



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

(1) S.B. Civil Writ Petition No. 8864/2025

Vikas Vishnoi S/o Shri Kishana Ram, Aged About 24 Years,
Resident Of Digaon, Jalore, Kardan, Rajasthan.

-----Petitioner

Versus

1. Controller Of Examinations, Rajasthan University Of Health Sciences, Jaipur.
2. Principal And Controller, Government Medical College, Pali (Raj.).
3. Director, National Medical Commission, Government Of India, New Delhi.

-----Respondents

Connected With

(2) S.B. Civil Writ Petition No. 8763/2025

Vikas Bishnoi S/o Om Prakash Bishnoi, Aged About 24 Years,
Resident Of Mokhatara (Bisnoi Ki Dhani), Sewara, Jalore,
Rajasthan.

-----Petitioner

Versus

1. National Medical Commission, Through Its Director, Under Graduate Medical Examination Board, National Medical Commission, Government Of India.
2. The State Of Rajasthan, Through Its Principal Secretary, Department Of Health And Family Welfare Govt. Of Rajasthan, Room No. 2202 Main Building Government Secretariat, Jaipur - 302005.
3. Rajasthan University Of Health Science, Through Its Registrar, Sector 18 Rd, Kumbha Marg, Sector 11, Pratap Nagar, Jaipur, Rajasthan 302033
4. Dr. B.R. Ambedkar Government Medical College And Hospital, Sirohi (Rajasthan) Through Its Principal And Controller.

-----Respondents

(3) S.B. Civil Writ Petition No. 8773/2025

Lokesh Kumar Khichar S/o Mohan Lal Khichar, Aged About 23 Years,
Resident Of Jaato Ka Vaas, Dadrewa, Churu, Rajasthan.



-----Petitioner

Versus

1. National Medical Commission, Through Its Director, Under Graduate Medical Examination Board, National Medical Commission, Government Of India.
2. State Of Rajasthan, Through Its Principal Secretary, Department Of Health And Family Welfare Govt. Of Rajasthan, Room No. 2202 Main Building Government Secretariat, Jaipur - 302005.
3. Rajasthan University Of Health Science, Through Its Registrar, Sector 18 Rd, Kumbha Marg, Sector 11, Pratap Nagar, Jaipur, Rajasthan 302033.
4. Dr. B.R. Ambedkar Government Medical College And Hospital, Sirohi (Rajasthan) Through Its Principal And Controller.

-----Respondents

(4) S.B. Civil Writ Petition No. 9177/2025

Nirmal Seervi S/o Shri Bhawar Lal, Aged About 22 Years, R/o Bera - Matawa, Village Musaliya, Sojat City, District Pali, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Health And Family Welfare Govt. Of Rajasthan, Government Of Rajasthan, Jaipur.
2. National Medical Commission, Through Its Director, Under Graduate Medical Examination Board, National Medical Commission, Government Of India.
3. Rajasthan University Of Health Science, Through Its Registrar, Jaipur.
4. Dr. B.R. Ambedkar Government Medical College And Hospital, Sirohi (Rajasthan), Through Its Principal And Controller.

-----Respondents

(5) S.B. Civil Writ Petition No. 9476/2025

Himanshu Joshi S/o Dwarka Prasad, Aged About 30 Years, R/o Bichala Bas Ward No.8, Gogasar Ratangarh District Churu.



-----Petitioner

Versus

1. National Medical Commission, Through Its Director, Under Graduate Medical Examination Board, National Medical Commission, Government Of India.
2. State Of Rajasthan, Through Its Principal Secretary, Department Of Health And Family Welfare Govt. Of Rajasthan, Room No. 2202 Main Building Government Secretariat, Jaipur - 302005.
3. Rajasthan University Of Health Science, Through Its Registrar, Sector 18 Rd, Kumbha Marg, Sector 11, Pratap Nagar, Jaipur, Rajasthan 302033.
4. Dr. B.R. Ambedkar Government Medical College And Hospital, Sirohi (Rajasthan) Through Its Principal And Controller.

-----Respondents

(6) S.B. Civil Writ Petition No. 9550/2025

Bhagirath Ram S/o Shri Kishna Ram, Aged About 26 Years,
Resident Of Vtc Meghawa Po Sanchore, Jalore, Rajasthan.

