



**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S) ..... OF 2025**  
(ARISING OUT OF SLP (CIVIL) NO(S). 14014-14019 OF 2023)

**SIDDHANT MAHAJAN AND ORS. ...APPELLANT(S)**

**VERSUS**

**THE STATE OF RAJASTHAN  
AND ORS. ...RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NO ..... OF 2025**  
(ARISING OUT OF SLP (CIVIL) NO.11988-11990 OF 2023)

**CIVIL APPEAL NO. .... OF 2025**  
(ARISING OUT OF SLP (CIVIL) NO.12372-12373 OF 2023)

**CIVIL APPEAL NOS. .... OF 2025**  
(ARISING OUT OF SLP (CIVIL) NO(S).11566-11568 OF 2023)

**CIVIL APPEAL NOS. .... OF 2025**  
(ARISING OUT OF SLP (CIVIL) NO(S).12440-12447 OF 2023)

**CIVIL APPEAL NO. .... OF 2025**  
(ARISING OUT OF SLP (CIVIL) NO.24550 OF 2023)

**CIVIL APPEAL NO. .... OF 2025**  
**(ARISING OUT OF SLP (CIVIL) NO.2837 OF 2024)**

**CIVIL APPEAL NO. .... OF 2025**  
**(ARISING OUT OF SLP (CIVIL) NO.2724 OF 2024)**

**J U D G M E N T**

**VIJAY BISHNOI, J.**

Leave granted.

2. The present batch of appeals concerns the legality of the Bachelor of Dental Surgery (hereinafter referred to as “**BDS**”) course admissions granted in the State of Rajasthan for the academic year 2016-17 after lowering of the minimum percentile as prescribed for the National Entrance-cum-Eligibility Test (hereinafter referred to as “**NEET**”) UG examinations.
3. The appeals have been preferred against the final Judgment and Order dated **04.05.2023** (hereinafter referred to as “**impugned judgment**”) passed in **D.B. Spl. Appl. Writ No. 911/2018, D.B. Spl. Appl. Writ No. 957/2018, D.B. Spl. Appl. Writ No. 958/2018, D.B. Spl. Appl. Writ No. 959/2018, D.B. Spl. Appl.**

**Writ No. 963/2018, D.B. Spl. Appl. Writ No. 964/2018, D.B. Spl. Appl. Writ No. 1155/2018, D.B. Spl. Appl. Writ No. 1184/2018, D.B. Spl. Appl. Writ No. 1272/2018, D.B. Spl. Appl. Writ No. 1273/2018, D.B. Spl. Appl. Writ No. 1287/2018, D.B. Spl. Appl. Writ No. 1288/2018, D.B. Spl. Appl. Writ No. 1289/2018, D.B. Spl. Appl. Writ No. 1304/2018, D.B. Spl. Appl. Writ No. 1310/2018, D.B. Spl. Appl. Writ No. 1311/2018, D.B. Spl. Appl. Writ No. 1316/2018, D.B. Spl. Appl. Writ No. 1317/2018, D.B. Spl. Appl. Writ No. 1340/2018, D.B. Spl. Appl. Writ No. 1349/2018, D.B. Spl. Appl. Writ No. 1749/2018 and D.B. Spl. Appl. Writ No. 387/2018** (hereinafter referred to as **“the writ appeals”**) by the High Court of Judicature for Rajasthan at Jodhpur (hereinafter referred as **“the High Court”**). The Division Bench of the High Court, thereby dismissed the said writ appeals preferred by the appellants herein against the Judgment and Order dated 20.04.2018 passed by the Single Judge Bench of the High Court in S. B. Civil Writ Petition No. 13776 of 2017 and other connected petitions, whereby the said petitions were partly allowed and it was ordered that the admissions granted by applying the relaxation to the extent of 10 percentile and 5

percentile stood regularized and the students who had been admitted beyond the said relaxation stood discharged.

4. The appellants before us can be classified into the following three categories:

A. In appeals arising out of SLP (C) Nos.14014-14019 of 2023, 11988-11990 of 2023, 12372-12373 of 2023, 11566-11568 of 2023 and 24550 of 2023: Students, who were granted admission beyond the relaxation of 10 percentile and additional 5 percentile as was granted by the State of Rajasthan, are aggrieved by the impugned judgment for directing their discharge from the BDS course with immediate effect.

B. In appeals arising out of SLP (C) Nos.12440-12447 of 2023: The Dental Colleges of the State of Rajasthan, which granted admissions to the students, beyond the relaxation that was granted by the State of Rajasthan, are aggrieved by the impugned judgment, whereby the respective Colleges were penalised with costs of Rs.50,00,000/- each and were directed to pay compensation of Rs.25,00,000/- to every such student,

who was made to suffer on account of being illegally admitted to the BDS course.

C. In appeals arising out of SLP (C) Nos. 2837 of 2024 and 2724 of 2024: The Dental Council of India is challenging the impugned judgment so far as it regularises the admissions of students who were admitted to the BDS course on account of lowering the minimum percentile, beyond what is provided under sub-regulation 5 of Regulation II of the Revised BDS Course Regulations, 2007 (hereinafter referred to as “**the 2007 Regulations**”), by the State of Rajasthan.

### **FACTUAL MATRIX**

5. The Dental Council of India (hereinafter referred to as “**the DCI**”) is a body constituted under the provisions of the Dentists Act, 1948 (hereinafter referred to as “**the Act**”). With the aim of maintaining uniform standards for dental education at the undergraduate and postgraduate level in the country, the DCI, in exercise of the rule-making powers vested in it under Section 20 of the Act, framed the 1983 Regulations with the previous sanction of the Central Government. Thereafter, in the year 2007, the 2007

Regulations were introduced and amended from time to time, with the previous sanction of the Central Government. However, *vide* notification dated 31.05.2012, the 5<sup>th</sup> Amendment Regulations were introduced whereby sub-regulation 5 of Regulation II has been deleted and substituted with a new provision. The relevant provision of the 5<sup>th</sup> Amendment Regulations of 2007 is reproduced hereinbelow:

*“6. In the existing Sub-regulation 5 of Regulation II, under the heading “Procedure for selection to BDS course” shall be as follows:- shall be deleted and substituted as under:-*

*(i) There shall be a single eligibility-cum-entrance examination, namely “National Eligibility-cum-Entrance Test for admission to BDS course in each academic year”.*

*(ii) In order to be eligible for admission to BDS Course for a particular academic year, it shall be necessary for a candidate to obtain a minimum of marks at 50<sup>th</sup> percentile in “National Eligibility-cum-Entrance Test to BDS course” held for the said academic years. However, in respect of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, the minimum marks shall be at 40<sup>th</sup> percentile. In respect of candidates with locomotory disability of lower limbs terms of sub-regulation 4 above, after the commencement of these amendments, the minimum marks shall be at 45<sup>th</sup> percentile. The percentile shall be determined on the basis of highest marks secured in the All-India common merit list in “National Eligibility-cum-Entrance Test for admission to BDS course”.*

*Provided when sufficient number of candidates in the respective categories fail to secure minimum marks as prescribed in National Eligibility-cum-Entrance Test held for any academic year for admission to BDS Course, the Central Government in consultation with Dental Council of India may at its discretion lower the minimum marks required for admission to BDS Course for candidates belonging to*

*respective categories and marks so lowered by the Central Government shall be applicable for the said academic year only.*

*(iii) The reservation of seats in dental colleges for respective categories shall be as per applicable laws prevailing in States/Union Territories. An all-India merit list as well as State-wise merit list of the eligible candidates shall be prepared on the basis of the marks obtained in National Eligibility-cum-Entrance Test and candidates shall be admitted to BDS course from the said lists only.*

*(iv) No Candidate who has failed to obtain the minimum eligibility marks as prescribed in Clause (ii) above shall be admitted to BDS course in the said academic year.*

*(v) All admissions to BDS course within the respective categories shall be based solely on marks obtained in the National Eligibility-cum-Entrance Test.*

*(vi) To be eligible for admission to BDS course, a candidate must have passed in the subjects of Physics, Chemistry, Biology/ Biotechnology and English individually and must have obtained a minimum of 50% marks taken together in Physics, Chemistry and Biology/Biotechnology at the qualifying examination as mentioned in Sub Regulation 2 of Regulation I and in addition must have come in the merit list of "National Eligibility-cum-Entrance Test" for admission to BDS course. In respect of 'candidates belonging to Scheduled Castes, Scheduled Tribes or other Backward Class' the minimum marks obtained in Physics, Chemistry and Biology/bio-technology taken together in qualifying examination shall be 40% instead of 50%. In respect of candidates with locomotory disability of lower limbs in terms of sub-regulation 4, after the commencement of these amendments, of Regulation I above, the minimum marks in qualifying examination in Physics, Chemistry and Biology/Bio-technology taken together in qualifying examination shall be 45% instead of 50%.*

*Provided that a candidate who has appeared in the qualifying examination the result of which has not been declared, he/she may be provisionally permitted to take up the National Eligibility-cum-Entrance Test and in case of selection for admission to the BDS Course, he/she shall not*

*be admitted to that course until he fulfills the eligibility criteria under Regulation I.*

*(vii) The Central Board of Secondary Education shall be the organization to conduct National Eligibility-cum-Entrance Test for admission to BDS course.”*

6. Further, the Act was amended *vide* ordinance dated 24.05.2016 to introduce Section 10D, which provides for a uniform entrance examination for all dental educational institutions, with the proviso appended to the Section clarifying that the said provision was not applicable to a State, which had not opted for such examination. The relevant provision reads thus:

*“There shall be conducted a uniform entrance examination to all dental educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and such other languages and in such manner as may be prescribed and the designated authority shall ensure the conduct of uniform entrance examination in the aforesaid manner:*

*Provided that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Dental College or in a private Dental College) where such State has not opted for such examination.”*

Subsequently, this Court in **Sankalp Charitable Trust and Anr. v. Union of India and Ors.** reported in (2016) 7 SCC 487,

directed that the admissions to the MBBS and BDS course in the country can only be held through NEET and the State of Rajasthan also issued directions to this effect to all the government and private medical colleges that the admissions to the MBBS and BDS courses would only take place through NEET.

