



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 15414/2025

Narendra Mahala S/o Shri Suresh Kumar Mahala, Aged About 21 Years, Resident Of Vpo Dadiyarampura, Via. Renngus, District Sikar

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Medical Education Department, Government Secretariat, Jaipur (Raj).
2. Neet Ug Medical And Dental Admission/counseling Board-2025, Through Its Chairman, Sms Medical College, Jln Marg, Jaipur-302004
3. Balveer Singh Tomar Institute Of Medical Sciences And Research, Jaipur Through Its Principal.

----Respondents

For Petitioner(s) : Mr. Tanveer Ahamad with
Mr. Mohd. Kasim Khan

For Respondent(s) : Mr. Vigyan Shah, AAG with
Mr. Yash Joshi

HON'BLE MR. JUSTICE SAMEER JAIN
Judgment

REPORTABLE

08/10/2025

1. The present petition is filed with the following prayers:-

"1. The respondents may be directed to condone the delay of few hours in depositing the fees of remaining amount of Rs. 4,17,000/- against the total amount of Rs. 18,90,000/- and accordingly, the respondents may be directed to accept the documents of the humble petitioner and admit in him in the MBBS Course accordingly consequent upon the counseling of the 2nd round and allotment letter issued on 26.09.2025, in the interest of justice.

2. Any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the



case, may also kindly be passed in favour of the petitioner."

2. At the outset, learned counsel for the petitioner has submitted that the petitioner appeared in the NEET UG Examination, 2025 and had qualified the same. Subsequent to which, the petitioner deposited the security deposit as per the relevant information booklet, the tune of Rs. 5 Lacs within the stipulated time, for appearing in the counseling in question. It is apprised to the Court that in the first round, the petitioner was not allotted with any seat, thereafter, in the second round, the petitioner was allotted a seat in a private college i.e. respondent No. 3.

3. Further, it is submitted that the schedule was published vide notification dated 14.09.2025, stating that the petitioner is required to deposit a sum of Rs. 18.90 Lacs, by 02.00 PM till 30.09.2025, which will be adjusted with the security deposit as per provisional allotment letter. Learned counsel has also submitted that the petitioner is a fatherless child with impoverished background and depends for his living and fee upon close relatives, more particularly upon his great-grandmother, who was acted as his guardian. It is submitted that the petitioners' great-grandmother expired on 29.09.2025 and the preceding days i.e. 27.09.2025 (Saturday) and 28.09.2025(Sunday), were public holidays.

4. Learned counsel for the petitioner has submitted that inspite of the demise of great-grandmother and the fact that due to customary rights, the petitioner was unable to deposit the requisite money/fee within the specified time, the petitioner





deposited the same with grace of few hours, by 01.10.2025. Howsoever, on account of same, as per Clause 12 of the information booklet, respondents more particularly Counseling Board reflected the seat as vacant, as fee was not deposited and the candidature of the petitioner was stated to be "not eligible" for the allotted seat, on account of non-deposition of the fee within the specified time.

5. It is submitted that at that relevant time, the petitioner was left with no other option, than to invoke the writ jurisdiction, with a prayer for regularization of seat with respondent No. 3 by condoning the delay of depositing the fee or in an alternative for adjustment of the security deposit with forwarded seats in the III round of counseling.

6. *Per contra*, learned counsel appearing for the respondent-Counseling Board has vehemently opposed the said prayer. It is further submitted that information booklet has universal application, not only the State but *pari-materia* provisions are applicable PAN India, wherein categorical directions are articulated for deposition of fees and other details, within time bound manner. It is also submitted that apart from the petitioner, approx. 5500 students/candidates have deposited the fees within the stipulated time. Learned counsel has also submitted that giving excuse to the petitioner or like persons can vitiate the entire process. Learned counsel is not able to explain the prejudiced caused to the respondent-State other than above argument.

7. Having heard the rival arguments, as contended by the respective sides and assiduously scanned the material on record,





this Court, at this nascent juncture deems it apposite to jot down the indubitable facts:

7.1 That the petitioner is a young student aged approx. 18 years, who is also a fatherless child and dependent upon close relatives, more particularly upon his great-grandmother, who had expired on 29.09.2025.

7.2 That 27-28.09.2025 (Saturday & Sunday), were public holidays and banks remain closed on the said dates.

7.3 That qua money/fee in question Rs. 5 Lacs were already deposited as security deposit before the Counseling process was initiated and differential amount of Rs. 13.90 Lacs was deposited a day successive, admittedly, not by 02.00 PM on 30.09.2025. On account of the same, the candidature of the petitioner was not considered by the respective college i.e. respondent No. 3 and the seat was forwarded as same was considered vacant.

