



2025:CGHC:56543-DB

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 5937 of 2025**

Dr. Samriddhi Dubey D/o Shri Sandeep Dubey Aged About 25 Years R/o Om Zone Colony, Shubham Vihar, Mangala, Bilaspur, District Bilaspur Chhattisgarh

... Petitioner(s)**versus**

1 - The State Of Chhattisgarh Through The Secretary, Department Of Public Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh 492002

2 - The Director Medical Education, Directorate Of Medical Education, Swasthya Bhawan, Sector 19, North Block, Atal Nagar, Nava Raipur, Chhattisgarh 492002

3 - The Commissioner Medical Education Commissionerate Of Medical Education, Swasthya Bhawan, 2nd Floor, Sector 19, North Block, Atal Nagar, Nava Raipur, Chhattisgarh 492002

4 - The National Medical Commission Ministry Of Health And Family Welfare, Through Its Director, Pocket-14, Sector-8, Dwarka, Phase-1 New Delhi - 110077

5 - The Director General Directorate General Of Health Services, Ministry Of Health And Family Welfare, Government Of India, Room Number 354, D G H S Ministry Of Health And Family Welfare, Nirman Bhawan, Delhi - 110011

... Respondent(s)

(Cause Title taken from Case Information System)

For Petitioner(s)	: Mr. Rajeev Shrivastava, Senior Advocate assisted by Mr. Sandeep Dubey, Mr. Manas Vajpai and Mr. Kaif Ali Rizvi, Advocates.
For Respondent No. 1 to 3	: Mr. Shashank Thakur, Deputy Advocate General
For Respondent No. 4	: Ms. Shreya Pawan Daga, holding the brief of Mr. Dheeraj Wankhede, Advocate.
For Respondent No. 5	: Ms. Anmol Sharma, Standing Counsel.



Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

20/11/2025

- 1** Heard Mr. Rajeev Shrivastava, Senior Advocate assisted by Mr. Sandeep Dubey, Mr. Manas Vajpai and Mr. Kaif Ali Rizvi, learned counsel for the petitioner, Mr. Shashank Thakur, Deputy Advocate General for the State/respondent No. 1 to 3, Ms. Shreya Pawan Daga, holding the brief of Mr. Dheeraj Wankhede, learned counsel for the respondent No. 4 as well as Ms. Anmol Sharma, Standing Counsel for the Union of India/respondent No. 5.
- 2** By this petition under Article 226 of the Constitution of India, the petitioner seeks for the following relief(s):

"10.1 That, the Hon'ble Court may kindly be pleased to issue direction/directions, writ/writs in the nature of certiorari and declare the Rule 11(a) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025 ultra virus / unconstitutional being violative of the Article 14 of the Constitution of India.

10.2 That, Hon'ble Court may kindly be pleased to issue direction/directions, writ/writs in the nature of certiorari and declare the Rule 11(b) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025 ultra virus / unconstitutional being violative of the Article 14 of the Constitution of India.

10.3 That, the Hon'ble Court may kindly be pleased to issue direction/directions, writ/writs in the nature of certiorari and direct the respondents not to discriminate between the candidates



belonging to categories mentioned in the Rule 11(a) and Rule 11(b) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025.

10.4 That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case including claim in subject dispute."

- 3** The facts, as projected by the petitioner are that the petitioner is permanent resident of the State of Chhattisgarh, her parents are also permanent resident of State of Chhattisgarh. The petitioner completed her High School Education from Bilaspur, Chhattisgarh. In the year 2018, the petitioner appeared in National Eligibility cum Entrance Test (UG) Examination, 2018 to secure admission in MBBS course and on the basis of its All India Rank, the petitioner was allotted VMKV Medical College and Hospital, Salem, on the basis of counselling conducted by Medical Council committee conducted by Directorate General of Health Services Ministry of Health and Family Welfare, Government of India. The petitioner successfully completed her MBBS course in 2023 and also successfully completed its compulsory rotating medical internship from 07/04/2023 to 06/04/2024. The petitioner has got her medical registration certificate from Tamil Nadu Medical Council, as well as Chhattisgarh Medical Council.
- 4** Thereafter the office of Respondent No. 4 issued notification for conducting the National Eligibility cum Entrance Test (Post Graduate) (NEET (PG)-2025) for purpose of admission in Post Graduate Medical Courses, which is only examination for purpose of admission in PG medical courses at all India Colleges / Universities except AIIMS. The petitioner applied for appearing in NEET (PG) Examination 2025 through National Board of Examination in Medical Science and submitted online