7. In the meantime, an advertisement was issued by the Federation of Private Medical and Dental Colleges of Rajasthan (hereinafter, referred to as “**the Federation**”) on 19.04.2016 regarding admissions to MBBS/BDS Courses for the Academic Session 2016-17. However, as observed earlier, in terms of the directions issued by this Court as well as the State of Rajasthan, admissions to the BDS course were required to be made solely through the NEET examination.
8. The substituted sub-regulation 5(ii) of Regulation II of the 2007 Regulations prescribes a minimum eligibility of the 50th percentile in NEET for admission to the BDS course for candidates in the unreserved category, with the eligibility fixed at the 40th percentile for SC/ST/OBC candidates and at the 45th percentile for candidates with locomotory disability of the lower limbs. The

proviso to clause (ii) of the sub-regulation 5 of Regulation II further provides that the Central Government, in consultation with the DCI, could lower the minimum marks required for admission to the BDS course at its discretion, when a sufficient number of candidates in their respective categories fail to secure the minimum marks as prescribed for qualifying the NEET examination in a particular academic year.

9. It is not in dispute that the Appellant/students appeared in the NEET 2016, and failed to secure the minimum percentile, as per the eligibility criteria laid down for admission in the course in question, and as such, they were not qualified to be admitted to the BDS course.
10. The State of Rajasthan *vide* letter dated 16.08.2016 informed the Convenor, NEET Counselling Board-2016, that 85% seats were required to be filled on the basis of combined counselling and the remaining 15% seats were to be filled by the private institutions in pursuance of the NEET Examination-2016. It was further directed that the admission process be completed by 30.09.2016.

11. The Federation issued a prospectus on 02.09.2016 regarding the counselling for MBBS/BDS courses. The counselling took place according to the said prospectus, wherein in the first round of counselling, against 892 seats in 11 dental colleges within the State of Rajasthan, only 225 candidates opted for the BDS course, and the same were accordingly allotted to the said 11 dental colleges.
12. In such circumstances, considering that a large number of BDS seats remained vacant, the Federation addressed representation dated 23.09.2016 to the Central Government and the DCI to lower the minimum NEET qualifying percentile required for admission to the BDS course in order to fill up the huge number of vacant seats.
13. In the meanwhile, this Court in **Ashish Ranjan & Ors. v. Central Government & Ors.** [W.P. (C) No. 76/2015] *vide* order dated 27.09.2016 extended the deadline for admissions to the BDS course up to 07.10.2016.

14. The Central Government forwarded the Federation's representation dated 23.09.2016 to the State of Rajasthan *vide* communication dated 29.09.2016 for taking necessary action as deemed fit. The relevant portion of the said letter is extracted hereunder:

*"... I am directed to forward herewith a copy of the representation of Federation of Private Medical and Dental Colleges of Rajasthan vide no. FPMDCR/Admn/2016-17/223 dated 23.09.2016 received in this Ministry on the subject cited above for necessary action as deemed fit..."*

15. After receiving the letter dated 29.09.2016, the State of Rajasthan, through its letter dated 30.09.2016 addressed to the Federation, permitted the lowering of the NEET qualifying percentile by 10 percentile, while clarifying that the said relaxation would be applicable only for the concerned academic year, i.e. Session 2016-

17. The relevant portion of the said letter is reproduced hereinbelow:

*"...With reference to the subject cited above you are hereby permitted to lower the marks to an extent of 10 percentile so that the optimal number of seats is filled through transparent and fair process without compromising merit. This will be applicable for this academic year only, will not be used as precedent for next and further academic years..."*

16. The Federation, in pursuance of the said order by the State of Rajasthan, conducted the counselling process for admissions to the BDS course across 11 private dental colleges in the State of Rajasthan. The students who had appeared in NEET examination-2016 and possessed the required 10+2 qualifications, though not originally qualified as per the minimum stipulated percentile, were allotted seats based on merit from the NEET rank list after giving a relaxation of 10 percentile.
17. Meanwhile, in its meetings held on 30.09.2016 and 01.10.2016, the General Body of the DCI, while noting that the State Government had already reduced the NEET qualifying percentile by 10 percentile for the academic year 2016-17 *vide* letter dated 30.09.2016, thereby bringing it down to 40th percentile for the general category and 30th percentile for the reserved category, through its letter dated 03.10.2016, informed the Central Government of this development and requested the Central Government to take an early final decision with a recommendation that relaxation up to 10 percentile be granted only for that particular year and not be treated as a precedent for the future.

The DCI also took note of the fact that there were a large number of vacant BDS seats across the country and the last date of admission, i.e. 07.10.2016 was approaching. The relevant portion of the said letter is reproduced hereunder:

*“...I am directed to refer to the subject cited above and to say that the General Body in its meeting of its 136th session scheduled at New Delhi on 30th September and 1” October, 2016, considered the representation received from various States (copies enclosed) including dental colleges, to lower down the percentile to fill up the seats lying vacant in BDS Course after exhausting State Lists. The General Body, in conformity with the provisions that when sufficient number of candidates in the respective categories fail to secure minimum marks as prescribed in National Eligibility Cum Entrance Test held for any academic year for admission to MBBS/BDS Courses, the Central Government, in consultation with Medical Council of India and Dental Council of India, may at its discretion lower the minimum marks required for admission to MBBS/BDS Courses for candidates belonging to respective categories and marks so lowered by the Central Government shall be applicable for the said academic year only.*

*2. This issue came up for kind consideration of the Hon'ble Supreme Court on 23.9.2016 in the matter of Federation of Pvt. Medical and Dental Colleges for Rajasthan (FPMDCR) & Anr. Vs. UOI & Ors. in WP No. 747/2016 and the Hon'ble Supreme Court was pleased however to dispose of as withdrawn but without expressing any opinion on the merits of the case, directed Central Government to decide the representation of petitioner Federation from the date of receipt of it.*

*3. The Govt. of Rajasthan, Director of Medical Education, vide its communication No. F7(119)DME/Acad/2015-pt-1/6777 on 30.09.2016 (copy enclosed) addressed to the Chairman, Federation of Medical and Dental Colleges of Rajasthan, has, inter-alia permitted to lower the marks to an extent of 10 percentile so that the optimal number of seats is filled through transparent and fair process without compromising merit. This will be applicable for the academic*

*year only, will not be used as precedence for next and further academic years.*

*4. The General Body after taking into consideration the fact that the CBSE has, by and large, prescribed the course curriculum/syllabus of the NEET purely based on its syllabus and the CBSE Board is existing most properly in urban areas not in rural areas. The students of rural areas are rarely enrolled with CBSE Board and they have pursued their courses from the board constituted by the respective state or any other board. The issue has now been considered by the General Body in its meeting held on 30<sup>th</sup> September and 1<sup>st</sup> October, 2016 and decided to recommend to the Central Government in terms of the proviso (b) of the Eligibility Criteria has prescribed in Chapter 6 captioned as MERIT LIST AND QUALIFYING CRITERIA, that in order to fill up the seat lying vacant in BDS Course as reported from the different part of the country, the 50<sup>th</sup> percentile prescribed for general category and 40<sup>th</sup> percentile for reserve category be reduced by 10<sup>th</sup> percentile. The student secured 40<sup>th</sup> percentile in general category and 30<sup>th</sup> percentile for reserved category be made eligible for admission in BDS Course only for the current academic session 2016 not to be quoted as precedent in future, provided that there shall be no deviation or relaxation from academic qualification and percentage as prescribed by the Dental Council of India in its Revised BDS Course Regulation, 2007 and all the students shall be made only from the students who have appeared in NEET purely on their order of merit. These recommendations be sent to Central Government to take its final decision in the matter so as to cope with the last date i.e. 7.10.2016 for completion of admission in BDS Course.*

*5. In view of the above, decision taken by the General Body is communicated to the Central Government to take its final decision in the matter as early as possible...”*

18. On the very next day, i.e. 04.10.2016, the State of Rajasthan granted a further relaxation of 5 percentile for special exigency cases, citing that a large number of seats remained vacant despite granting relaxation up to 10 percentile. As such the total reduction

allowed by the State of Rajasthan added up to 15 percentile. It was also clarified by the State of Rajasthan that the said arrangement will be applicable to the concerned academic year only and will not be used as a precedent for future academic years. The said letter dated 04.10.2016 was sent to the Ministry of Health and Family Welfare and not to the Federation and the private dental colleges and through this letter, the State of Rajasthan also sought post-facto approval from the Central Government of the relaxations allowed by it *vide* letter dated 30.09.2016 and 04.10.2016. The relevant portion of the letter is extracted below:

