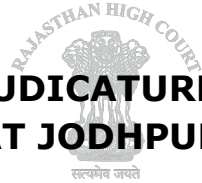




[2025:RJ-JD:9855]

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



S.B. Civil Writ Petition No. 17615/2024

Surendra Bisnoi S/o Shri Ram Niwas Bisnoi, Aged About 25 Years, Resident Of 29, Subhash Colony, Behind Police Station, Nagaur (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary Department Of Medical And Health, Rajasthan, Jaipur.
2. National Medical Commission, Pocket - 14, Sector - 8, Dwarka Phase - 12, New Delhi - 110077, India.
3. Rajasthan University Of Health Sciences, Sector - 18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan 302033, India
4. The Principal, Government Medical College, Pali National Highway 62, Sumerpur Rd., Ramasia, Hemawas, Pali - 306401,

-----Respondents

Connected With

S.B. Civil Writ Petition No. 17854/2024

Abhishek Singh S/o Dinesh Singh, Aged About 25 Years, R/o Pithas, Kurdaya, District Nagaur (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary Department Of Medical And Health, Rajasthan, Jaipur.
2. National Medical Commission, Pocket-14, Sector-8, Dwarka Phase-12, New Delhi - 110077, India.
3. Rajasthan University Of Health Sciences, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan 302033, India.
4. The Principal, Government Medical College, Barmer.

-----Respondents

S.B. Civil Writ Petition No. 17883/2024

Vedang Sharma S/o Deepak Sharma, Aged About 20 Years, 304, Skyway-2, Sector 2, Vidhyadhar Nagar, Jaipur (Raj.).



[2025:RJ-JD:9855]



[CW-17615/2024]

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Medical And Health, Rajasthan, Jaipur.
2. National Medical Commission, Pocket-14, Sector -8, Dwarka Phase - 12, New Delhi - 110077, India
3. Rajasthan University Of Health Sciences, Sector 18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan 302033, India.
4. The Principal, Government Medical Collect, Barmer.

----Respondents

S.B. Civil Writ Petition No. 17899/2024

Asmit S/o Shri Mahendra Kumar, Aged About 21 Years, Resident Of Mandha Bhim Singh, Jaipur (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary Department Of Medical And Health, Rajasthan, Jaipur.
2. National Medical Commission, Pocket-14, Sector-18, Dwarka Phase-12,new Delhi - 110077, India.
3. Rajasthan University Of Health Sciences, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan 302033, India.
4. The Principal, Government Medical College, Barmer.

----Respondents

S.B. Civil Writ Petition No. 17911/2024

Mohit Kumar Dodiya S/o Shri Raman Lal Dodiya, Aged About 20 Years, Resident Of Naharpura, Banswara (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary Department Of Medical And Health, Rajasthan, Jaipur.
2. National Medical Commission, Pocket-14, Sector-8, Dwarka Phase-12, New Delhi - 110077, India.
3. Rajasthan University Of Health Sciences, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan 302033,



India.

4. The Principal, Government Medical College, Pali National Highway 62, Sumerpur Rd., Ramasia, Hemawas, Pali - 306401.

-----Respondents

S.B. Civil Writ Petition No. 17915/2024

Chirag Bhuriya S/o Shri Devisingh Bhuriya, Aged About 25 Years, Resident Of Ward No. 03, Dayanad Marg Kushalgarh, Dist. Banswara (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary Department Of Medical And Health, Rajasthan, Jaipur.
2. National Medical Commission, Pocket-14, Sector-8, Dwarka Phase-12, New Delhi - 110077, India.
3. Rajasthan University Of Health Sciences, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan 302033, India.
4. The Principal, Government Medical College, Pali National Highway 62, Sumerpur Rd., Ramasia, Hemawas, Pali - 306401.

-----Respondents

S.B. Civil Writ Petition No. 17918/2024

Prince Maida S/o Shri Prabhulal Maida, Aged About 20 Years, Resident Of Bhamedi, Parthipura, Ghatol, Banswara, (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary Department Of Medical And Health, Rajasthan, Jaipur.
2. National Medical Commission, Pocket- 14, Sector - 18, Dwarka Phase- 12, New Delhi - 110077, India.
3. Rajasthan University Of Health Sciences, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur Rajasthan 302033, India.
4. The Principal, Government Medical College, Pali National Highway 62, Sumerpur Rd., Ramasia, Hemawas, Pali - 306401.



----Respondents

S.B. Civil Writ Petition No. 17920/2024

Rohit Dodiya S/o Shri Moti Lal, Aged About 24 Years, Resident Of Samariya, Banswara, (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary Department Of Medical And Health, Rajasthan, Jaipur.
2. National Medical Commission, Pocket- 14, Sector - 8, Dwarka Phase - 12, New Delhi - 110077, India.
3. Rajasthan University Of Health Sciences, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan 302023, India.
4. The Principal, Government Medical College, Pali National Highway 62, Sumerpur Rd., Ramasia, Hemawas, Pali- 306401.

----Respondents

For Petitioner(s)	: Mr. Bhavit Sharma. Mr. Hukam Singh.
For Respondent(s)	: Ms Aditi Sharma for Mr. Mukesh Rajpurohit, Deputy Solicitor General of India. Mr. Parbat Singh, AGC. Mr. Mahendra Vishnoi.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

REPORTABLE

18/02/2025

Heard learned counsel for the parties.