application and got admit card for appearing in NEET(PG)- 2025. The exam was conducted on 03.08.2025, in which the petitioner successfully appeared and qualified the NEET(PG)-2025 examination and obtained All India Rank 75068. In view of the result, the petitioner is the eligible to get admission in PG course.

- 5 The State Government has framed the Rules, namely, the Chhattisgarh Medical Post Graduate Admission Rules, 2021 under the *Chhattisgarh Chikitsa Mahavidyalayon Ke Snatkottar Pathykramon Main Pravesh Adhiniyam, 2002 (for short, the Act of 2002)* for the purpose of admission in post graduate medical courses by gazette notification dated 09.12.2021. At the time of point, the P.G. Admission Rules, 2021 was applicable, which provides for admission in Post Graduate Medical courses under the College situated in the Chhattisgarh State. In the old P.G. Admission Rules, 2021, Rule 4 provides "Extra Conditions for Eligibility for Admission of NRI students", Rule 5 provides "Ineligibility for admission", Rule 6 to 8 provides "Reservation of seats", Rule 9 provides "Bonus marks for in service candidates", Rule 10 provides "Merit List", Rule 11 provides "Preference for admission". Rule 11(a) of the P.G. Admission Rules, 2021 provides that, the admission to the seats available in the State quota will be given first to those candidates who have either obtained MBBS degree from medical college situated at Chhattisgarh State or who are serving candidates. Rule 11 (b) of the P.G. Admission Rules, 2021 provides that, if seats remain vacant after giving admission to all the eligible candidates mentioned in sub rule (b) of Rule 11, then admission on those vacant seats will be given to such candidates who have done MBBS degree from a medical college situated outside of the Chhattisgarh State but are native of Chhattisgarh State. Thus, this rule creates discrimination among student who having



MBBS Degree from other university, by dividing them in two categories, one the person passed from medical colleges of Chhattisgarh and second candidate having degree from outside of Chhattisgarh.

- 6 Mr. Shrivastava, learned Senior Advocate appearing for the petitioner submits that the petitioner had earlier preferred a petition being WPC No. 4702/2025 (***Dr. Samriddhi Dubey vs. State of Chhattisgarh and others***) and challenging Rules 11(a) and part of the Rule 11(b) of the Admission Rules, 2021. The said matter came up for hearing on 04.09.2025, after hearing, this Hon'ble Court was pleased to issue notices and directed to State to file return within two weeks and further granted two weeks time to petitioner to file rejoinder, if any. Thereafter the matter came up for hearing before this Hon'ble Court on 10.11.2025, and during hearing, the counsel for the State submitted that, the new Chhattisgarh Medical Post Graduate Admission Rules, 2025 had been come into force and as such, the petitioner withdrew the said petition with liberty to file a fresh writ petition and challenging the Rule 11 (a) and 11 (b) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025 (*for short, the Rules of 2025*).
- 7 Mr. Shrivastava submits that Rule 4 of the Rules of 2025 provides "Extra Conditions for Eligibility for Admission of NRI students". Rule 5 provides "Ineligibility for admission", Rule 6 to 8 provides "Reservation of seats, Rule 9 provides "Bonus marks for in service candidates", Rule 10 provides "Merit List", Rule 11 provides "Preference for admission". Rule 11 (a) and 11 (b) of old Rules, 2021 and Rule 11 (a) and 11 (b) of the new Rules, 2025 are similar to each other and having the same effect that again provides 100% reservation to the candidates, who obtained degree from Chhattisgarh because, the Pt. Deendayal Upadhyay Smriti



Swasthya Vigyan Evam Ayush University are only Jurisdiction under the Chhattisgarh State. In view of the Rule 11 (a) and (b), which provides University based reservation, which are unconstitutional being violation of the Article 14 of the Constitution of India because it creates an unjustifiable classification, such as between resident of State and all others.