*“...With reference to the subject cited above looking to the large number of seats remaining vacant after initial rounds of counseling State has permitted to lower the qualifying marks to an extent, of 10 percentile, and additional 5 percentile in special exigency cases to that general number of seats is filled through transparent and fair process without compromising merit. This will be applicable to this academic years only, will not be used as precedence for the following and further academic years. This is submitted for post facto approval...”*

19. Though, the DCI *vide* an earlier letter dated 03.10.2016 had already recommended to the Central Government for granting a relaxation of 10 percentile, but subsequently addressed a letter dated 05.10.2016 to the Central Government, stating that the

relaxation granted by the State of Rajasthan was *void ab initio*, as the State of Rajasthan had no authority to lower the minimum NEET qualifying marks. The DCI further emphasized that such power is vested solely with the Central Government. The relevant extract of the said letter is provided hereinbelow:

*"...In continuation of this Council's letter No.DE-130-2016/7312 dated 3.10.2015, on the subject mentioned above, I am directed to state that the Government of Rajasthan vide its fetters No F.7(119)/DME/Acad./2015-pt-1/8777 on 30.09.2018 and No.F.7(118)/DME/Acad./2018/ 6053 dated 4.10.2016 has lower down the qualifying marks to an extent of 10 percentile and additional 5 percentile in special exigency cases in gross violation of the conditions contained 180 in Clause (b) of Chapter 6 of Prospectus/ Information Bulletin of NEET-II (2016) published on 24.05.2016 after promulgation of the Ordinance by the President of India in this regard. The Clause (b) of Chapter 6 of the Prospectus la reproduced below:-*

*"(b) Provided when sufficient number of candidates in the respective categories fail to secure minimum marks as prescribed in National Eligibility Cum Entrance Test held for any academic year for admission to MBBS/BDS Courses, the Central Government in consultation with Medical Council of India and Dental Council of India may at its discretion lower the minimum marks required for admission to MBBS/BDS Courses for candidates belonging to respective categories, and marks so lowered by the Central Government shall be applicable for the said academic year only."*

*2. In view of the above, the power to lower down the percentile is vested only with the Central Government net with any State Government and in case of any admission is made, in terms of such relaxation, such admissions may be void ab initio.*

*3. This is being communicated to the Central Government only for its Information and necessary action, if any, in the matter.*

*4. This issue with the approval of the Executive Committee of DCI by circulation...”*

20. Taking cognizance of the letter dated 05.10.2016, the Central Government directed the State of Rajasthan *vide* letter dated 06.10.2016 to withdraw or cancel its earlier orders dated 30.09.2016 and 04.10.2016, while clarifying that the power to lower the minimum percentile is vested exclusively with the Central Government and not with State of Rajasthan, and any admission made pursuant to such unauthorized relaxation shall be *void ab initio*. The relevant extract of the said letter is reproduced hereinbelow:

*“...I am directed to refer to your letter No. F.7/(119)/DME/Acad./2015-pl-1/6777 dated 30.9.2016 and No. F.7/(119)/DME/Acad./2016/6583 dated 04.10.2016 and Dental Council of India’s letter No. DE-130-2016/7493 dated 05.10.2016 (copy enclosed) on the subject cited above and to say that the State Government of Rajasthan, instead of taking action as per the provisions of the Dental Council of India Revised BDS Course (5th Amendment) Regulation, 2012, issued the above Order dated 30.9.2016 and 04.10.2016, inter alia, lowering the percentile to an extent of 10 percentile and additional 5 percentile in special exigency in gross violation of conditions contained in Clause (b) of chapter b of Prospectus/Information Bulletin of NEET-II (2016) published on 24.5.2016 after promulgation of the Ordinance by the President of India in this regard.*

*2. In view of the above, DCI in its letter dated 05.10.2016 has also observed that the power to lower down the percentile is vested only with the Central Government and not with any State Government and in case of any*

*admission is made in terms of such relaxation, such admission is void ab initio.*

*3. The State Government of Rajasthan is requested to withdraw/cancel immediately its Orders No. F.7/(119)/DME/Acad./2015-pl-l/6777 dated 30.9.2016 and No. F.7/(119)/DME/Acad./2016/6583 dated 04.10.2016...”*

21. On the next day i.e., on 07.10.2016, the Central Government also rejected the recommendation of the DCI and the request of the State of Rajasthan for lowering the minimum percentile, noting that there were a sufficient number of qualified candidates available for admission to the BDS course. It further advised the DCI to seek an extension of the admission deadline from this Court by filing an Interlocutory Application in the matter of **Ashish Ranjan** (*supra*) to fill the remaining vacant seats. The relevant portion of the letter is extracted hereinbelow:

*“...I am directed to your letter No.DE-130-2010/7312 dated 03.10.2016 on the subject mentioned above on to say that the mailer has been examined in this Ministry and since, there are adequate number of candidates who have qualified NEET-UG for the academic session 2016-17, the proposal for lowering of percentile is not acceded to. However, it has been decided with the approval of competent authority that DCI may seek extension for completion of admission of BDS course beyond 7th October, 2016 only for academic session 2016-17 with the approval of Hon'ble Supreme Court by filing an IA in the matter of Ashish Ranjan & Ors. Vs. UOI.*

*5. In view of this, DCI may take further necessary action in approaching the Hon'ble Supreme Court of India in this regard...”*

22. Even after receiving the letter dated 06.10.2016, the State of Rajasthan kept quiet and did not inform the colleges regarding the decision of the Central Government. In the meantime, acting upon the relaxation granted by the State of Rajasthan *vide* letters dated 30.09.2016 and 04.10.2016, the colleges proceeded to admit students by granting a relaxation of 15 percentile in the NEET qualifying marks. It appears from the pleadings that only on 07.11.2016, through a communication that is not on record, the State of Rajasthan finally informed the colleges about the position taken by the DCI and the Central Government. However, there is no clarity on whether the State of Rajasthan directed the colleges to cancel the unauthorised admissions or discharge the students.
23. It is pertinent to note that by the time, i.e. 07.11.2016, the State of Rajasthan informed the colleges about the position taken by the DCI and the Central Government, the dental colleges proceeded with the admissions of the students under the State of Rajasthan's relaxation policy, which lowered the qualifying percentile by 15 percentile and further, went a step ahead and admitted students by giving additional relaxations beyond the limit prescribed by the

State of Rajasthan, solely relying on the marks obtained by the students at the 10+2 level. As a result, even students who had secured zero or negative percentiles in the NEET examination were admitted to the BDS course. Thus, the students, who were not qualified and granted admission under the State of Rajasthan's relaxation policy and beyond the relaxation of 15 percentile, continued with their first year BDS curriculum in the respective colleges.

24. In the above scenario, the Rajasthan University of Health Sciences (hereinafter referred to as "**the RUHS**"), being the affiliating University, refused to issue enrolment IDs to some of the first-year BDS students, who as per it were illegally admitted. On such denial by the RUHS to issue enrolment IDs to some of the first-year BDS students, the Federation submitted a representation dated 20.04.2017 requesting the State of Rajasthan to intervene and to direct the RUHS to enroll all such students provisionally.
25. Meanwhile, the State of Rajasthan, again on 27.06.2017, wrote to the Central Government, seeking post-facto approval for its earlier decisions of relaxing the NEET qualifying percentile up to 15

percentile. In support, it cited the Central Government's own action in lowering the qualifying NEET-PG marks in the year 2017-18 for the Master of Dental Surgery (hereinafter referred to as "**MDS**") course.

26. There is nothing on record which suggests that the Central Government has either accepted or acceded to the request made by State of Rajasthan through letter dated 27.06.2017. However, it appears that the State of Rajasthan also sought a similar post facto approval from DCI and the DCI *vide* letter dated 28.08.2017 rejected the said request for ex-post facto approval for lowering the NEET percentile for BDS admissions of Session 2016-17, stating that once the State had opted for NEET, it could not alter the qualifying marks. The relevant portion of said letter is extracted hereunder:

*"...I am directed to refer to letter No. V. 12025/181/2016-(DE-FTS 3075124) dated 02-08-2017 Sh. Pradip Kumar Pal, Under Secretary to the Govt. of India, Ministry of Health & Family Welfare, New Delhi thereby forwarding copy of your letter no. F7(19)DME/2015/PART-1/4223 dated 26-06-2017 thereby reeking ex-post facto approval of the State Government decision vide its order dated 30-09-2016 for lowering down the percentile for BDS admissions for the academic session 2016-17 in the State of Rajasthan and requesting the DCI expedite the status of admissions visiting the prescribe requirement under NEET 2016-17 to the Ministry urgently.*

*In this connection, I am directed to say that the Executive Committee of the DCI in its meeting held on 15-08-2017 at New Delhi, considered letter referred to above and noted the following relevant extract of the Dentists (amendment) Act, 2016.*

*“Provided that notwithstanding my judgement or order of any court, the provisions of this section shall not apply in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, In respect of the State Government seats (whether in Government Dental Colleges or in a private Dental College) where such State has not opted for such examination”*

*The Executive Committee after discussion & deliberations decided as under:*

*“The request of State Govt of Rajasthan to grant ex-post approval for lowering down the percentile for BDS admission for the academic session 2016-17 in the State of Rajasthan is not accepted since the State Govt. of Rajasthan themselves had opted for NEET 2016 for admission in BDS course where they had an opportunity to opt out the conduct of NEET in their State for the academic session 2016-17 as per Dentists (Amendment) Act, 2016.”*

*The above said decision of the Executive Committee of the Dental Council of India is communicated to you for your information and necessary action in the matter....”*

27. Finally, on 20.09.2017, the DCI directed the Dental Colleges of Rajasthan to discharge all students admitted under the State of Rajasthan's relaxation policy for the 2016-17 session. Acting upon the said letter, the RUHS, on 10.10.2017, issued an order declaring all such students ineligible for enrollment on the ground that they did not fulfill the NEET eligibility criteria as prescribed by the DCI, thus refusing to issue the enrollment certificates to

some of the students, thereby preventing the students from appearing in their first-year BDS examinations.

