/o Udai Mod, Gangapur City Through Her Natural Guardian Shri
Sanjay Agarwal.

-----Non-Applicant/Petitioner

Versus

1. Union Of India, Through Ministry Of Health And Family Welfare, Government Of India, Room No. 201-D, Nirman Bhawan, New Delhi- 110011 Through Its Secretary.
2. Directorate General Of Health Services, Medical Counselling Committee, Nirman Bhawan, New Delhi- 110011 Through Its Director General.
3. National Testing Agency, First Floor, Nsic- Mdbp Building. Okhla Industrial Estate, New Delhi, Delhi 110020 Through Its Member Secretary.
4. The Sms Medical College, Jaipur Through Its Principal

-----Applicants/Respondents

For Applicant(s)	:	Mr. Vigyan Shah, AAG with Mr. Rohit Tiwari, AGC
For Non-Applicant(s)	:	Mr. T.N. Sharma Mr. Shivang Khandelwal Ms. Manjeet Kaur with Ms. Taruna Singh & Ms. Garvita Sharma

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SANGEETA SHARMA

Order

20/02/2026

1. The State has filed this application seeking recalling of the order dated 09.01.2026 passed by us whereby, on the basis of consent of the respective counsels appearing before the Court on

that day, we allowed the appeal in terms of the judgment passed by us in D.B. Civil Special Appeal No. 1342/2025 (*Raman Khandelwal vs. State of Rajasthan & Ors.*), decided on 19.12.2025, wherein the reliance was placed on the case of **"Anmol vs. Union of India"** (*Civil Appeal No. 14333/2024*) decided on 21.02.2025, and other cases passed by the Hon'ble Supreme Court.

2. Learned counsel appearing for the respondent No. 4 submits that notices were not issued to them and in their absence consent order was passed. He submits that the case of Raman Khandelwal could not have been applied *ipso facto mutatis mutandis* to the present case for the simple reason that the Court had directed Raman Khandelwal to be examined at the Vardhman Mahavir Medical College and Safdarjang Hospital, New Delhi for examining his disability with reference to his work performance and education which he may obtain in the MBBS course.

3. Learned counsel appearing for the appellant as well as learned counsel for respondent Nos. 1 to 3 do not contest the said aspect and learned counsel appearing for the appellant submits that the appellant may also be sent for the same test as Raman Khandelwal and the Medical Board's opinion may be obtained from reputed institution of the Safdarjang Hospital.

4. We have considered the submissions.

5. We find that the contentions raised by the applicant is required to be accepted and we accordingly, recall our order dated 09.01.2026 while restoring the D.B. Special Appeal Writ No.1385/2025. We further direct that the appellant-Vaishnavi Agarwal D/o Sanjay Agarwal shall report to the Vardhman Mahavir

Medical College and Safdarjang Hospital, New Delhi on 27.02.2026 with copy of this order and the respondent No.2 shall instruct the concerned hospital to conduct relevant test and submit their opinion with regard to the functional competence of the appellant with reference to her abilities to pursue her studies for MBBS course. The report shall be submitted expeditiously on or before the next date.

5. The Writ Miscellaneous Application is accordingly allowed.

6. List the main Special Appeal (Writ) on 06.03.2026.

(SANGEETA SHARMA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

RIYA/21-S