-----Petitioner

Versus

1. Controller Of Examinations, Rajasthan University Of Health Sciences, Jaipur.
2. Principal And Controller, Dr. S.N. Medical College And Associated Group Of Hospitals, Jodhpur (Raj).
3. Director, National Medical Commission, Government Of India, New Delhi.

-----Respondents

(7) S.B. Civil Writ Petition No. 9594/2025

Chetan Ram S/o Shri Rama Ram, Aged About 23 Years,
Resident Of Village Lakhasar, Post Sodiya, Tehsil Chohtan,
District Barmer (Raj.).

-----Petitioner

Versus

1. National Medical Commission, Pocket-14, Sector-8,



Dwarka Phase-I, New Delhi - 110077, Through The Secretary.

2. The Director, Under-Graduate Medical Entrance Board, National Commission, Pocket-14, Sector-8, Dwarka Phase-I, New Delhi - 110077.
3. State Of Rajasthan, Through The Secretary, Department Of Education Government Of Rajasthan, Secretariat, Jaipur.
4. The Director, Rajasthan Medical Education Society, Jaipur.
5. Rajasthan University Of Health Sciences, Secotr-18, Kumbha Marg, Pratap Nagar, Sanganer, Jaipur (Raj.), Through The Registrar.
6. The Principal And Controller, Government Medical College, Barmer.

----Respondents

For Petitioner(s)	: Mr. Divik Mathur with Mr. Mayank Rajpurohit Mr. Saurabh Rajpurohit for Mr. Ramdev Rajpurohit Mr. Pankaj Choudhary Mr. Mrinal Khatri and Mr. Naresh Kumar Bishnoi for Mr. S.K. Verma Mr. Deepak Nehra
For Respondent(s)	: Mr. N.S. Rajpurohit, AAG assisted by Ms. Rakhi Choudhary Mr. Siddharth Tatia for National Medical Commission Ms. Akshiti Singhvi for Rajasthan University for Health Science

JUSTICE DINESH MEHTA

JUDGMENT

REPORTABLE

23/05/2025

1. By way of this bunch of writ petitions, the petitioners have approached this Court feeling aggrieved of the order(s) of suspension, which their respective colleges have passed pursuant



to the directions issued by the respondent – National Medical Commission (hereinafter referred to as the NMC)‘.

2. Short of unwarranted details, briefly stated facts appertain are that there is allegation against each of the petitioners that they impersonated other candidates in NEET UG Examination - 2023; some of them have been caught red handed while others were found involved in impersonation consequent to the investigation, which the investigating officers had carried out.

3. Against each of the petitioners, FIRs have been lodged; inquiry is underway or the charge-sheet has been filed. Some of them have been charge-sheeted and in remaining cases, charge-sheet is yet to be filed.

4. While maintaining that the petitioners have been wrongly implicated, learned counsel for the petitioners argued that even if it is assumed that they were guilty of impersonating for the candidates appearing in NEET UG Examination, they cannot be suspended from their college(s), as there is no enabling provision in any statute. Learned counsel submitted that ‘the Public Examination (Prevention of Unfair Means) Act, 2024 (hereinafter referred to as the Act of 2024’) though provides for punishment but does not contain any provision for suspension from the college(s).

5. Learned counsel submitted that somewhat similar Regulations have been promulgated by the Central Government in the name of Prevention and Prohibition of Ragging in Medical Colleges and Institutions Regulations, 2021 (hereinafter referred to as the Regulations, 2021’) and Regulation No.24 thereof provides for suspension from attending classes and academic



privileges, withholding or withdrawing scholarship and other benefits, but so far as accusation of appearing as imposters in the examination is concerned, no statute provides for suspension or other like action.

6. Learned counsel argued that the trial of the case(s) shall take substantial time and until the case(s) are tried and finally decided, the petitioners cannot be kept suspended, particularly when there is no provision for holding or conducting inquiry in this regard.

7. Learned counsel further submitted that even if the college(s) or the NMC conducts an inquiry, it has no material or evidence either to hold the petitioners guilty or to hold them innocent, because the entire material is with the police or the investigating agencies. They, therefore, submitted that the petitioners' suspension be quashed and they be allowed to attend the classes and appear in the examination and complete their courses, in accordance with law.