28. At this stage, the students of one of the private colleges preferred S.B Civil Writ Petition No.13776 of 2017 and other similarly situated students of the other colleges have also preferred connected writ petitions bearing Nos. **S.B. Civil W.P. No. 12907/2017, S.B. Civil W.P. No. 13305/2017, S.B. Civil W.P. No. 13422/2017, S.B. Civil W.P. No. 13432/2017, S.B. Civil W.P. No. 13450/2017, S.B. Civil W.P. No. 13491/2017, S.B. Civil W.P. No. 13492/2017, S.B. Civil W.P. No. 13494/2017, S.B. Civil W.P. No. 13564/2017 and S.B. Civil W.P. No. 13580/2017, S.B. Civil W.P. No. 13590/2017**, challenging the letters issued by the DCI directing the colleges to discharge those students who had been admitted in the BDS course beyond the minimum percentile and also being aggrieved with the action of the RUHS of not enrolling those students.

29. In the writ petitions, the Single Judge of the High Court passed an interim order dated 27.10.2017 stating that the students can appear for the first-year BDS examination, however, the result of

the same shall be subject to the final outcome of the writ petitions. It was clarified that such students shall not claim any equity based on the said order. The relevant portion of the Order passed by the Single Judge is reproduced below:

*“...Issue notice. Notices be given Dasti as well. Meanwhile, the respondents are directed to accept the examination forms of the petitioners and to allow the petitioners to take the examination at their own risk. However, the result of the same shall be subject to the final outcome of the present writ petitions. It is, however, made clear that the petitioners shall not claim any equity on the basis of this interim order. The result of the petitioners shall not be declared without permission of this Court. Put up on 07.11.2017 along with SBCWP Nos. 13422/2017 & 13305/2017 and other connected matters...”*

29.1. The Single Judge of the High Court *vide* judgment dated 20.04.2018 partly allowed the said writ petitions, thereby protecting the admissions to the BDS course that were granted after giving a relaxation up to 10+5 percentile and ordering for discharge of all those students who were admitted to the BDS course by granting relaxation beyond 10+5 percentile. The directions by the Single Judge are reproduced as under:

*“(i) The students who have been granted admission by applying the relaxation to the extent of 10<sup>th</sup> percentile and 5<sup>th</sup> percentile shall not be disturbed and their admission stands regularized. The result of these students be declared forthwith.  
(ii) All students who have been admitted after giving*

*relaxation beyond 10% and additional 5% shall stand discharged from the BDS course with immediate effect.*  
*(iii) The above arrangement shall be applicable only to the academic year 2016-2017 and will not be used as precedent for the following and further academic years.*  
*(iv) The Central Government is directed for the future to take decision in view of proviso (ii) of Regulation 6 of the 5<sup>th</sup> Amendment of Regulations, 2007 well on time to avoid harassment and confusion.”*

The Single Judge held that the criteria of attaining 50th percentile for the unreserved category and 40th percentile for the reserved category is not mandatory. At the same time, the Single Judge also held that the minimum percentile for qualifying the NEET exam was already on the lower side and reducing it by 10 percentile and additionally by 5 percentile and finally till the very last seat gets filled was excessive. However, the Single Judge opined that it was the Central Government who was required to take a decision, in consultation with the DCI, regarding reduction in the minimum marks required for BDS admissions, and its failure to take a timely decision resulted in the present situation because it kept open for the State of Rajasthan to take a decision “as deemed fit”. Taking note of such circumstances, the Single Judge opined that, it was too late to contend that the Central Government could not delegate its discretion to reduce the

minimum marks because the State of Rajasthan had acted to reduce the minimum percentile only after the Central Government permitted it to do so, and such action could not be revoked on the ground of lack of authority.

The Single Judge also observed that relaxation to the extent of 10 percentile and an additional 5 percentile was found understandable in view of the vacant seats, but reducing it to a level where persons with even zero and minus percentile were admitted was held to be too far. It was also observed by the Single Judge that the permission to reduce the percentile could not be misused to admit students who had no marks or even received minus marks in NEET, and that the institutions, driven by greed to fill every seat, ignored that admission of weak students would ultimately result in sub-standard dentists.

The Single Judge attributed this entire disarray to the fact that the NEET was conducted for the first time in the academic year 2016-17 and remained at an experimental stage, resulting in several States not opting for NEET, 2016.

30. Aggrieved by the Judgment and Order dated 20.04.2018 passed by the Single Judge, the Appellants herein preferred the writ appeals before the Division Bench of the High Court. The High Court *vide* order dated 01.06.2018, as an interim measure, stayed the operation of the direction given by the Single Judge to discharge the students who had been admitted after giving relaxation beyond 10 percentile and additional 5 percentile. The relevant portion of the said order is extracted hereinbelow:

*“...List on 06.07.2018. In the meantime, the effect and operation of the direction No.(2) **“All students who have been admitted after giving relaxation beyond 10% and additional 5% shall stand discharged from the BDS course with immediate effect)”** given in the judgment dated 20.04.2018 in SBCWP No.13776/2017 and connected matters, shall remain stayed...”*

30.1. The Division Bench *vide* another interim order dated 03.08.2018 directed that the results of students admitted to the first year BDS course be provisionally declared, and those who had passed the first-year examination be permitted to pursue the second year and also to appear in the II Year BDS examination. The Court, however, made it clear that no equities shall be claimed or created in favour of the students on the strength of this interim permission. The relevant portion of the said Order is extracted hereinbelow:

*“11. Meanwhile, we direct that the result of the students admitted in the first year examination be provisionally declared and those who have cleared the first year examination be permitted to pursue the second year course as well. The students would be permitted to take part in the II Year BDS Examination as well. We clarify that no equities will be created in favour of the students.”*

30.2. While concurring with the observations made by the Single Judge, the Division Bench, after hearing the contentions of all the parties passed the impugned judgment, affirming the judgment passed by the Single Judge, while issuing further directions directing the concerned private colleges to discharge the students who had been granted admissions in the BDS course by giving relaxations beyond 10+5 percentile and imposing costs upon the said colleges. The said directions of the impugned judgment are reproduced hereinbelow:

*“(a) All the students, who have been admitted after giving relaxation beyond 10% and additional 5%, if not discharged, shall stand discharged from the BDS course with immediate effect; in case any of such student(s) has already been awarded the Degree of the BDS Course, beyond the relaxation granted by the respondent-State, the same, if not already procured and deposited, shall be required to be procured by the concerned College, who in turn shall deposit the same with the concerned University within a period of one month from today, failing which the concerned University would be at liberty to initiate contempt proceedings against the College, who fails to do so.*

*(b) Each of such College(s), who have granted relaxation, beyond the one already granted by the respondent-State, are also liable to deposit a cost of Rs.50,00,000/- with the*

*Rajasthan High Court Legal Services Committee (RHCLSC), Jodhpur within a period of two months from today; the RHCLSC shall recover the same from the concerned College(s), strictly in accordance with law.*

*(c) The said College(s) shall pay a sum of Rs.25,00,000/- to each of such student(s) within a period of three months from today, as compensation, as the student(s) have been made to suffer on count of being given admission by the College(s), while extending the relaxation beyond the one already granted by the respondent- State. The respondent-State is directed to ensure the same.*

*(d) The Registry is directed to send a copy of this judgment to the RHCLSC and the concerned authority of the respondent-State to ensure the compliance of this judgment.*

*(e) All pending applications stand disposed of.”*

The Division Bench held the entire action undertaken by the State of Rajasthan of lowering the minimum NEET qualifying percentile, upon delegation of the requisite power by the Central Government, as justified in law, in view of the fact that the Central Government directed the State of Rajasthan to take the “*necessary action as deemed fit*”.

Further, the Division Bench took grim note of the fact that students, who had secured much lower percentile in the NEET examination than the relaxation already granted by the State of Rajasthan, including zero/(-) percentile, had been given admissions to the BDS course by the private dental colleges for the

purpose of filling each of their vacant seats, and held that such relaxation as granted by the colleges without obtaining any prior approval or sanction was unacceptable and unsustainable in the eyes of law, capable of having an adverse impact on the high and uniform standards in the field of medical education.

31. Aggrieved by the impugned judgment, the students, dental colleges and the DCI approached this Court in the present appeals.

