

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

S.B. Civil Writ Petition No. 15081/2025

Sudha Medical College, Through Its Principal And Controller Sh. Radhey Shyam Meena S/o Sh. Shri Ratan Lal Meena, Situated At 128, Gram Umaidpura, Via Jagpura, Tehsil Ladpura, Jhalawar, Nh-52, Kota-325 003.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Medical Education Department (Grade-I)- Government Of Rajasthan, Situated At Secretariat, Jaipur (Rajasthan).
2. Rajasthan University Of Health Sciences, Through Registrar, Having Registered Office At Sector-18, Kumbha Marg, Pratap Nagar, Tonk Road, Jaipur-302035.
3. National Medical Commission, Through Its General Secretary, Having Registered Office At Aiwan-E-Galib Market, Pocket-14, Sector-8, Dwarka, Phase-I, New Delhi.
4. Medical Assessment And Rating Board (Marb), Through Its President Having Registered Office At Aiwan-E-Galib Market, Pocket-14, Sector-8, Dwarka, Phase-I, New Delhi.

----Respondents

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For Petitioner(s)	:	Mr. Sandeep Singh Shekhawat with Mr. P.S. Naruka
For Respondent(s)	:	Mr. Yash Joshi Mr. Angad Mirdha with Ms. Monisha Agarwal

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**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Order**

**RESERVED ON** : **13/10/2025**

**PRONOUNCED ON** : **16/10/2025**

1. The present writ petition has been filed on behalf of the petitioner - Sudha Medal College (for short "petitioner-college") with following prayer :-

*"It is, therefore, most humbly prayed before this Hon'ble Court that the writ petition so preferred by the*

*petitioners be kindly allowed and accepted by the Hon'ble Court wherein after the Hon'ble Court be pleased to pass appropriate writ, order or direction to the respondents in the nature of :*

- I To direct the respondent RUHS to grant affiliation for a period of three years from A.Y 2025-26;*
- II To direct the respondents RUHS to immediately reopen its online portal and issue the fresh consent of affiliation on favour of the petitioner for the increase of intake of 50 seats from 100 to 150 for the admission in undergraduate course from the A. Y. 2025-26 respectively.*
- III. Any other writ or direction that the court deems fit, just and proper may kindly be issued in favour of the petitioner.*
- IV. Costs may kindly be also awarded in favor of the petitioner."*

2 The facts germane to the present writ petition as narrated in the pleadings as well as during elaborate arguments advanced on behalf of the parties, are briefly stated as under :-

2.1 The petitioner – medical college has been established by providing all the necessary infrastructure, academic facilities and faculties as required under various regulations, regulating the standard of Medical & Health Education and basic requirements laid down by the respondent - National Medical Commission (for short "respondent - **N.M.C.**").

2.2 The Department of Medical Education, Rajasthan after conducting exhaustive verification and assessing the entire record of the petitioner-college, has issued the Essentiality Certificate dated 24.03.2023 (Annx.1) granting permission to the petitioner-college for opening a new medical college with an intake capacity of 150 seats and having validity of three Academic Years (AY) 2023-24, 2024-25 & 2025-26.

- 2.3 Based upon the said essentiality certificate, the respondent - Rajasthan University of Health Science (for short "respondent - **RUHS**") after assessing the availability of the required resources, has granted Consent of Affiliation (for short "**CoA**") dated 09.04.2023 to petitioner - college with an intake capacity of 150 seats for MBBS Course.
- 2.4 Along with said two requisites i.e. Essentiality Certificate and CoA, the petitioner - college has applied to the N.M.C. for grant of permission for establishment of a medical college with an intake capacity of 150 seats for the AY 2024-25 onwards. However, after inspection, the respondent - N.M.C. issued the Letter of Permission dated 04.07.2024 with an intake capacity of 100 seats of MBBS Course for AY 2024-25.
- 2.5 The grant of permission only to the extent of 100 MBBS seats for AY 2024-25 was challenged by the petitioner - college on various grounds before the First Appellate Authority, Second Appellate Authority and before the learned Single Bench of this Hon'ble Court. However, the order dated 04.07.2024 has not been interfered with. D.B. Special Appeal Writ No.653/2024 titled as "*Indian Mission of Medical Sciences Society vs. Union of India & ors.*" so filed by the petitioner - college is pending consideration before learned Division Bench.
- 2.6 It was also stated that however, the present case relates to increase of seats from 100 to 150 for the AY 2025-26 only. For the said purpose, the petitioner - college has applied to the Medical Assessment and Rating Board (for short

"**MARB**") of the respondent - N.M.C. in prescribed format along with requisite documents.