8. Mr. Siddharth Tatia, learned counsel for the NMC while vehemently opposing the petitioners' prayer, invited Court's attention towards the reply filed by him and submitted that the NMC has power to lay down policies for maintaining a high quality and high standards in medical education and make necessary regulations in this regard and lay down policy and codes to ensure observance of professional ethics in medical profession as per section 10(1) of the National Medical Commission Act, 2019 (hereinafter referred to as 'the Act of 2019').

9. He submitted that section 24 of the Act of 2019 confers powers upon Under-Graduate Medical Education Board to



determine standard of medical education at Under-Graduate level and oversee all aspects relating thereto. Drawing Court's attention towards sub-clause (1)(i) of section 24 of the Act of 2019, he argued that said Board has power to specify norms for compulsory annual disclosures, electronically or otherwise, by medical institutions, in respect of their functions that has a bearing on the interest of all stakeholders, including students, faculty, the Commission and the Central Government.

10. Having read section 10 and 24 of the Act of 2019, learned counsel argued that the NMC indisputably has the power and duty to ensure high standards of medical education and professional ethics not only for the doctors, but also for the Under-Graduate students.

11. Learned counsel thereafter took the Court through the Guidelines, which the NMC has framed being Competency Based Medical Education Guidelines, 2023 (hereinafter referred to as 'the Guidelines of 2023'), which have come into force w.e.f. 01.08.2023, more particularly towards Guideline No.4(k) and Guideline No.7 thereof in a bid to argue that the Central Government has framed these Guidelines to ensure personal integrity, professional excellence and ethical standards of the medical students.

12. Learned counsel then navigated the Court through the relevant provisions of the Act of 2024 and submitted that as per section 2(1)(a) of the Act of 2024, a 'candidate' means - a person, who has been granted permission by the public examination authority to appear in public examination and includes a person



authorised to act as a scribe on his behalf in the public examination.

13. Explaining the meaning of the expression 'candidate', learned counsel argued that a person, who appears for another candidate is included in the definition of 'candidate' and submitted that as per the definition of 'organized crime' in sub-clause (h) of section 2(1) of the Act of 2024, the unlawful acts of the petitioners amount to organized crime. He argued that in any case, the conduct of the petitioners falls within the ambit of 'unfair means' as defined in section 3 of the Act of 2024.

14. Having thoroughly read and underscored the above referred statutory provisions, learned counsel contended that the petitioners' act is not only unethical but also unbecoming of an Under-Graduate student and their act of impersonating and appearing for other NEET UG aspirants amounts to organized crime under the Act of 2024.

15. He alternatively argued that the NMC has simply asked the respective college(s) to take action and place those students under suspension and the Court may at the best direct the colleges to conclude the inquiry, but until such inquiry is complete, they cannot be allowed to continue their studies, as the same would have adverse impact on the reputation of not only the colleges/institutions, but also of the NMC – the apex body, which is responsible for standard of medical profession.

16. Ms. Akshiti Singhvi learned counsel appearing on behalf of Rajasthan University of Health Sciences also opposed the petitioners' prayer by contending that if such students, who are accused of impersonation, are allowed to continue their studies,



other students will also be impelled to indulge in such malpractices and such act of theirs will have an adverse impact on quality of medical education and would cause dent in the discipline, for which the University is responsible.

17. It was also argued by Ms. Singhvi that no interim order can be passed in the cases like the ones in hands, as there is no irreparable loss or injury. Because, if ultimately the petitioners are acquitted of the charges, the college(s) will take appropriate decision with regard to petitioners' further studies.

18. Heard learned counsel for the parties and waded through the relevant provisions, which are cited by Mr. Tatia, learned counsel for the NMC.