32. During the pendency of these appeals, this Court *vide* order dated 03.01.2024 issued notice and directed that any further steps taken in pursuance of the impugned judgment would be made subject to the outcome of the present proceeding. The relevant portion of the said Order is reproduced hereunder:

*“...Taking note of the above, let notice, returnable in four weeks, be issued.*

*Any subsequent steps taken in pursuant to the impugned judgment dated 04.05.2023 is made subject to the outcome of the present proceeding.”*

33. Further, this Court *vide* order dated 16.09.2025, ordered the parties to file details of firstly, those students who got admitted pursuant to the relaxation of 10 percentile and 5 percentile granted by the State of Rajasthan, including the details of the

completion of their degrees and further studies. Secondly, this Court directed the filing of similar statements pertaining to students who were admitted beyond the relaxations given by the State of Rajasthan and those who had subsequently completed their BDS course. Pursuant to the said directions, the State of Rajasthan as well as the RUHS had submitted the relevant compliance affidavits giving the details of students admitted in the Academic Session 2016-2017.

### **SUBMISSIONS OF THE PARTIES**

#### **A. On Behalf of the Students**

34. The learned Counsels appearing for the aggrieved students have submitted that due to the impugned judgment, grave hardship and prejudice has been caused to the students, who were admitted to the BDS course in 2016 through counselling under the *bona fide* belief that their admissions were valid and in accordance with law. It was argued that these students have since completed their BDS courses, especially in light of the interim order dated 01.06.2018 passed by the Division Bench of the High Court, staying the

discharge of such students and interim order dated 03.08.2018, thereby allowing such students to continue their course.

34.1. It was further submitted that many of these students have been issued their provisional degrees, on the strength of which some are pursuing or preparing for postgraduate studies, some are practicing as Dentists now and several have dependents or families relying on them. The learned Counsels further submitted that in the aftermath of the pandemic, the financial and emotional strain has only deepened, and cancelling their degrees at this stage would irreparably damage their lives and careers, despite there being no fault attributable to them.

34.2. The learned Counsel further contended that in view of the thousands of BDS course seats lying vacant across the country after NEET UG-2016, the Appellant/students did not in any manner impair the right or entitlement of any meritorious students, as they merely occupied unfilled seats. The learned Counsel vehemently argued that it cannot be lost sight of the fact that the real test of merit is their consistent academic performance across 5 years, and not a single NEET score in 2016. In the

alternative, it was argued that reducing the minimum percentile for admission to the first-year BDS course does not amount to lowering the standards of education in light of the judgment of this Court in ***Harshit Agarwal and Ors. v. Union of India and Ors.***, reported in (2021) 2 SCC 710.

34.3. It was submitted that the students are qualified dental professionals now, having invested almost a decade of their lives to earn their qualifications, and hence, their degrees deserve to be safeguarded in exercise of this Court's power under Article 142. The learned Counsel has relied upon the decisions of this Court in ***Saraswati Educational Charitable Trust and Anr. vs. Union of India and Ors.***, reported in (2021) 18 SCC 779 and ***Rajiv Gandhi University of Health Science vs. Bapuji Dental College and Hospital and Ors.*** [SLP (C) Nos.2597-2610/2015] in this regard.

**B. On Behalf of the DCI**

35. The learned Counsel for the DCI argued that the High Court erred in holding that the Central Government had delegated its power to lower the minimum percentile required to qualify NEET UG-2016

to the State of Rajasthan. It was submitted that as per the proviso to clause (ii) of the Sub-regulation 5 of Regulation II of the 2007 Regulations, such power only vested in the Central Government, to be exercised in consultation with the DCI. It was thus argued that the said Regulation never endowed such power upon the State of Rajasthan and the admissions undertaken by lowering the minimum percentile in exercise of such power were nothing but backdoor admissions. Therefore, the learned Counsel has submitted that the DCI is aggrieved by the impugned judgment to a limited extent insofar as it regularizes the BDS admissions granted in pursuance of the State-sanctioned relaxation of 15 percentile in the minimum percentile of the NEET-UG 2016.

35.1. Further, the learned Counsel submitted that that the students in the present case had taken admissions with the knowledge that their admissions were irregular and that they may be discharged from the BDS course at any time, and the same was apparent from the affidavit supplied by Maharaja Ganga Singh Dental College & Research Centre, wherein the College has stated that the students were duly informed about the conditions of their admission. Thus,

the learned Counsel has contended that no sympathy can be shown to students securing admission through backdoor entry, relying on the judgment of this Court in ***Abdul Ahad and Ors. v. Union of India and Ors.***, reported in (2022) 18 SCC 108.

- 35.2. It has also been contended by the learned Counsel for the DCI that the outer limit for completion of the BDS course according to the 2007 Regulations is 9 years, and hence, the students who had not completed the BDS course including the one-year compulsory rotatory internship within the period of 9 years from the date of their admission i.e. from 2016, were bound to be discharged from the BDS course.

**C. On Behalf of the Colleges**

36. The learned Counsels appearing for the colleges have submitted that the colleges have incurred substantial financial expenditure in establishing and maintaining the requisite infrastructures including the faculty, laboratories, library and other academic facilities and has also taken considerable loans for the same. The DCI after an inordinate delay of about five months issued a direction regarding discharge of students, whose admissions were

made under the relaxed criteria, disregarding the principle of promissory estoppel.

36.1 Further, it was submitted that the admissions granted to the students, after extending relaxation beyond 10+5 percentile, were justified. The admitted students had already secured the requisite qualifying marks in their 10+2 examination and had duly participated in NEET. Initially, admissions were granted strictly according to the centralised counselling, and only after the centralised counselling process was completed and yet a large number of seats remained vacant, admissions were granted against the remaining seats, for which no candidate was available. The colleges relied upon the decision rendered by this Court in ***State of H.P. and Ors. v. Himachal Institute of Engg. and Technology, Shimla***, reported in (1998) 8 SCC 501, wherein filling of vacant seats was permitted even without insisting on appearance at the entrance examination. It was further stated that the judgment in ***Abdul Ahad*** (*supra*) relied upon by the High Court was wholly inapplicable, as the said case concerned admissions made before the conclusion of the centralised counselling, whereas

herein, the colleges participated fully in the counselling process and admitted students only after all rounds were completed and seats remained unclaimed.

36.2 Further, the learned Counsels submitted that the impugned judgment directing each college to pay Rs. 50 lacs to the Rajasthan High Court Legal Services Committee, Jodhpur and Rs. 25 lacs per student is arbitrary and disproportionate as the circumstances of disputed admissions arose because of the official acts of the authorities themselves. The colleges have at all relevant times acted in good faith and in accordance with the directions of competent authorities. The students admitted under the relaxed criteria have also pursued and completed their studies relying upon the official approvals and communications duly issued by the concerned authorities and the dental colleges are being subjected to punitive consequences for no fault of their own.

**D. On Behalf of the RUHS**

37. The learned Counsel for RUHS submitted that the students and the colleges were fully aware that the admissions to the BDS

course were made illegally and in direct violation of the mandatory NEET eligibility criteria. The colleges admitted students on their own, without following the centralized counselling, even though many students did not secure the minimum qualifying percentile in NEET, and some had extremely low or even negative marks. Despite this, the colleges went ahead with admissions, and the students consciously accepted these admissions, knowing that they were not eligible. These facts have been recorded by both the Single Judge and the Division Bench, which clearly held that the admissions were illegal and that no equity could be claimed by the students.

37.1 The learned Counsel further submitted that the claim made by the students regarding enrollment in post-graduation or even dental practice is misleading on account of the fact that the Division Bench of the High Court *vide* order dated 10.04.2023 had declined to give any interim validity to the provisional degrees obtained by the students. Thus, it was argued that none of these students could have legally enrolled for higher studies and/or taken employment as a dentist. In light of the same, any relief

given to the students in the peculiar circumstances of this case, in exercise of the power under Article 142 of the Constitution of India, would be a case of misplaced sympathy.

**D. On Behalf of the State of Rajasthan**

38. The learned Counsel for the State of Rajasthan submitted that the State of Rajasthan acted *bona fide* and strictly in accordance with the directions issued by the Central Government. The Central Government directed the State of Rajasthan to take the necessary steps with respect to the vacant seats in the BDS course *vide* letter dated 29.09.2016. In pursuance of this communication, the State of Rajasthan, by its letters dated 30.09.2016 and 04.10.2016, granted a reduction of 10 percentile and 5 percentile respectively in the minimum qualifying percentile for NEET, only to the extent necessary to fill the seats through a transparent counselling process. However, the said relaxations were withdrawn in compliance of the letter dated 06.10.2016 issued by the Central Government. There was no *malafide* or arbitrary action on part of the State of Rajasthan while allowing reduction of the minimum qualification marks, as the same was done on a *bona fide*

impression that the Central Government has delegated the power to take such a decision.