- 2.7 After scrutinizing the said application, the MARB vide Show Cause Notice dated 21.05.2025, pointed out two deficiencies viz. **(i)** Consent of Affiliation dated 09.04.2023 was used once for AY 2024-25 and the same CoA is used for this year application and as such, CoA is invalid; and **(ii)** Renewal Certificate for continuation of the course by UGMEB to be provided, for which seven days time was given to the petitioner - college to rectify the said deficiencies.
- 2.8 In pursuance of the said Show Cause Notice dated 21.05.2025 (Annx.8), the petitioner - college has approached to the respondent - RUHS and requested for issuance of CoA for 150 seats in view of the fact that initially the CoA Letter dated 09.04.2023 (Annx.2) was issued with 150 seats only.
- 2.9 It was stated that instead of issuing the fresh CoA, the respondent - RUHS sent Communication dated 27.05.2025 (Annx.9) to the respondent - N.M.C. stating therein that the CoA issued by the RUHS to Sudha Medical College, Kota on 09.04.2023 shall be valid for three academic years from the date of issue i.e. valid upto 08.04.2026.
- 2.10 Thus, the petitioner - college remained under bonafide belief that the said clarification would serve the purpose and the N.M.C. will consider the CoA dated 09.04.2023 to be valid for three years. However, the respondent - N.M.C. issued Letter of Disapproval on 08.09.2025 (Annx.10) and

rejected the proposal for increase of intake capacity of MBBS seats from 100 to 150 on the same two grounds.

2.11 In such circumstances, the petitioner - college submitted representation dated 09.09.2025 to the respondent - RUHS requesting for issuance of a fresh CoA with 150 seats and also requested to open the online portal for submitting fresh application in that regard.

2.12 In spite of the request being made, since no action has been taken by the respondent - RUHS, hence, the petitioner - college preferred the present writ petition.

3. The short reply to the writ petition has been filed on behalf of the respondent - RUHS objecting the prayer made on behalf of the petitioner - college raising preliminary objection that the petitioner - college has concealed a material fact that earlier for the AY 2025-26, the petitioner - college applied for affiliation only with intake capacity of 100 seats and the same has already been granted to the petitioner - college. However, the said fact has not been disclosed by the petitioner - college.

3.1 Counsel for the respondent further submitted that the petitioner - college is having an alternate remedy for challenging the Letter of Disapproval dated 08.09.2025, thus, the present writ petition is not maintainable.

3.2 It was submitted that as a matter of fact, there are four categories of affiliation viz. Fresh Affiliation, Provisional Affiliation, Annual Affiliation and Long Term Affiliation. The Clause 4 of the Ordinance 80 of RUHS Ordinance prescribed the criteria for fresh affiliation. It was stated that Affiliation Fee Calendar Notification dated 31.12.2024 with its amendment order dated 31.01.2025

provided that the last date for submission of application for affiliation for AY 2025-26 was 09.03.2025. After the said cut-off date, no new application for grant of CoA can be entertained. Therefore, the prayer made on a belated stage cannot be entertained.

3.3 Counsel for the respondent - RUHS submitted that since the counseling process for AY 2025-26 has already started and reached to a substantial stage, no application for fresh CoA can be considered. Counsel for the respondent - RUHS, thus, prayed for dismissal of the writ petition.

