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**(2011) 01 RAJ CK 0097**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 746 of 2011**

Dr. Amit Gupta and Another

APPELLANT

Vs

State of Raj. and Others

RESPONDENT

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**Date of Decision :** 19-01-2011

**Acts Referred:**

**Citation :** (2011) 01 RAJ CK 0097

**Hon'ble Judges :** Ajay Rastogi, J

**Bench :** Single Bench

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## Judgement

Ajay Rastogi, J.—Counsel for Petitioners submits that condition No. 2(B) incorporated in instruction booklet for Pre-PG Medical/Dental Entrance Examination-2011 for admission to MD/MS/MDS Diploma Courses, is arbitrary and the Petitioners who are eligible could not be deprived from participation seeking admission to MD/MS/MDS Diploma Courses as they are holding degree approved by the Indian Medical/Dental Council. Counsel further submits that in identical writ petition before the Main Seat at Jodhpur in CWP-989/10 while issuing notices to Respondents, interim order has also been passed directing Respondents to permit the Petitioner to submit admission form.

2. It is submitted that last date for submission of on-line form is 12th inst. and last date for physical submission of the form is 20th inst. and if the Petitioners' application form is not accepted by Respondent, they will be deprived from participation in the process initiated regarding admission to post graduation courses.

3. Issue notice to Respondents of writ & stay petition.

4. Mr. Virendra Lodha accepts notice on behalf of Respondents and wants time to file reply. Reply be filed, if so advised, within three weeks.

5. In the meanwhile, Respondents are directed to accept admission form of the Petitioners on depositing the fee in cash/Demand Draft and shall not reject the

same on the premise that they failed to fulfill condition No. 2(B) of the instruction booklet. However, if Petitioners are otherwise eligible may be provisionally permitted to participate in the written examination to be held for admission to the post graduate courses, as referred to supra, which will not confer right and shall be subject to final outcome of the writ petition. However, result of the Petitioners be kept in sealed cover and shall not be declared without seeking prior permission of this Court.