

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7905/2026
URN: CW / 17331U / 2026

Ananta Charitable Educational Society and Anr.

-----Petitioners

Versus

The State of Rajasthan and Ors.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 5974/2026
URN: CW / 13189U / 2026

Dr. Shubham Sohanlal Vishnoi S/o Shri Sohanlal Vishnoi

-----Petitioner

Versus

State of Rajasthan and Ors.

-----Respondents

For Petitioner(s)	:	Mr. Rajendra Soni (Respondent in SBCWP No. 7905/2026)
For Respondent(s)	:	Mr. Akhilesh Rajpurohit, Mr. Punit Singhvi, Ms. Sharddha Mehta (Petitioner in SBCWP No. 7905/2026) Mr. Yash Joshi for Mr. Vigyan Shah, AAG Mr. Angad Mirdha Ms. Namita Parihar for RUHS

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

14/07/2026

S.B. Civil Writ Petition No. 5974/2026:-

1. Heard counsel for both parties on interim relief.
2. It is an admitted case of petitioner that he participated in the third round of counseling for admission in NEET-PG 2025 and got allotment of a seat in MD (General Medicine) against private Management Quota in Ananta Institute of Medical Sciences and Research Centre, District Rajsamand (respondent No.5 herein). It is also an admitted fact that petitioner paid tuition fee of Rs. 90

lacs for first year and submitted his original educational documents before Ananta Institute on 20.02.2026 in conformity to his admission on the allotted seat. Resultantly, Ananta Institute showed against its seat, which was allotted to petitioner, as joined by the petitioner and sent intimation accordingly to National Medical Commission (NMC). Thereafter, petitioner is praying to cancel his admission; refund of tuition fee and returning of original educational documents by Ananta Institute, so as to secure his admission in an another institute namely Dr. N.Y. Tasgaonkar Institute of Medical Science, Maharashtra to undergo MD (General Medicine) P.G. Course where he has been given option for admission on the last date of counselling i.e. 27.02.2026.

3. Petitioner has come up with a case that after making payment of the entire tuition fee for first year, amounting to Rs.90 lacs, at Ananta Institute and submission of original educational documents, he was demanded additionally to pay/deposit advance fee or give bank guarantee or post dated cheques for the balance tuition fee of remaining period of two years of MD (General Medicine) course to ensure admission, therefore, he had to opt to do MD (General Medicine) from Dr. N.Y. Tasgaonkar Institute of Medical Science, Maharashtra because this institute also offered a vacant seat to petitioner on 27.02.2026.

4. The case, as has been tried to make out and pleaded by the petitioner, has categorically been refuted by counsel on behalf of Ananta Institute and it has been contended that after opting the Private Management Quota seat of MD (General Medicine) by petitioner in the third round of counselling, he cannot turn around and it is absolutely incorrect to say that any demand of remaining

tuition fee or to give bank guarantee or post dated cheques for future two sessions was ever made from the petitioner.

Counsel appearing for respondent No.5-Ananta Institute further submits that on the record of institute, after deposition of tuition fee of first year by petitioner and submitting all his original credentials, his admission has already been done and status of seat, allotted to him has been marked as joined and same has been informed to NMC, so after completion of counselling process and at this belated stage, it is not bonafide act on the part of petitioner, to decide to quit Ananta Institute, for joining at an another Institute to undergo MD (General Medicine) course.

5. On the issue in question, learned counsel appearing on behalf of NMC pointed out, on the strength of instructions in the booklet, governing the joining of allotted PG Seat in the State of Rajasthan, that after end of counselling, change of College/Course from one place to another is not permitted because it would result in the wastage of that allotted seat. Learned counsel pointed out that case of petitioner is not of upgradation or change of better branch, in an another round of counselling to undergo MD Course.

6. Learned counsel for petitioner has relied upon two judgments of Coordinate Bench i.e. (i) **Namrata Sihag Vs. State of Rajasthan & Ors.:MANU/RH/0707/2021** and (ii) **Eshita Gupta Vs. Jaipur National University & Anr. [2025 Supreme (Raj) 2271]**. On the other hand, learned counsel for respondent No.5 has referred judgment of Hon'ble Supreme Court delivered in case of **Mabel Vs. State of Haryana & Ors. [(2002) 6 SCC 318]**.

7. Heard. Considered.

8. Petitioner virtually wants to change institution to undergo MD Course in General Medicine Branch, that too after end of counselling. It is apparent and admitted fact that petitioner himself voluntarily opted his admission in respondent No.5-Institute, but after allotment of private management quota seat in third & last round of counselling and in conformity to same, after deposition of tuition fee of first year and submission of all his original educational documents, he wants to abandon to do MD (General Medicine) in respondent No.5-Institute, rather wants to join another Institute. In the opinion of this Court, in the given facts and after end of counselling, and at interim stage, no *prima facie* case is made out in favour of petitioner for refund of tuition fee and original educational documents from respondent No.5-Institute, that too, after confirmation of his admission on allotted seat, just in order to opt for change in institution by petitioner, to undergo the MD Course in the same branch i.e. General Medicine for no good reason. The story put forth by petitioner does not make out a *prima facie* case for grant of interim relief.

9. The judgments, referred from both sides, do not render any assistance at the stage of considering the matter for interim relief, however, shall be dealt with, while hearing and deciding the writ petition finally on merits.

10. In view of above, this Court does not find any *prima facie* case in favour of petitioner for grant of interim relief against respondent No.5-Ananta Institute for refund of tuition fee of Rs. 90 lacs and returning of original educational documents, at this stage. Otherwise also, in the writ petition, petitioner has made same prayer with some additional prayers. However, it is observed

that the rejection of interim relief to petitioner, will not affect his case on merits to be decided in the main writ petition.

11. Hence, prayer of interim relief as prayed by petitioner in the stay application is hereby rejected.

12. Let the writ petition be listed for final hearing at admission stage after three weeks.

13. In the meanwhile, parties may complete their pleadings.

S.B. Civil Writ Petition No. 7905/2026:-

14. Counsel appearing on behalf of respondents prays for and is granted three weeks' time to file reply to the writ petition.

15. List the matter after three weeks.

(SUDESH BANSAL),J