4. On behalf of the respondent - N.M.C., Mr. Angad Mirdha, Advocate has submitted that as a matter of fact, no specific relief as against the N.M.C. has been prayed in the writ petition, however, it is submitted that the order dated 08.09.2025 disapproving the proposal for increase of seats from 100 to 150 is an appealable order, for which the petitioner - college has already filed an appeal before the Appellate Authority and therefore, the present writ petition is not maintainable.

5 Counsel for the respondent - N.M.C. while referring to Clause 9 of the Establishment of New Medical Institutions, Starting of New Medical Courses, Increase of Seats for Existing Courses & Assessment and Rating Regulations, 2023 (for short "**Regulations of 2023**") stated that the same provides that "a Consent of Affiliation (CoA) letter obtained from a recognized university, issued in the name of applicant entity in writing. The CoA shall be valid at the time of application". It was stated that once the CoA has been used for a particular year, the same CoA cannot be used

for another year and since the petitioner - college has failed to submit a fresh CoA, the letter of disapproval was rightly passed.

5.1 Counsel for the respondent - N.M.C. also submitted that in spite of the fact that the essentiality certificate or fresh CoA may be submitted by the college, grant of approval will always be within the domain of the N.M.C. based upon the inspections being carried out by the N.M.C. and therefore, no specific directions in that regard can be issued by this Hon'ble Court to the N.M.C.

6. During the course of arguments, counsel for the petitioner argued that inaction on the part of the respondent - RUHS is wholly unjustified as once the respondent - RUHS has already sent a clarification dated 27.05.2025 (Annx.9) directly to the N.M.C. specifying that original CoA dated 09.04.2023 is having its validity for three academic years, there exists no justifiable reason to deny issuance of fresh CoA with 150 seats. On such argument, this Court orally directed the counsel for the RUHS to apprise the Court, the reasons for issuing the clarification dated 27.05.2025 (Annx.9) to the N.M.C.

6.1 On instructions, learned counsel for respondent - RUHS has shown to this Court copies of the applications dated 23.05.2025 and 24.05.2025 submitted by the petitioner - college, in pursuance of show cause notice dated 21.05.2025, requesting for issuance of a fresh CoA with intake capacity of 150 seats. This Court found that upon the application dated 23.05.2025, the Registrar - RUHS has appended a note that since the petitioner - college is ready to deposit the additional fee for grant of affiliation for increase of 50 seats, direction was issued to open the online portal for the petitioner - college to apply for fresh CoA. However,

on the next day, upon an application dated 24.05.2025, the clarification issued by the respondent – RUHS was sent directly to the N.M.C.

6.2 Petitioner’s counsel submitted that, in fact, the respondents themselves had instructed the petitioner - college to apply solely for clarification, since the validity period of the original CoA will be clarified as three years, the same will satisfy the requirement of N.M.C. Under the directions of this Court, the counsel for the respondent – RUHS placed the said applications on record.

7. While advancing the arguments, the counsel for the petitioner – college asserted that being satisfied with the availability of infrastructure facilities as well as sufficient number of faculties and also looking to the need of the medical practitioners in the State of Rajasthan, the State Government has already issued an essentiality certificate for 150 seats in favour of the petitioner - college. The respondent - RUHS has also issued the original affiliation letter dated 09.04.2023 with intake of 150 seats, however, later on since N.M.C. has only granted permission for 100 seats, the respondent - RUHS has issued the letter of affiliation with 100 seats, however, at that time, inadvertently the validity period was not shown to be three years, which has been admitted by the respondent - RUHS itself in its clarification dated 27.05.2025. In such circumstances, denial of grant of fresh CoA by opening online portal on behalf of the respondents is absolutely unjustified, arbitrary and malafide.

8. On the other hand, counsel for the respondent - RUHS submitted that in view of the Notification dated 31.12.2024, the calendar for grant of affiliation has already been issued and since

the petitioner - college has not applied for affiliation of 150 seats, the same cannot be granted at the belated stage.

9. Heard the rival submissions advanced by the counsel for the parties and perused the material available on record.

10. Before proceeding with the merits of the case, this Court deems it proper to first deal with the preliminary objection raised on behalf of the respondent - RUHS. The respondents stated that the principle grievance of the petitioner is rejection of its proposal for increase of seats by N.M.C. vide its Letter of Disapproval dated 08.09.2025, against which the statutory remedy is available, therefore, the writ petition is not maintainable.