19. For ready reference, relevant provisions relied upon by the counsel are reproduced hereinfra:-

(A) Regulation 24 (5) of the Prevention and Prohibition of Ragging in Medical Colleges and Institutions Regulations, 2021 -

(5) The nature of punitive actions that may be decided shall include the following, but shall not be limited to one or more of these actions that may be imposed, as deemed fit, namely:--

- (i) suspension from attending classes and academic privileges;
- (ii) withholding or withdrawing scholarship or fellowship and other benefits;

(B) Section 10 of the National Medical Commission Act, 2019:-

10. Powers and functions of Commission.—(1) The Commission shall perform the following functions, namely:—



- (a) lay down policies for maintaining a high quality and high standards in medical education and make necessary regulations in this behalf;
- (h) lay down policies and codes to ensure observance of professional ethics in medical profession and to promote ethical conduct during the provision of care by medical practitioners;

Section 24 of the National Medical Commission Act, 2019:-

24. Powers and functions of Under-Graduate Medical Education Board.—

(1) The Under- Graduate Medical Education Board shall perform the following functions, namely:—

- (a) determine standards of medical education at undergraduate level and oversee all aspects relating thereto;

... ..

- (i) specify norms for compulsory annual disclosures, electronically or otherwise, by medical institutions, in respect of their functions that has a bearing on the interest of all stakeholders including students, faculty, the Commission and the Central Government;

- (j) exercise such other powers and perform such other functions as may be prescribed.

(C) Guideline 4(k) and 7 of the Competency Based Medical Education Guidelines, 2023:-

4.Institutional Goals of Guidelines of 2023:-

In consonance with the national goals, each medical institution should evolve institutional goals to define the kind of trained manpower (or professionals) they intend to produce. The Indian Medical Graduates coming out of a medical institute should:

... ..

- (k). Have personal characteristics and attitudes required for professional life including personal integrity, sense of responsibility and dependability and



ability to relate to or show concern for other individuals.

7. Lifelong learner committed to continuous improvement of skills and knowledge

Professional who is committed to excellence, is ethical, responsive and accountable to patients, community and the profession-

- Practice selflessness, integrity, responsibility, accountability and respect.
- Respect and maintain professional boundaries between patients, colleagues and society.
- Demonstrate ability to recognize and manage ethical and professional conflicts.
- Abide by prescribed ethical and legal codes of conduct and practice.
- Demonstrate a commitment to the growth of the medical profession as a whole.

(D) Provisions of the Public Examination (Prevention of Unfair Means) Act, 2024:-

Section 2. (1) – definition clause -

(a) “candidate” means a person who has been granted permission by the public examination authority to appear in public examination and includes a person authorised to act as a scribe on his behalf in the public examination;

... ..

(h) “organised crime” means an unlawful activity committed by a person or a group of persons indulging in unfair means in collusion and conspiracy to pursue or promote a shared interest for wrongful gain in respect of a public examination;

(i) “person associated with a service provider” means a person who performs services for or on behalf of such service provider irrespective of whether such person is an employee or an agent or a subsidiary of such service provider, as the case may be;

Section 3. Unfair Means- The unfair means relating to the conduct of a public examination shall include any act or omission done or caused to be done by any



person or group of persons or institutions, and include but not be restricted to, any of the following acts for monetary or wrongful gain—

- (v) directly or indirectly assisting the candidate in any manner unauthorisedly in the public examination;
- (x) deliberate violation of security measures to facilitate unfair means in conduct of a public examination;
- (xv) conduct of fake examination, issuance of fake admit cards or offer letters to cheat or for monetary gain.

20. So far as petitioners' involvement in impersonating for other students is concerned, this Court does not deem it apt to dilate upon or to record any finding over such allegation. Any discussion made or finding recorded herein may not be construed to be an observation or finding about petitioners' involvement in appearing for other candidates, because, for that purpose, the investigating agency and the trial court are the competent authority. The adjudication made in this case is confined to the power and propriety of the University/NMC/college in suspending the petitioners and necessity or the justification for such action.

21. It is usual that the trial of the case takes years and in cases like the one in hands, which involve allegations of impersonation and long list of witnesses, such possibilities becomes almost certainty.

22. So far as the provisions, which Mr. Siddharth Tatia has brought to the notice of the Court are concerned, they all relate to NMC's role and power of maintaining high standards, ethical or educational, about which no Court can have any sort of doubt.



23. The Act of 2024, which deals with malpractices in public examination though provides for punishment but does not contain any provision for suspension.

24. There is a provision in the form of Regulation No.24 in the Regulations of 2021, which provides for power to suspend in case of ragging. But these regulations are confined to the cases of ragging and naturally, do not provide for suspension in the cases of impersonation.