7.4 That the relevant Clause form the information booklet in question, permits forfeiture of the security deposit, if candidate has not joined the allotted seat on the first occasion. The relevant portion of the same is reproduced as under:-

*"The security deposit will be forfeited if a candidate who has been allotted a seat in the Round 2 or subsequent rounds and does **not join** the respective institution."*

Upon interpretation of the said clause, it is evident that the petitioner, on account of non-deposition of the differential amount in time, was not permitted to join, in other word, accrual time for joining did not crystallized, therefore, forfeiture of the security deposit is invalid.





7.5 That even otherwise, considering that short span of time was provided by the respondents i.e. from 26-30.09.2025 for depositing the fee (Annexure-6), out of which, two days are holidays, one day is counted towards to death, justifies the bonafides of the petitioner.

Thence, substantiating reasonableness and equity in favour of the petitioner; otherwise also the respondent-Counseling Board has no locus to forfeit the fee, except on the ground that if the said forfeiture is not permitted, the candidates will not take the schedule of allotment seriously. Howsoever, respondents are unable to clarify that as to how forfeited amount qua the private college can be forfeited and kept under any account and use of the forfeited amount.

8. In consonance of the foregoing facts and circumstances, this court while placing reliance upon the ratio encapsulated in **(1997) 5 SCC 536** titled as **Mafatlal Industries Ltd. & Ors. Vs. Union of India & Ors.**, wherein the doctrine of unjust enrichment, consumer welfare fund albeit with the Central Excise Act was dealt with.

9. It is noted that the present case is a classic illustrative of the fact that the medial aspirants, on being selected after due selection process, are required to deposit hefty fee in advance. Private medical colleges and the Counseling Board i.e. Nodal Agencies impose a condition for deposition of money/fee in a short span of time (as in the matter at hand, in ignorance on holidays, short span of 3-4 days was given). Considering the scheme of medical institutions, role of NMC and the State, this Court is shocked and surprised that hefty fee in lacs are extracted from the





students from humble backgrounds; nevertheless, such students/aspirants are unable to cop up or honour the same due to short window span.

10. The State, which under the Constitution of India is envisaged as a welfare state and the guardian of its citizens, is unfortunately portraying itself as a compulsive litigant by itself insisting upon the deposit of fees within an unreasonably short span of time; a period predominantly comprising of holidays and non-working days. The respondents have further failed to demonstrate or substantiate any tangible loss that would be caused to the state in the event the present petition is allowed. Moreover, the amount in question does not serve any effective purpose, neither for the respondent-Counseling Board nor for the respondent no. 3.

11. The present case is an unambiguous illustration of the principles governing unjust enrichment. The Court also expresses its concern that neither the Finance Department, the Office of the Controller and Auditor General, nor any other supervising agency has examined the issue wherein the security deposit is forfeited without any justification or rational basis. Upon due consideration, this Court holds that the retention and forfeiture of the petitioner's security deposit by the Counseling Board constitutes a classic instance of unjust enrichment. Be that as it may.

12. In the present matter, this Court permits the petitioner to participate in the III round of counseling. If, on the basis of merit, the petitioner is allotted a college, the amount of Rs. 5 Lacs deposited as security, along with the remaining balance amount of Rs. 13 Lacs, shall be adjusted towards the fee of the allotted





college. Consequently, the petitioner shall not be required to make any further deposit till differential amount exits towards fee.

13. This Court is of the view that in the tussle between merits and money, future of bonafide aspirants need not to suffer. Moreover, it is duty of judicial bodies to safeguard the budding aspirations, dreams and motivation of young minds, who burn the mid night oil to reach at the places like good medical institutes, as in the matter in hand. Therefore, extending the equity jurisdiction, while sitting under the writ jurisdiction, this Court is of a view that merely due to procedural irregularities or delays which can be condoned, as it is evident that as on date no third party rights are created, the candidature and dreams of the petitioner-candidate need not to be put at halt.

14. Accordingly, the present petition is **allowed**. It is clarified that this order is passed in the peculiar facts and circumstances of the present case and shall not be treated as a precedent. No orders are passed as to cost. Pending applications, if any, shall stand disposed.

15. Registrar (Judicial) is directed to forward a copy of the present order to the Chairman, National Medical Commission; the Secretary to the Ministry of Health and Family Welfare, Government of India; and the Chief Secretary, State of Rajasthan for appropriate scruitnization of the issue.

(SAMEER JAIN),J

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