11. Counsel for the petitioner submitted that the challenge to the letter of disapproval issued by N.M.C. and non-grant of formal letter of CoA for AY 2025-26 by RUHS are too different issues. Further, even if the letter of disapproval has been challenged by the petitioner - college before the Appellate Authority, the requirement of formal letter of CoA with 150 seats still subsist, which has been denied by the respondents, for which no statutory remedy is available to the petitioner. In the opinion of this Court, the Letter of Disapproval dated 08.09.2025 is not questioned in the present writ petition and the issue raised in the present writ petition is confined to non-grant of fresh/formal letter of CoA by the respondent - RUHS, for which no specific statutory remedy is available with the petitioner - college. Thus, the objection regarding availability of alternate remedy is not tenable in the peculiar circumstances of the present case.

12. Counsel for the respondents also submitted that the petitioner - college has not come with clean hands and the fact

that an application for grant of affiliation with 100 seats for AY 2025-26 as submitted by the petitioner - college, had already been approved, was willfully concealed by the petitioner - college.

12.1 The present controversy concerns the requirement for a fresh CoA with 150 seats, which arose only after the issuance of the show cause notice dated 21.05.2025 by the N.M.C., and the subsequent Letter of Disapproval dated 08.09.2025 issued on the same basis. The petitioner-college's entire case rests on the assertion that, since the respondent - RUHS had already issued a clarification on 27.05.2025 (Annx.9) stating that the original CoA is valid for three years, there is no justification for denying the formal CoA on the same terms. In this context, the Court is of the considered opinion that the omission to mention the already granted affiliation for 100 seats cannot be regarded as a concealment of a material fact that would justify denying equitable relief. It is a well-settled principle of law that non-disclosure becomes actionable or blameworthy only when the concealed information is material i.e. significant enough to influence a legal decision. In other words, mere concealment is not enough, there should be concealment of a material fact, which is not the situation in the present case. Thus, the said objection is also not tenable.

13. The counsel for the respondent - RUHS also raised an objection that the request for grant of CoA with 150 seats has been raised on a belated stage and in view of the fact that the third counseling is already going on, the same cannot be permitted.

13.1 The facts of the present case considered in chronology reveals that the application of the petitioner – college for increase of intake capacity from 100 to 150 seats was pending consideration with the N.M.C. and the first show cause notice was issued on 21.05.2025 specifying the deficiencies regarding fresh CoA with 150 seats. In response to the same, the respondent – RUHS itself issued clarification dated 27.05.2025 clarifying that validity of original CoA dated 09.04.2023 is of three years. The said clarification itself was not found sufficient and based upon the same, the letter of disapproval dated 08.09.2025 was issued. In these circumstances, the cause of action for seeking fresh CoA with 150 seats (in terms of the clarification dated 27.05.2025) arisen to the petitioner – college only after the letter of disapproval dated 08.09.2025. Immediately, upon the same, representation dated 09.09.2025 (Annx.11) was submitted by the petitioner – college and thereafter, the present writ petition has been filed. Thus, it cannot be concluded that the prayer made in the writ petition has been made on a belated stage. As a matter of fact, there is no delay or latches on the part of the petitioner – college.

13.2 The writ petition has been preferred on 23.09.2025 and the order rejecting the representation was issued by the respondent – RUHS on 24.09.2025 i.e. after filing of the present writ petition on the ground that last date for affiliation fee calendar has already lapsed.

13.3 While replying to the objection regarding stage of counseling process, counsel for the petitioner – college has submitted that even after completion of the counseling of third round, there will

be a counseling for stray seats. The counsel for the petitioner – college also relied upon the order dated 20.12.2024 passed by the Hon'ble Supreme Court in **Writ Petition (C) No. 833/2024 "Era Lucknow Medical College and Hospital vs. The State of Uttar Pradesh & ors."**, wherein the Hon'ble Supreme Court has clearly expressed its concern that when the country is facing acute shortage of doctors, the precious medical seats should not go in waste. The relevant extract of the said order dated 20.12.2024 is quoted below :-

".....