The present batch of writ petitions involve similar question of facts and law, therefore, the same is being decided by this common order. For brevity, the facts mentioned in **S.B.Civil Writ Petition No.17615/2024 (Surendra Bishnoi V/s State of**



Rajasthan & Ors.) are taken into consideration for deciding the controversy involved in the present batch of writ petitions.

Briefly noted facts of the case are that the petitioner after having qualified the NEET examination was allotted Government Medical College, Barmer wherein he took admission in M.B.B.S. Course for the year 2023. While the petitioner was attending the classes of Ist year M.B.B.S. Course, he was diagnosed with Dengue and on account of the same, he could not attend his classes. After recovering from the illness, he regularly attended the College, however, he was not allowed to undertake the MBBS Ist year examination. The petitioner continued to attend his classes and when he was not allowed to appear in the supplementary examination, he approached this Court by way of filing the present writ petition.

Learned counsel for the petitioner submits that the petitioner's attendance was short on account of his illness and for other plausible reasons, therefore, he should have been allowed to appear in the supplementary examination. Learned counsel submits that the policy, which was in existence prior to the admission of the petitioner envisaged holding of remedial classes to complete short-fall of the attendance and since, after admission of the petitioner that policy was discontinued and the new policy framed by the respondents did not provide for such arrangement of holding remedial classes, the petitioner was required to be permitted to appear in the supplementary examination. He submits that for no fault of the petitioner, he has been made to suffer loss of one year. He further submits that this policy of 2023 was also subsequently withdrawn. Learned counsel further



submits that a new policy was introduced in the year 2024, which also envisaged for holding of the remedial classes. He submits that it is on account of only bad luck of the petitioner that he was not allowed to undergo the remedial classes, therefore, he was not in a position to complete his short-fall of attendance for the reasons beyond his control. Resultantly, the petitioner has suffered a loss of one year. Learned counsel further submits that one of the writ petition filed by similarly situated candidate was allowed and the person, who was similarly situated to the petitioner was allowed to undertake examination of first year MBBS Course along with the Second year MBBS course examination. He, therefore, prays that the petitioner may be allowed to undergo second year M.B.B.S. course along with first year MBBS Examination.

Per contra, learned counsel for the respondents submits that since the petitioner has not appeared in the main examination on account of shortage of his attendance, therefore, he cannot be allowed to sit in the supplementary examination. Learned counsel further submits that since the policy which was in vogue at the relevant time did not envisage holding of the remedial classes, therefore, no fault can be found with the respondents in not holding the remedial classes. It is a condition precedent for MBBS students to complete 75% attendance in theory and 80% in practical and clinical session for being eligible to appear in the University examination. Since, the petitioner has not completed the same, he has been rightly debarred from appearing in the First year examination of MBBS. Learned counsel further submits that the case of the petitioner is distinguishable from the case of Tanmay Kumar as in the case of Tanmay Kumar, his attendance



was short only in one subject, therefore, the Coordinate bench allowed the petitioner Tanmay Kumar to undergo his first year examination along with the second year examination, but in the present case, attendance of the petitioner is less than 75% in theory and 80% in practical/clinical sessions in all the subjects, therefore, no benefit can be extended to the petitioner vis-a-vis Tanmay Kumar in the present case. Further, the stay petition filed by the petitioner has also been dismissed by a coordinate bench vide its order dated 22.10.2024, therefore, at this stage, the petitioner cannot be allowed to appear in the first year (Supplementary) Examination, 2024 while pursuing second year examination of MBBS course.

I have considered the submissions made at the bar and gone through the relevant record of the case.

It is true that the petitioner was admitted in the MBBS Course in the year 2023 after passing the qualifying examination. While undergoing the MBBS Course, the petitioner was prevented from attending his classes as he was suffering from dengue. The similarly situated persons were also prevented from attending their classes for the reasons beyond their control. For appearing in the MBBS First Year examination, a student is required to have 75% attendance in theory and 80% in practical/clinical sessions. Admittedly, in the present case, the petitioner could not attend requisite number of classes in the practical and theory, therefore, he was not allowed to sit in the first year Examination of MBBS. As there was no provision for holding remedial classes at that relevant time, therefore, in the present case, remedial classes were not held.



In the considered opinion of this Court, attendance in the MBBS examination is crucial. If a student has not acquired the requisite attendance in both theory and practicals, it would be detrimental to allow them to proceed with the course, particularly for the second-year examination. The MBBS degree is intended for those who will eventually treat human beings, making it of significant importance. While passing the order, this Court has kept in mind that the petitioner is pursuing a professional course and, upon obtaining the degree, will be obligated to serve as a doctor. The importance of maintaining the highest standards in medical education cannot be overstated, as it directly affects the quality of healthcare provided to the public at large. Medical education requires strict adherence to attendance to ensure that students are sufficiently equipped with the knowledge and practical skills to become competent practitioners. In this regard, the Court recognizes the petitioner's role as a future healthcare provider and acknowledges the responsibility they will have in influencing the well-being of the community. The Court emphasizes that every nation must strive for academic excellence, especially in fields like medicine, which have a direct impact on public health. A society that allows widespread incompetency cannot thrive, and therefore, educational standards must not be allowed to be degraded to substandard levels.

Since, the petitioner has not completed the requisite number of attendance for theory and practical and stay application of the petitioner has also been dismissed by a coordinate bench of



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this court vide its order dated 22.10.2024, therefore, no relief can be granted to the petitioners at this stage.

In view of the discussion made above, the writ petitions filed by the petitioners are dismissed being bereft of merit.

No order as to costs.

(VINIT KUMAR MATHUR),J

68-75 Anil Singh/-