### **ANALYSIS**

39. We have heard the parties and perused the materials on record.
40. Before advertng to the facts of the present case, it is imperative to clarify that admissions to MBBS and BDS courses in all government and private medical colleges are to be undertaken solely on the basis of NEET merit. This position has been settled in the case of ***Sankalp Charitable Trust*** (supra). The relevant portions of orders passed in the said case are reproduced as follows:

*“23. In view of the request made by the learned Solicitor General, hearing is adjourned to 9-5-2016. However, it is clarified that no examination shall be permitted to be held for admission to MBBS or BDS studies by any private college or association or any private/deemed university.*

**xxx**

*33. Prima facie, we do not find any infirmity in the NEET regulation on the ground that it affects the rights of the States or the private institutions. Special provisions for reservation of any category are not subject-matter of NEET nor are the rights of minority in any manner affected by NEET. NEET only provides for conducting entrance test for eligibility for admission to the MBBS/BDS course.*

**xxx**

*37. In view of the above, it is also clarified that only NEET would enable students to get admission to MBBS or BDS studies.”*

41. The NEET examination functions as a mechanism which not only upholds the high standards of medical education across the country through its recognition of merit but also ensures a level-playing field for medical aspirants. Consequently, all admissions to medical institutions must strictly conform to the standards and regulations prescribed for the conduct of NEET, so as to safeguard the primacy of merit. A three-Judge Bench of this Court, while upholding the constitutional validity of NEET in ***Christian Medical College Vellore Association v. Union of India and Ors.***, reported in (2020) 8 SCC 705, also laid emphasis on the significance of regulatory norms in enhancing the quality of professional education in the country. The relevant portions of the said judgment are reproduced for your perusal hereinbelow:

*“55. The prescription of NEET is definitely in order to improve the medical education, co-related to the improvement of public health, thus, it is a step in furtherance of the duty of the State enshrined in the directive principles of State policy contained in Article 47 of the Constitution of India. Similarly, Article 46 aims at promotion of educational and economic interests of the Scheduled Castes, Scheduled Tribes, and other weaker sections. By prescription of one equivalence examination of NEET, the interest of their merit is also equally protected and its aims of preventing various malpractices, which crept into the system and prevent economic exploitation by selling seats with which malady the professional medical education system suffered. Article 51-A(j) deals with the duty to strive towards excellence in all spheres of individual and collective activity so that the*

*nation constantly rises to higher levels of endeavour and achievement. For that purpose, recognition of merit is necessary, and one has to be given a full opportunity in pursuit of his/her aim. The prescription of NEET is to provide equal opportunity and level launching platform to an individual to perform his duty as enshrined under Article 51-A(j). Thus, we find that there is no violation of the aforesaid provisions as argued by the appellants, rather action is in furtherance of the constitutional aims and directions to achieve intendment of Article 51-A(j) and is in the national interest.*

**xxx**

**62.** *Thus, it is apparent that the provisions in question which have been incorporated in the Act relating to Medical/ Dental education, the Government, MCI and DCI cannot be said to be an invasion of the fundamental rights. The intendment is to ensure fairness in the selection, recognition of merit, and the interests of the students. In the national interest, educational institutions are basically for a charitable purpose. By and large, at present education is devoid of its real character of charity, it has become a commodity. To weed out evils from the system, which were eating away fairness in admission process, defeating merit and aspiration of the common incumbent with no means, the State has the right to frame regulatory regime for aided/unaided minority/private institutions as mandated by directives principles, Articles 14 and 21 of the Constitution. The first step has been taken to weed out the evils from the system, and it would not be in the national interest to step back considering the overall scenario. If we revert to the old system, posterity is not going to forgive us. Still, complaints are galore that merit is being ignored by private institutions; there is still a flood of litigation. It seems that unfettered by a large number of regulatory measures, unscrupulous methods and malpractices are yet being adopted. Building the nation is the main aspect of education, which could not be ignored and overlooked. They have to cater to national interest first, then their interest, more so, when such conditions can be prescribed for recognition, particularly in the matter of professional education.*

**xxx**

**66.** *The rights of the religious or linguistic minorities under Article 30 are not in conflict with other parts of the Constitution. Balancing the rights is constitutional intendment in the national and more enormous public*

*interest. Regulatory measures cannot be said to be exceeding the concept of limited governance. The regulatory measures in question are for the improvement of the public health and is a step, in furtherance of the directive principles enshrined in Articles 47 and 51(A)(j) and enable the individual by providing full opportunity in pursuance of his objective to excel in his pursuit. The rights to administer an institution under Article 30 of the Constitution are not above the law and other constitutional provisions. Reasonable regulatory measures can be provided without violating such rights available under Article 30 of the Constitution to administer an institution. Professional educational institutions constitute a class by themselves. Specific measures to make the administration of such institutions transparent can be imposed. The rights available under Article 30 are not violated by provisions carved out in Section 10-D of the MCI Act and the Dentists Act and Regulations framed by MCI/DCI. The regulatory measures are intended for the proper functioning of institutions and to ensure that the standard of education is maintained and does not fall low under the guise of an exclusive right of management to the extent of maladministration. The regulatory measures by prescribing NEET are to bring the education within the realm of charity which character it has lost. It intends to weed out evils from the system and various malpractices which decayed the system. The regulatory measures in no way interfere with the rights to administer the institution by the religious or linguistic minorities.*

**67.** *Resultantly, we hold that there is no violation of the rights of the unaided/aided minority to administer institutions under Articles 19(1)(g) and 30 read with Articles 25, 26 and 29(1) of the Constitution of India by prescribing the uniform examination of NEET for admissions in the graduate and postgraduate professional courses of medical as well as dental science. The provisions of the Act and Regulation cannot be said to be ultra vires or taking away the rights guaranteed under the Constitution of India under Article 30(1) read with Articles 19(1)(g), 14, 25, 26 and 29(1). Accordingly, the transferred cases, appeal and writ petitions are disposed of. No costs.”*

42. It is an established fact that the minimum qualifying percentile for admission to the BDS course is 50th percentile in NEET for

candidates in the unreserved category, 40th percentile for SC/ST/OBC candidates and 45th percentile for candidates with locomotory disability of the lower limbs. We have no hesitation in affirming that the said can be reduced in accordance with the proviso attached to the sub-regulation 5(ii) of Regulation II of the 2007 Regulations, only when a sufficient number of candidates in the respective categories fail to secure the prescribed minimum cut-off marks for the concerned academic year. However, from the language of the said proviso, it is apparent that the power to undertake such a reduction in the qualifying percentile is only vested in the Central Government, to be exercised in consultation with the DCI. It must be stated in no uncertain terms that such a power cannot be exercised by any other authority or the State Government, as was done in the instant case.

43. The said Regulation has been dealt with and interpreted by this Court in ***Harshit Agarwal*** (supra), as follows:

*“8. It is clear from the proviso that the Central Government has the discretion to lower the minimum marks required for admission to BDS course in consultation with the Dental Council of India when sufficient number of candidates in the respective categories fail to secure minimum marks in the NEET entrance test.*

xxx

**12.** *The proviso to clause (ii) of Regulation II(5) is clear in its terms empowering the Central Government to exercise its discretion to lower minimum marks only when sufficient number of candidates fail to secure minimum marks. The Central Government cannot pursue any purpose other than the one specified in the proviso to Regulation II(5)(ii)...*

44. In the facts before us, the minimum qualifying percentile for NEET was lowered by the State of Rajasthan by 10 percentile and subsequently, by an additional 5 percentile. That is to say, that such a reduction was undertaken by the State of Rajasthan not once but twice. It is the case of the State of Rajasthan that its action was supported by the delegation said to arise from the letter dated 29.09.2016 issued by the Central Government. The Single Judge and the Division Bench, construing the expression “*necessary action as deemed fit*” occurring in the letter dated 29.09.2016 as a delegation of power, accordingly upheld the State of Rajasthan's decision to lower the minimum percentile. In consequence, the Single Judge and the Division Bench secured the admissions of students who had been granted relaxations under the State of Rajasthan's policy to the extent of 10+5 percentile, treating such admissions as lawful and sustainable. However, we cannot come to terms with such a view.

45. The interpretation adopted by both the Courts, in holding that the State of Rajasthan had been delegated the power to lower the minimum marks by relying on the phrase “*necessary action as deemed fit*”, cannot be approved. There is no such provision which permits the delegation of this power within the Act or the 2007 Regulations, and the words “*necessary action as deemed fit*” in terms of the Central Government’s letter dated 29.09.2016 can under no circumstances be stretched to confer such authority upon the State of Rajasthan. Acting on this purported delegation, the State of Rajasthan reduced the prescribed NEET percentile by 10 percentile and thereafter by a further 5 percentile. This action was manifestly illegal and the admissions granted pursuant thereto cannot be treated as valid.
46. At best, the State of Rajasthan could have made a representation to the Central Government or a recommendation to the DCI to take the appropriate steps in view of the large number of vacant seats. However, the State of Rajasthan took it in its own hands to proceed with the reductions, which cannot be justified by any means.