*5. Taking into consideration the peculiar facts and circumstances and further that the precious medical seats should not go in waste, when the country is facing acute shortage of Doctors, we are inclined to extend the period by way of a last chance.*

*6. The Admission Authorities are, therefore, directed to hold a fresh stray/special counselling for the seats remaining vacant and complete the admission process prior to 30.12.2024 in any eventuality.*

*7. It is further directed that no college would be permitted to admit the students directly and admission should be conducted only through the State Admission Authorities.*

*8. We, however, clarify that the stray/special admission process should not disturb the admission which are already finalized and the admissions would be made only from the waitlisted candidates.*

*9. Needless to state that the NRI seat which is vacant would also be converted into the General Category Quota, however, to be filled through the State Admission Authorities.*

....."

13.4 Although, this Court at this stage is not issuing any directions regarding counseling process, however, looking to the chronological events of the present case, as discussed above and in view of the order dated 20.12.2024 passed in the case of Era

Lucknow Medical College (supra), the objection raised by the respondents regarding delay on the part of the petitioner – college is not sustainable.

14. With regard to the issue in the present case concerning the request for a direction to the respondent – RUHS to open the online portal for grant of formal letter of CoA with 150 seats, the sole ground for denial cited by RUHS is that the deadline prescribed under the affiliation fee calendar dated 31.12.2024 has already passed, therefore, no new application can be entertained. However, record of the case shows that said notification nowhere provides that the last date for application once fixed, cannot be extended in any situation. Rather, the said notification was subsequently modified by RUHS itself through a letter dated 31.01.2025, whereby the last date for submission of applications was extended. Therefore, it cannot be asserted that RUHS strictly adhered to the original notification, as it had itself granted an extension.

14.1 Peculiarly in the present case, in relation to the application of the petitioner – college seeking increase of intake capacity, the N.M.C. vide its show cause notice dated 21.05.2025 has informed two deficiencies viz. (i) fresh Letter for Consent of Affiliation for AY 2025-26; and (ii) Renewal Certificate. Immediately, thereupon the petitioner – college submitted a request letter on 23.05.2025 (Annx.A/2), whereupon the competent authority of the respondent – RUHS has appended a note directing the concerned official to open the online portal for grant of affiliation to the petitioner – college. The note so appended upon the petitioner – college's application is quoted below :-

**"Kindly open the online affiliation portal of the university to apply for 150 seats of MBBS Course for Session 2025-26. As per University norms, the institute is ready to pay any additional affiliation fee along with late fee and penalty."**

Thus, the said directions issued by the competent authority of the respondent – RUHS clearly shows that it was well permissible for the respondent – RUHS to consider the application for CoA even beyond the time prescribed in the affiliation fee calendar.

14.2 Although, the petitioner – college was ready to pay the affiliation fee of additional 50 students along with late fee and penalty, the Registrar of the respondent – RUHS, instead of opening the online portal, has proceeded to issue a communication dated 27.05.2025 directly to the N.M.C. clarifying that the validity of the original CoA dated 09.04.2023 is upto three years. The relevant extract of the said letter dated 27.05.2025 is quoted below :-

*"F.8-Academic-2/CF/35-00267/Sudha MC-Kota/7338*

*Date: 27/05/2025*

*The Secretary,  
National Medical Commission (NMC)  
Pocket-14, Sector-8, Dwarka Phase 1  
New Delhi - 110 077*

*Subject : Clarification regarding the validity of Consent of Affiliation issued to Sudha Medical College, Kota - reg.*

*Sir,*

*This is to bring to your kind attention that Rajasthan University of Health Sciences (RUHS), Jaipur had issued a Consent of Affiliation to Sudha Medical College, Kota (Rajasthan) vide letter dated 09.04.2023, for starting the MBBS course with an annual intake of 150 seats for the academic session 2024-25, based on*

*the Essentiality Certificate issued by the Department of Medical Education (Gr.-1), Government of Rajasthan dated 24.03.2023.*