25. So far as argument of Mr. Tatia based upon section 24 of the Act of 2019 and section 2(1)(a) of the Act of 2024 is concerned, according to this Court the petitioners do not fall within the ambit of candidate, because it is indicative of the candidate and a person, who appears for a candidate as a 'scribe'. The petitioners, who have impersonated on behalf of the candidate can neither be treated to a candidate nor can they be alleged to be scribes, because scribe is a person, who has been authorised by the examining body to appear on behalf of the candidate, whereas, the allegation against the petitioners is that they have impersonated the actual candidates and unauthorisedly rather fraudulently appeared in their place.

26. The petitioners would fall within the contours of a crime or organized crime as defined under sub-clause (h) of sub-section (1) of section 2 of the Act of 2024. They may also be treated to be persons associated with the service provider defined in sub-clause (i) of sub-section (1) of section 2 and sub-clause (v) of section 3 of the Act of 2024, but whether or not they really fall within the ambit and scope of these sections will ultimately be based upon the



evidence adduced by the prosecution and the finding recorded by the trial court in this regard.

27. Suspension usually presupposes initiation or contemplation of inquiry. While, observing that no inquiry has so far been initiated against the petitioners, this Court would like to add that even if the respondents so wish or propose, no inquiry is possible because the acts of impersonation were done outside the college(s) in which the petitioners are studying and because all the material, oral or ocular evidence is with the police and not with the college(s). Hence, even if an inquiry is conducted, it will be a futile exercise or a farce.

28. Hence, unless such finding is recorded and petitioners are held guilty, their future cannot be kept in suspended animation for indefinite period. Had there been a case of the petitioners getting admission in the medical course by asking someone else to appear on their behalf, perhaps this Court would have not granted them any indulgence on the basis of sympathy or equitable consideration, because then their merit or eligibility itself was in doubt.

29. Allegation against each of the petitioners herein is, that they have impersonated for other students in the NEET UG Examination. However, so far as their own admission in medical colleges is concerned, there is no iota of allegation of getting admission fraudulently or by using unfair means – there is no quarrel about their merit and eligibility of getting admission in the medical courses.

30. According to this Court, unless there is any statute or regulation, which provides for suspension, rustication or even



cancellation of the admission of the candidates involved in impersonation in the examinations, the respondents cannot place the petitioners under suspension.

31. If the suspension is allowed to continue, the loss would be irreversible and irreparable, inasmuch as the period which the criminal trial will take, the petitioners would not be able to continue with their studies and their future will be left in lurch. And if, they are ultimately acquitted, they would have lost 3-4 precious years of their student life doing nothing.

32. This Court not even for a moment approves petitioners' action of impersonation and firmly believes that looking to the increasing number of such cases, it is high time the Central Government brings appropriate legislation, but in absence of such legislation and without any power to suspend, placing the petitioners under suspension is not only illegal, without jurisdiction, but also violative of their fundamental rights guaranteed under Article 19(1)(g) and 21 of the Constitution of India.

33. The action on the part of the respondents in placing the petitioners under suspension is like holding them guilty and punishing them before the competent court convicts them.

34. But, since the allegation against the petitioners is, that they have appeared for other candidates in subsequent examination, this Court is persuaded to take somewhat lenient view, however, with caution and circumspection.

35. The writ petitions are, therefore, allowed.



36. The petitioners' suspension order(s) in each of the writ petitions are, hereby, quashed. Their suspension shall naturally be treated quashed from the date of order instant.

37. The respondent-college(s) shall forthwith allow them to attend classes. In case, petitioners fulfill the requisite attendance criteria, they shall be allowed to appear in the ensuing examination in accordance with law.

38. The petitioners shall be allowed to complete their course, but the respondents shall neither issue them degree nor shall they be registered, unless the trial is concluded and they are acquitted of the charges.

39. In case, the petitioners are held guilty in the trial, the NMC shall be free to take appropriate decision in accordance with law, which may include even cancellation of their admission in the medical course.

40. Needless to observe that in case, the petitioners are acquitted, then obviously, they shall be issued degree(s) as soon as they are acquitted.

41. Stay applications also stand disposed of, accordingly.

(DINESH MEHTA),J

48 to 53, 63 - Mak/-