- 8 Mr. Shrivastava submits that a Bench of the Hon'ble Apex Court referred similar matter to the larger Bench in Civil Appeal No. 9289/2019 {**Dr. Tanvi Behl v. Shrey Goel & Others**}. Thereafter, the larger Bench has decided the issue involved which is reported in 2025 SCC OnLine SC 180, wherein it has been observed that if such reservation is permitted then it would be an invasion on the fundamental rights of several students, who are being treated unequally simply for the reasons that they belong to a different State in the Union. This would be a violation of the equality clause in Article 14 of the constitution and would amount to a denial of equality before the law.
- 9 Mr. Shrivastava submits that the petitioner has come to know that in the previous year, not a single candidate got admission under the Rule 11(b) of the PG Admission Rules, 2025. He further submits that identical issue has been considered by a Division Bench of the Madhya Pradesh High Court in **Sawan Bohra & Another v. State of M.P. & Others** {WP No. 38169/2025, decided on 19.11.2025}, relying on the decision of the Apex Court in **Dr. Tanvi Behl** (supra), wherein the question before the Apex Court was as to whether the residence based reservation in PG medical courses by a State was constitutionally valid. The Apex Court, after taking into consideration the judgments in **Pradeep Jain & Others v. Union of India & Others** {(1984) 3 SCC 654} and **Saurabh Chaudri v.**



Union of India {(2023) 11 SCC 146} observed that residence-based reservation was impermissible in PG Medical courses. As such, this petition deserves to be allowed.

- 10** On the other hand, Mr. Shashank Thakur, learned Deputy Advocate General appearing for the State/respondents No. 1 to 3 submits that vires of any rules/legislation is challenged on the ground of constitutionality. The vires of any act can be challenged only on when the rule maker lacks the legislative competence, when it is made in excess of the power conferred by the enabling of parent Act, when delegated legislation is conflict with the enabling of parent Act, when whole legislation or part of it is against the provision of Constitution of India or any other law prevailing/existing on the field. So none of the above-mentioned conditions are available to the petitioner for challenge to the Rules, 2025.
- 11** Mr. Thakur further submits that earlier the Admission Rules, 2021 were in operation and Rule 11 (a) and 11(b) of the Admission Rules, 2021 dealt with the preference with respect to the admission in PG courses in the State quota seating in the medical college situated in the State of Chhattisgarh. It is submitted that Rule 11(b) of the Rules 2021 there was a provision with respect to the providing preference to the candidates on the basis of domicile however, the said preference based on domicile has been done away in the Admission Rules 2025 because Rule 11(b) of the admission rules 2025 did not lay down such conditions or provisions. There are total 10 Government Medical Colleges and 04 Private Medical Colleges recognized under the Pt. Deendayal Upadhyay Memorial Health Centre and AYUSH University, Chhattisgarh. In the Medical Colleges under the aegis AYUSH University, the candidates are admitted through



pan India in All India. Quota, Management Quota of private colleges and NRI quota. In the UG as well as the PG admissions, 50% seats are reserved for All India Quota, whereas the 50% seats are reserved for State Quota. The admissions to the All India Quota is made by the MCC (Medical Counselling Committee) whereas the 50% seats of the State quota, the admissions is made by the Directorate of Medical Education/Commissionrate of Medical Education. The Rules, 2025 regulate the admission with respect to the 50% State Quota seats in PG course. In the Rules, 2021 there was provision of reservation on the basis of domicile and after the judgment of the Hon'ble Supreme Court in the case of "**Dr Tanvi Bhel** (supra), the State has framed the new rules which is the Rules of 2025. Mr. Thakur submits that the judgment of the Hon'ble Supreme Court is very clear, wherein the Hon'ble Supreme Court has clearly held that the residence based reservation is impermissible in PG Medical courses, however, the institution based reservations have been approved. Rule 11 of the Rules 2025 deals with preferences in admission and Rule 11(a) lays down that in the State quota seats preference will be given to those candidates, those who have completed their MBBS course from the colleges affiliated to AYUSH University and further Rule 11(b) lays down that after giving admission to all the eligible candidates, the rest seats will be filled up from the candidates who have obtained their MBBS degree from the State Medical Colleges as per the merits. Rule 11(a) gives institutional preferences to the candidates and the candidates who are given preference may not necessarily be domicile to the State of Chhattisgarh because majority of the candidates who seek admission in MBBS course in the universities affiliated to AYUSH university under the All India seats are resident of another States. Thus, it could be clearly stated that there is no discrimination