47. In the case of ***Rishabh Choudhary v. Union of India and Ors.***, reported in (2017) 3 SCC 652, a medical college of the State of Chhattisgarh conducted its own examination, namely, CGMAT-2016 for the MBBS course, with the approval and under the supervision of the State Government, despite there existing a Notification dated 21.10.2010 issued by the Medical Council of India (hereinafter referred to as “**the MCI**”), stipulating that the admissions to the MBBS course shall be based solely on marks obtained in NEET. The 2010 Notification was also upheld by this Court. As a result, this Court held that the said college and the State Government had acted in defiance of the law and it was a clear case of maladministration on part of the State. The relevant portion of the said judgment is reproduced hereinbelow:

*“13. We have considered the submissions made by the learned counsel appearing on behalf of the petitioner and the College supporting him but are not inclined to accept them. It is quite clear that the examination CGMAT-2016 was conducted by the College on 3-4-2016 contrary to the schedule prescribed by the Medical Council of India (and approved by this Court) for holding the MBBS entrance examinations. The question is not of any impropriety in the conduct of the examination but the question is really one of adhering to a particular discipline laid down by the Medical Council of India and approved by this Court.*

*14. Furthermore we find that counselling was carried out insofar as the petitioner is concerned on 19-4-2016 which is after the decision of this Court on 11-4-2016 recalling the decision dated 18-7-2013. There was absolutely no occasion*

*for the College to have conducted the counselling after the recall order passed by this Court on 11-4-2016. The effect of the recall order, as mentioned above, was that the Notification issued by the Medical Council of India on 21-12-2010 effectively stood revived in the sense that NEET was the only option available for admission to the MBBS course. The College and the State of Chhattisgarh ought to have been aware of these facts, but seem to have turned a blind eye not only to the orders of this Court but to the notifications issued by the Medical Council of India.*

**15.** *The question before this Court is not who is to be blamed for the present state of affairs—whether it is the students or the College or the State of Chhattisgarh. The question is really whether the rule of law should prevail or not. In our opinion, the answer is unambiguously in the affirmative. The College and the State of Chhattisgarh have not adhered to the law with the result that the petitioner became a victim of circumstances giving him a cause of action to proceed against the College and the State of Chhattisgarh being a victim of their maladministration. The plight of the petitioner is unfortunate but it cannot be helped.”*

48. While the relaxation by the State of Rajasthan to the extent of 10+5 percentile was already excessive, the private colleges in the State of Rajasthan, driven by their greed to fill every last seat, overstepped the relaxations already granted by the State of Rajasthan and undertook further admissions by giving relaxations beyond 10+5 percentile. These colleges have granted admissions to students from the NEET merit list relying solely on their 10+2 scores, which resulted in students with even zero and negative scores being admitted. Thus, admissions granted beyond relaxations of 10+5 percentile were also wholly untenable and

unlawful. This whole exercise amounted to making a mockery of the rules and regulations prescribed by the DCI for effective dental education in the country.

49. As regards the contention of the colleges that the principle of promissory estoppel has been disregarded, it is settled law that the doctrine of promissory estoppel cannot be invoked to sustain an action taken in contravention of a statutory mandate. The said principle has been upheld by this Court in ***Maharishi Dayanand University v. Surjeet Kaur***, reported in (2010) 11 SCC 159. In the present case, the colleges granted admissions based on the relaxations given by the State of Rajasthan, despite the fact that such relaxations were in contravention of the 2007 Regulations, which do not confer any power upon the State of Rajasthan to reduce the prescribed minimum percentile. Consequently, the plea of promissory estoppel is devoid of merit. The relevant portions of ***Maharishi Dayanand University*** (supra) are reproduced hereinbelow:

*“16. A bare perusal of the same would demonstrably make it clear that the said provision was not meant for candidates like the respondent. As a matter of fact, under the garb of the said notification, the respondent managed to get her form registered with the appellant and when this*

*discrepancy was discovered, the appellant chose to set it right which in our opinion was perfectly justified. The respondent cannot plead any estoppel either by conduct or against a statute so as to gain any advantage of the fact that she was allowed to appear in the examination.*

**17.** *In UT, Chandigarh v. Goswami, GDSDC this Court considered the case under the provisions of the Punjab (Development and Regulation) Act, 1952 wherein a demand had been challenged on the ground of equitable estoppel. This Court held that promissory estoppel does not apply against the statute. Therefore, the authority had a right to make recovery of outstanding dues in accordance with law. The Court held as under : (SCC pp. 666-67, para 4)*

*“4. ... [The Administration] only corrected a patent mistake which could not be permitted to subsist. ... A contract in violation of the mandatory provisions of law can only be read and enforced in terms of the law and in no other way. The question of equitable estoppel does not arise in this case because there can be no estoppel against a statute.”*

**18.** *There can be no estoppel/promissory estoppel against the legislature in the exercise of the legislative function nor can the Government or public authority be debarred from enforcing a statutory prohibition. Promissory estoppel being an equitable doctrine, must yield when the equity so requires. [Vide H.S. Rikhy (Dr.) v. New Delhi Municipal Committee, M.I. Builders (P) Ltd. v. Radhey Shyam Sahu, Shish Ram v. State of Haryana, Chandra Prakash Tiwari v. Shakuntala Shukla, ITC Ltd. v. Agricultural Market Committee, State of U.P. v. U.P. Rajya Khanij Vikas Nigam Sangharsh Samiti and Sneh Gupta v. Devi Sarup”*

**(Emphasis supplied)**

50. Although it has been contended by the colleges and the DCI that students were well-aware and informed while being admitted to the BDS course that their admissions were irregular, we did not find any materials on record that substantiate such a claim.

51. What has transpired in the facts before us is egregious and cannot be condoned in any circumstances whatsoever. The State of Rajasthan as well as the private colleges have not followed the law and there were also some lapses on the part of the DCI as well as the Central Government. When the Federation on 23.09.2016 made a request to the Central Government for lowering the percentile in view of a large number of unfilled seats in the BDS course, the Central Government was not supposed to forward the said representation to the State of Rajasthan for taking “*necessary action as deemed fit*”. Instead, the Central Government could have asked the State of Rajasthan to verify about the position of vacant seats and thereafter, taken a decision regarding any reduction in the percentile, in consultation with the DCI.
52. As observed earlier, the State of Rajasthan on its own acted in haste and interpreted the action of the Central Government of forwarding the representation of the Federation with suggestion to take “*necessary action as deemed fit*” as delegation of power, whereas the Central Government under the Act or the 2007 Regulations cannot delegate its power to any other authority.

Further, the State of Rajasthan, having already granted the relaxations, continued to seek post-facto approval from the Central Government for the reductions of 10 percentile and 5 percentile, and informed the colleges of the positions taken by the Central Government and the DCI only belatedly. The DCI is also at fault to some extent, as it first recommended a relaxation of 10 percentile and thereafter reversed its position by recommending the cancellation of all admissions below the minimum percentile.

53. In all this, the only victims are the students who obtained admissions despite not securing the minimum prescribed percentile, possibly on the assurance extended by the colleges as well as under the belief that, once the percentile had been lowered by the State of Rajasthan and also recommended by the DCI, their admissions would stand regularised. It is also not in dispute that during the pendency of the proceedings, many of the students have pursued the BDS course pursuant to the interim orders passed by the Single Judge as well as the Division Bench of the High Court, and completed the said course, and even been granted their degrees. Though the exact number of candidates is not

available, it has been urged that many of these candidates are presently practicing as dentists or pursuing postgraduate studies, and some have already completed their postgraduate courses. Additionally, it cannot be overlooked that the students were charged hefty fees by the colleges for pursuing the BDS course and have further spent a considerable amount of time and money in the present litigation. In such circumstances, the question that now arises is what relief can be granted to the students and what steps are to be taken to prevent the situation that has occurred in this case.

54. In the case of ***Deepa Thomas and Ors. v. Medical Council of India and Ors.***, reported in (2012) 3 SCC 430, when admissions were granted to students with less than 50% marks in the competitive entrance examination (“**CEE**”) as was mandated by the Medical Council Regulations on Graduate Medical Education, 1997 (hereinafter referred to as “**the 1997 MCI Regulations**”), due to a *bona fide* omission in the Prospectus by several private medical colleges of Kerala, this Court permitted the students to complete their MBBS course, in view of the fact that they had

already completed more than 4 years of the course and that they were unaware of the irregularity of their admissions. In such circumstances, this Court exercised its extraordinary powers under Article 142 to provide such a relief. The relevant portions of the said judgment are extracted hereinbelow:

*“27. On the strength of the interim orders passed by the High Court and subsequently by this Court, the appellants have continued their studies for 4½ years and have appeared in the University examinations.*

*28. In the light of the peculiar facts and circumstances stated above, we are of the view that it is quite unjust and unfair to discharge the appellants at this stage. This is an eminently fit case for invoking this Court's powers under Article 142 of the Constitution of India to permit the appellants to continue and complete the MBBS course to which they were admitted in the year 2007. Such an order is necessary for doing complete justice in the matter. In taking such a view, we are supported by the precedent in the order dated 4-9-2008 passed by a three-Judge Bench of this Court in *Monika Ranka v. Medical Council of India* [(2010) 10 SCC 233]. In that case though the admission was held to be irregular, this Court showed indulgence to the students and permitted them to continue and complete the course on the ground that there was nothing on record to show that the students were informed of the marks secured by them in the entrance examination and the students had already completed one year of their MBBS course.*

**xxx**

*35. For the reasons stated above, although we agree with the view of MCI and the High Court that the admissions of the appellants were irregular as they did not satisfy the requirement of securing not less than 50% marks in the CEE as prescribed in the MCI Regulations, we are inclined to take a considerate view in the special facts and circumstances mentioned in the earlier paragraphs and hence we direct that, as a special case, the appellants shall be allowed to continue and complete their MBBS course and also permit*

*them to appear in the University examinations as if they had been regularly admitted to the course.”*

55. In the case of **Saraswati Educational Charitable Trust** (supra), wherein 132 students were admitted to the Saraswati Medical College on its own, without requesting the Director General of Medical Education to send more candidates, contrary to the 1997 MCI Regulations, it was observed that such students were fully aware that their admissions were irregular in terms of the 1997 MCI Regulations. However, taking note of the fact that they had already completed their second year MBBS course, this Court allowed them to continue with their studies, while imposing a two-year community service punishment on them to be undergone post the completion of their course. The relevant parts of the said judgment are reproduced hereunder:

*“14. The College ought not to have admitted 132 students by conducting a selection on its own without requesting the third respondent to send more candidates. The third respondent cannot be blamed for any delay on his part in carrying out the directions issued by this Court by its order dated 1-9-2017 in Saraswati Educational Charitable Trust v. Union of India [Saraswati Educational Charitable Trust v. Union of India, (2017) 16 SCC 637] . The College sent an email to the third respondent at 6.32 p.m. on 1-9-2017. Admittedly, 2nd and 3rd September were not working days. The third respondent acted swiftly on 4-9-2017 and sought for applications from interested students for admission to the college in the first year MBBS course. 735 students made applications. 150 meritorious students out of 735 were*

*allotted to the College for admission to the first year MBBS course for the academic year 2017-2018. Only 9 out of 150 students, according to the College took admission. The third respondent cannot be said to have been negligent. On the other hand, the College ought not to have issued a notice at 7.30 p.m. on 5-9-2017 and admitted 132 students in four hours. Admissions were made by the College from students who have approached the college after 7.30 p.m. on 5-9-2017. It is very difficult to accept the submission on behalf of the College that students who were not in the list of 150 students, sent by the Director General, Medical Education were all waiting for their admission after 7.30 p.m. on 5-9-2017. We reject the submission of the College that there was no other alternative, except to make admission from the list of 735 students who have applied pursuant to the notice dated 4-9-2017 issued by the third respondent.*

**15.** *The students who have secured admission cannot be said to be innocent as they knew fully well that their names were not recommended by the Director General, Medical Education. We also do not agree that students and their parents were not aware that their admissions in College are contrary to the Regulations. In spite of the Letter dated 29-9-2017 issued by the Medical Council of India, the College did not discharge the students. The said direction issued by the Medical Council of India was not stayed by this Court. In spite of this, the students continued their first year MBBS course and managed to write the first year MBBS course examinations after being permitted by the University. Thereafter, they approached this Court for declaration of their results for the first year MBBS course examinations which was granted. 6 students out of 132 students failed in their first year examination. At present, 126 students have completed their second year MBBS course and are seeking permission to appear and write the examination for second year MBBS.*

**16.** *The admission of 132 students in the College for the academic year 2017-2018 being completely contrary to the Regulations, the writ petitions are liable to be dismissed. However, taking note of the fact that the students have completed the second year MBBS course, cancelling their admissions at this stage would not serve any useful purpose. The students who joined the College knowing fully well that their admissions are contrary to the Regulations are directed to do community service for a period of two years after completing their MBBS course. The National*

*Medical Commission shall decide the details and workout the modalities of the community service to be rendered by the 132 students. Respondent 6 University is directed to conduct the second year MBBS examination for 126 students admitted in the petitioner College and who completed their second year course at the earliest and declare their results. They shall be permitted to complete the MBBS course. This direction is issued only to save the students from losing three academic years in the peculiar facts and circumstances of this case and shall not be treated as a precedent.”*

56. Similarly, in the case of ***Ebtesham Khatoon v. Union of India and Ors.***, reported in 2025 SCC OnLine SC 380, wherein students were enrolled in undergraduate AYUSH courses without having appeared for NEET UG-2019, this Court directed for their exam results and degrees to not be withheld, on the grounds that on the strength of the interim order, they had already completed their AYUSH course and withholding results at this stage would have been futile. The relevant portion of the said order of this Court is reproduced hereinbelow:

*“1. The petitioners are students of under-graduate AYUSH courses. Admittedly, they obtained admission to said courses without having appeared for the NEET UG-2019 examination. The petitioners contended that they did not have notice of the fact that for seeking admission to the said courses, they were required to appear for the NEET UG-2019 examination.*

**xxx**

*5. By now, the petitioners have completed their AYUSH course for which they were granted admission. It would therefore be futile to withhold their results.*

**xxx**

*8. It is true that admission to candidates who had not appeared in NEET examination could not have been given by the College, yet as of now these students have completed their course and to withhold the exam results or their Degree will cause immense hardship to them.”*

57. After a thorough perusal of the aforesaid cases and in order to do complete justice in the peculiar facts and circumstances of this case, we deem it fit to invoke Article 142 of the Constitution of India in the instant matter. As a result, the admissions of the Appellant/students who have passed the BDS course and received their degrees stand regularised. Nonetheless, all Appellant/students who are being benefitted by these directions shall file an affidavit with the Registrar (Judicial), Rajasthan High Court, Jodhpur, within a period of eight weeks from the date of pronouncement of this judgment, giving an unconditional undertaking that whenever they are required to render their *pro-bono* services to the State of Rajasthan during their entire lifetime in exceptional circumstances involving natural calamities, man-made disasters/accidents, health emergencies comprising epidemics, pandemics, disease outbreaks or public health crises

declared by competent authorities, or any other situation of similar gravity that threatens public health, safety or welfare as notified by the State of Rajasthan, they shall do so without charging any remuneration for a maximum cumulative period of 2 years. The Registrar (Judicial), Rajasthan High Court, Jodhpur, shall forward those affidavits to the concerned authority of the State of Rajasthan for their record. It is made clear that if any Appellant/student fails to file the aforesaid affidavit within the stipulated time, the Registrar (Judicial), Rajasthan High Court, Jodhpur, shall intimate this Court through proper channel and the Registry of the Supreme Court shall place the said information before this Court for further directions.

58. As far as other students, who have still not cleared the BDS course or whose degrees have not been issued yet, are concerned, they are not entitled to any relief by this Court, having regard to the 2007 Regulations, which explicitly provide that any student who fails to complete the BDS course within a period of 9 years from the date of their admission shall be discharged from the course. Thus, the students before us, who were admitted in the Academic

Year 2016-17, and have still not cleared the BDS course, cannot be conferred any relief from this Court, as was rightly pointed out by the learned Counsel for the DCI.

59. As a matter of caution, we must state that this direction is issued only to save the efforts, time and resources of the students that have gone into achieving their BDS degrees and shall not be treated as a precedent.
60. We are constrained to express our displeasure at the manner in which the standards of medical education have been undermined in the present case. The colleges committed blatant illegality and willful violation of the 2007 Regulations while admitting students beyond 10+5 percentile, thus warranting strict punitive action. Further, the State of Rajasthan also acted without any authority of law while granting relaxations and failed to timely inform the colleges of the decisions of the Central Government and the DCI.
61. This Court, in ***Priya Gupta v. State of Chhattisgarh and Ors.***, reported in (2012) 7 SCC 433, has emphasized the need for strict adherence to the admission procedure prescribed under the MCI

Regulations in order to ensure that merit is not compromised. It further held that those who flagrantly violate such Regulations must be appropriately punished. The relevant observations from the said judgment are reproduced hereinbelow:

*“72. Balancing of equities by the Court itself is inequitable. Some party or the other would suffer a setback or adverse consequence from the order of the Court. On the one hand, if admissions are cancelled, the students who have practically completed their MBBS course would lose their professional education as well as nearly five years of their life spent in such education. If their admissions are protected, then the standard of education, the merit of the candidates and the desirability of the persons of higher merit becoming doctors is negated. The best solution to such problems is strict adherence to the time schedule, procedure for selection/admission and strict observance of the Medical Council of India Regulations, by all concerned. Once these factors are adhered to, not only would such a situation not arise, but also it will prevent avoidable litigation before the courts. The persons who violate the time schedule to grant admissions in an arbitrary manner and by colourable exercise of power, who are not adhering to the Medical Council of India Regulations and the judgments of this Court, should be dealt with strictly by punishment in accordance with law, to prevent such mischief from repeating.”*

62. In view of the above and considering the facts of this case, especially taking note of the manner in which the 2007 Regulations have been flouted, the Appellant-Colleges are directed to deposit a cost of Rs. 10 crores each, and the State of Rajasthan is directed to deposit a sum of Rs. 10 lacs with the Rajasthan State Legal Services Authority within a period of eight weeks from the

date of pronouncement of this judgment. It is made clear that the Rajasthan State Legal Services Authority shall invest the said fund in a short-term fixed deposit account, in a Nationalized Bank, with auto-renewal facility.

63. The Rajasthan State Legal Services Authority shall utilize the amount of interest accrued on the said fixed-term deposit for the maintenance, upgradation and improvement of One Stop Centres, Nari Niketans, Old Age Homes as well as Child Care Institutions established by the State of Rajasthan within the state. The said interest amount can also be utilised for setting up of new infrastructure for the said social welfare institutions. However, we direct the utilisation of the said amount only with the advice of a committee of the judges of the Rajasthan High Court to be constituted for the said purpose. In furtherance of the said objective, we request the Hon'ble Chief Justice of the Rajasthan High Court to constitute a Committee comprising five judges of the High Court, including at least one woman judge, in order to ensure the effective utilization of the interest amount accrued on the fixed deposit, for the purposes outlined hereinabove.

64. With these observations and modifications in the impugned judgment, the present appeals and all pending/interim applications stand disposed of.

..... J.  
(J.K. MAHESHWARI)

..... J.  
(VIJAY BISHNOI)

**NEW DELHI,**  
**Dated: 18<sup>th</sup> DECEMBER, 2025**