*It is humbly submitted that as per the prescribed format of the National Medical Commission for issuing Consent of Affiliation, the validity of such consent is three academic years from the date of issue. However, due to an inadvertent oversight at the time of issuance, this clause specifying the validity period was not mentioned in the said Consent of Affiliation letter.*

*In light of the above and considering the standard format and requirement prescribed by the NMC, it is hereby clarified that:*

***The Consent of Affiliation issued by RUHS to Sudha Medical College, Kota on 09.04.2023 shall be valid for three academic years from the date of issue, i.e., valid up to 08.04.2026.***

*This clarification may kindly be taken on record.*

sd/-  
(Harphool Pankaj)  
Registrar"

In view of the said clarification, the petitioner – college remained under bonafide belief that the said clarification itself will be considered by the N.M.C. as a CoA having validity even for AY 2025-26, however, in the Letter of Disapproval dated 08.09.2025, the N.M.C. has rejected the said proposal for want of the fresh formal letter of CoA for AY 2025-26.

14.3 In light of the fact that the original Affiliation Fee Calendar Notification dated 31.12.2024 was modified and extended by the respondent — RUHS itself and in relation to the petitioner-college's application dated 23.05.2025, already a direction was issued that the portal be opened for issuing a fresh CoA to the petitioner - college, taking a contrary stand at this stage, is not permissible. The sole justification provided by RUHS that no new application can be considered after the last date prescribed in the Affiliation Fee Calendar, is clearly self-contradictory and

unfounded. Such a reason, being arbitrary cannot serve as valid ground for denying the issuance of a fresh CoA to the petitioner-college.

14.4 The conduct of the respondent - RUHS is clearly unreasonable and irrational as once the respondent - RUHS has already issued a CoA dated 09.04.2023 with 150 seats, thus, it is clear that the respondent - RUHS was very much satisfied that the petitioner - college deserves to get an affiliation for medical college with 150 seats. So also once the respondent - RUHS by its clarification dated 27.05.2025 has itself clarified that the original CoA dated 09.04.2023 issued in favour of the petitioner - college is valid for three academic years i.e. valid upto 08.04.2026, there cannot be any justification in not issuing the fresh/formal CoA in the same terms.

14.5 The counsel for the respondent - RUHS candidly admitted before this Court that the grant of the consent of affiliation is based upon the essentiality certificate issued by the State Government. In the present case, the essentiality certificate (Annx.1) has already been issued by the State Government for three academic years i.e. 2023-24, 2024-25 & 2025-26. Thus, the basic requirement for issuance of a CoA by the respondent - RUHS in favour of the petitioner - college clearly exists. Thus, there cannot be any impediment for the respondent - RUHS for issuing the formal CoA for the AY 2025-26 with 150 seats.

The petitioner - college has stated that it has provided all the necessary infrastructural facilities as well as required number of faculties by investing huge resources for running a medical college with intake capacity of 150 seats and the application for

increase of seats from 100 to 150 has been denied the consideration merely on the count of non-grant of formal letter of CoA by the respondent - RUHS. The respondent - RUHS cannot be allowed to frustrate the prospects of a medical college stated to be having necessary infrastructural facilities for 150 seats on hyper-technical grounds.

15. In view of the peculiar facts of the present case, instant writ petition is allowed. The respondent - RUHS is directed to permit the petitioner - college to submit an application for grant of CoA with intake capacity of 150 seats/for increase of 50 seats for AY 2025-26 either offline or online (by opening the online portal) forthwith and the prayer of the petitioner - college for grant of CoA shall be considered in accordance with law.

16. It is made clear that the order dated 24.09.2025 (Annx.15) issued by the respondent - RUHS as well as the reasons mentioned therein shall not be taken into account by the respondent - RUHS while considering the petitioner - college's application for grant of fresh/formal CoA.

17. It is also made clear that no specific direction as such is issued to the respondent - N.M.C. in the present writ petition.

18. All pending application(s), if any, also stands disposed of.

**(SANJEET PUROHIT),J**

INDER/