because of candidates who are residents of another State are being provided preference on the basis of institutions. Mr. Thakur fairly submits that the issue involved in the present case is identical to that of the decision rendered by the Madhya Pradesh High Court in **Sawan Bohra** (supra).

- 12** Neither any return has been filed on behalf of the respondents No. 4 and 5 nor any submissions have been advanced by their respective counsel.
- 13** Relying on the rejoinder filed, Mr. Shrivastava further submits that Rule 11(a) and (b) of the Rules of 2025 are in direct conflict with the law declared by the Apex Court in **Dr. Tanvi Behl (supra)** and as such, it is incorrect to say that no ground is available for the petitioner to challenge the same.
- 14** We have heard learned counsel appearing for the parties, perused the pleadings and documents appended thereto.
- 15** The rules under challenge i.e. Rule 11(a) and 11(b) of the Rules of 2025, reads as under:

“11. प्रवेश में वरीयता:—

(क) राज्य कोटे में उपलब्ध सीटों पर सर्वप्रथम उन अभ्यर्थियों को प्रवेश दिया जाएगा, जिन्होंने या तो पं. दीनदयाल उपाध्याय स्मृति स्वास्थ्य विज्ञान एवं आयुष विश्वविद्यालय, छत्तीसगढ़ से संबद्ध चिकित्सा महाविद्यालय से एमबीबीएस डिग्री प्राप्त की हो अथवा जो सेवारत अभ्यर्थी हो।

(ख) उपरोक्त उप-नियम (क) में उल्लिखित सभी पात्र अभ्यर्थियों को प्रवेश दिये जाने के उपरान्त यदि सीटें रिक्त रह जाती हैं, तो इन रिक्त सीटों पर, ऐसे



अभ्यर्थियों को प्रवेश दिया जायेगा, जिन्होंने नियम 11(क) में उल्लेखित के अतिरिक्त किसी अन्य चिकित्सा महाविद्यालय से एमबीबीएस डिग्री प्राप्त की हो।”

16 In **Dr. Tanvi Behl** (supra), the question before the Supreme Court was as to whether residence based reservation in PG medical courses by a State is constitutionally valid. The Supreme Court formulated the questions for consideration as under:

“1. As to whether providing for domicile/residence-based reservation in admission to "PG Medical Courses" within the State Quota is constitutionally invalid and is impermissible?

2. (a) If answer to the first question is in the negative and if domicile/residence-based reservation in admission to "PG Medical Courses" is permissible, what should be the extent and manner of providing such domicile/residence-based reservation for admission to "PG Medical Courses" within the State Quota seats?

2.(b) Again, if domicile/residence-based reservation in admission to "PG Medical Courses" is permissible, considering that all the admissions are to be based on the merit and rank obtained in NEET, what should be the modality of providing such domicile/residence-based reservation in relation to the State/UT having only one Medical College?

3. If answer to the first question is in the affirmative and if domicile/residence-based reservation in admission to "PG Medical Courses" is impermissible, as to how the State Quota seats, other than the permissible institutional preference seats, are to be filled up?”

17 In **Dr. Tanvi Behl** (supra), after examining the judgments in **Pradeep Jain** (supra) and **Saurabh Choudri** (supra), the Apex Court held as under:



*“31. We are all domiciled in the territory of India. We are all residents of India. Our common bond as citizens and residents of one country gives us the right not only to choose our residence anywhere in India, but also gives us the right to carry on trade & business or a profession anywhere in India. It also gives us the right to seek admission in educational institutions across India. The benefit of ‘reservation’ in educational institutions including medical colleges to those who reside in a particular State can be given to a certain degree only in MBBS courses, for which we have assigned reasons in the preceding paragraphs. But considering the importance of specialists doctors’ in PG Medical Course, reservation at the higher level on the basis of ‘residence’ would be violative of Article 14 of the Constitution of India. This has been explained with pronounced clarity both in **Jagadish Saran** and **Pradeep Jain**. If such a reservation is permitted then it would be an invasion on the fundamental rights of several students, who are being treated unequally simply for the reasons that they belong to a different State in the Union! This would be a violation of the equality clause in Article 14 of the Constitution and would amount to a denial of equality before the law.*

*32. The law laid down in **Jagadish Saran** and **Pradeep Jain** has been followed by this Court in a number of decisions including the Constitution Bench decision in **Saurabh Chaudri**. We may also refer here judgments such as **Magan Mehrotra and Ors. v. Union of India (UOI) and Ors. (2003) 11 SCC 186, Nikhil Himthani vs. State of***



Uttarakhand and Others (2013) 10 SCC 237, Vishal Goyal and Others v. State of Karnataka and Others (2014) 11 SCC 456 and Neil Aurelio Nunes (OBC Reservation) and Others v. Union of India and Others (2022) 4 SCC 1, which have all followed Pradeep Jain. Thus, residence-based reservations are not permissible in PG medical courses.

33. Having made the above determination that residence-based reservation is impermissible in PG Medical courses, the State quota seats, apart from a reasonable number of institution-based reservations, have to be filled strictly on the basis of merit in the All- India examination. Thus, out of 64 seats which were to be filled by the State in its quota 32 could have been filled on the basis of institutional preference, and these are valid. But the other 32 seats earmarked as U.T. Chandigarh pool were wrongly filled on the basis of residence, and we uphold the findings of the High Court on this crucial aspect.”

18 In **Jagdish Saran** (supra), the Apex Court had observed as under:

“39. If equality of opportunity for every person in the country is the constitutional guarantee, a candidate who gets more marks than another is entitled to preference for admission. Merit must be the test when choosing the best, according to this rule of equal chance for equal marks. This proposition has greater importance when we reach the higher levels of education like post-graduate courses. After all, top technological expertise in any vital field like medicine is a



nation's human asset without which its advance and development will be stunted. The role of high grade skill or special talent may be less at the lesser levels of education, jobs and disciplines of social inconsequence, but more at the higher levels of sophisticated skills and strategic employment. To devalue merit at the summit is to temporise with the country's development in the vital areas of professional expertise. In science and technology and other specialised fields of developmental significance, to relax lazily or easily in regard to exacting standards of performance may be running a grave national risk because in advanced medicine and other critical departments of higher knowledge, crucial to material progress, the people of India should not be denied the best the nation's talent lying latent can produce. If the best potential in these fields is cold-shouldered for populist considerations garbed as reservations, the victims, in the long run, may be the people themselves. Of course, this unrelenting strictness in selecting the best may not be so imperative at other levels where a broad measure of efficiency may be good enough and what is needed is merely to weed out the worthless."

- 19 The above observation has been followed by the Apex Court in **Saurabh Chaudri** (supra).
- 20 The Madhya Pradesh High Court, in **Sawan Bohra** (supra), while deciding a similar issue, has allowed the writ petition directing the respondent State to permit the petitioners as well as other similarly situated candidates to register for the purpose of counselling and



participate in the same. Since the issue involved in this petition is identical to that of **Sawan Bohra** (supra), we are of the considered view that no distinct view can be taken than what has been taken by the Madhya Pradesh High Court in the said case.

- 21** In view of the proposition of law as laid down by the Apex Court in **Dr. Tanvi Behl** (supra), Rule 11(a) and (b) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025 are quashed being ultra vires and violative of Article 14 of the Constitution of India and the State shall not discriminate between the candidates belonging to the categories mentioned in Rule 11(a) and (b) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025.
- 22** As a result, this petition stands **allowed**. No order as to costs.

Sd/-
(Bibhu Datta Guru)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

**Head Note**

While granting admissions, especially to higher and specialised courses, merit must prevail to safeguard educational standards; relaxing merit at such levels under the guise of institutional reservation or domicile reservation would risk compromising critical professional excellence.