



2026:CGHC:2624-DB  
NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCC No. 40 of 2026**

- 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

**... Applicant(s)**

**versus**

- 1** - Dr. Samriddhi Dubey D/o Shri Sandeep Dubey Aged About 25 Years R/o Om Zone Colony, Shubham Vihar, Mangala, Bilaspur, District- Bilaspur, Chhattisgarh
- 2** - The National Medical Commission Ministry Of Health And Family Welfare Through Its Director, Pocket-14, Sector-8, Dwarka, Phase-1 New Delhi – 110077
- 3** - The Director General Directorate General Of Health Services Ministry Of Health And Family Welfare, Government Of India, Room Number 354, DGHS Ministry Of Health And Family Welfare, Nirman Bhawan, Delhi – 110011

**... Respondent(s)**

**(Cause Title Taken from Case Information System)**

For Applicant(s) / State	: Mr. Shashank Thakur, Additional Advocate General
For Respondent No. 1	: Mr. Rajeev Shrivastava, Senior Advocate assisted by Mr. Sandeep Dubey, Mr. Manas Vajpai, Mr. Malay Shrivastava, Mr. Kaif Ali Rizvi and Ms. Isha Rajak, Advocates.
For Respondent No. 2	: Mr. Dheeraj K. Wankhede, Advocate.

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

**Order on Board**

**Per Ramesh Sinha, Chief Justice**

**16/01/2026**

- 1** Heard Mr. Shashank Thakur, learned Additional Advocate General appearing for the State/applicants, Mr. Rajeev Shrivastava, learned Senior Advocate assisted by Mr. Sandeep Dubey, Mr. Manas Vajpai, Mr. Malay Shrivastava, Mr. Kaif Ali Rizvi, Ms. Isha Rajak, learned counsel appearing for the respondent No. 1/writ petitioner as well as Mr. Dheeraj K. Wankhede, learned counsel for the respondent No. 2.
- 2** This is an application filed by the State/applicants seeking clarification of the directions contained in paragraph 21 of the order dated 20.11.2025 passed by this Court in WPC No. 5937/2025 (***Dr. Samriddhi Dubey v. State of Chhattisgarh & Others***).
- 3** The respondent No. 1-Dr. Samriddhi Dubey (writ petitioner) had filed WPC No. No. 5937/2025 stating that her parents are permanent resident of the State of Chhattisgarh, she completed her High School Education from Bilaspur, Chhattisgarh and in the year 2018, in order to secure admission in MBBS course, she appeared in the National Eligibility cum Entrance Test (UG) Examination, 2018 and on the basis of its All India Rank, she 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. It was further submitted that

she successfully completed her MBBS course in 2023 and also successfully completed its compulsory rotating medical internship from 07/04/2023 to 06/04/2024 and thereafter, she got her medical registration certificate from Tamil Nadu Medical Council and also from the Chhattisgarh Medical Council. It was further submitted by the writ petitioner that the National Medical Commission issued a 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 and pursuant to which she applied for appearing in NEET (PG) Examination 2025 through the 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 she appeared and successfully qualified the NEET(PG)-2025 examination and obtained All India Rank of 75068. In view of the result, she is the eligible to get admission in PG course.

- 4 It was further contended that the State Government has framed the Rules known as the Chhattisgarh Medical Post Graduate Admission Rules, 2021 under the Chhattisgarh Chikitsa Mahavidyalayon Ke Snatkottar Pathykrmon 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 for "Extra Conditions for Eligibility for Admission of NRI students", Rule 5 provides for "Ineligibility for admission", Rules 6 to 8

provide for "Reservation of seats", Rule 9 provides for "Bonus marks to the in service candidates", Rule 10 provides for "Merit List", Rule 11 provides for "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 are 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.

- 5 Mr. Thakur, learned Additional Advocate General appearing for the State/applicants submit that the State contested the claim of the writ petitioner by submitting, *inter-alia*, 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 was further 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 in 50% seats of the State quota, the admissions is made by the Directorate of Medical Education/ Commissioner 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 Behl v. Shrey Goel and others** {2025 SCC Online SC 180}, the State has framed the new rules which is the Rules of 2025. It was further submitted 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.

6 Mr. Thakur further submits that after hearing the arguments advanced by the parties, vide order dated 20/11/2025 (Annexure A/1) this Hon'ble Court was pleased to allow the writ petition and accordingly in view of the proposition of law as laid down by the Apex Court in **Dr. Tanvi Behl** (supra), Rule 11(a) and 11(b) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025 have been quashed being ultra vires and violative of Article 14 of the Constitution of India and it has also been directed that 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.

7 Mr. Thakur submits that the State of Chhattisgarh had challenged the order dated 20/11/2025 passed in WPC No. 5937/2025 before the Hon'ble Supreme Court by way of filing Special Leave Petition which has been registered as Special Leave Petition (Civil) Diary No.(s) No. 69339/2025 and looking to the fact that there is a time bound schedule with respect to the medical admission, a new provision with respect to Rule 11 has been inserted in the Admission Rules by way of the amendment dated 01/12/2025. It is submitted that the amendment dated 01/12/2025 in the Rules, 2025 is subject matter of challenge before this Hon'ble court in WPC No. 6449/2025- **Prabhakar Chandravanshi Vs. State of CG. and others.**

- 8 According to Mr. Thakur, the Hon'ble Supreme Court, during the course of hearing in the aforesaid special leave petition, vide its order dated 18/12/2025 (Annexure A/2), was pleased to observe that the State will be entitled to move the High Court for clarification of the directions in para 21 of the impugned order dated 20/11/2025 about the percentage of the seats to be reserved for institutional quota and relegation to the High Court is necessary, particularly in view of the fact that the Rules issued by the State Government on 01/12/2025 are also subject to the writ petitions pending before the High Court.
- 9 Mr. Thakur submits that as the Hon'ble Supreme Court in **Dr. Tanvi Behl** (supra) has categorically held that first, that domicile/residence-based reservation in admission to PG Medical Courses within the State Quota is constitutionally invalid and impermissible; and second, that State Quota seats may nevertheless accommodate a "reasonable number" of seats filled on the basis of institutional preference, which does not offend Article 14. In the factual context of U.T. Chandigarh, out of 64 State Quota seats, this Hon'ble Court upheld the validity of 32 seats filled on institutional preference while striking down the other 32 seats which had been earmarked for Chandigarh residents. Rule 11(a) of the 2025 Rules provides that, in respect of State Quota seats, preference shall first be accorded to candidates who have obtained MBBS degrees from medical colleges affiliated to the Ayush University within Chhattisgarh. Rule 11(b) provides that only if seats remain vacant after exhausting such candidates, they shall be offered to candidates who have obtained MBBS degrees from medical colleges outside Chhattisgarh. The Petitioner's while framing the new rules has made the classification as institution based, not domicile-based, since a substantial number of MBBS students admitted against All-India Quota seats in



Chhattisgarh colleges are residents of other States, and the preference thus operates on the basis of place of study rather than place of residence. It appears that this Hon'ble Court seems to have overlooked that the Chhattisgarh Medical Post Graduate Admission Rules, 2025, notified pursuant to the judgment of this Hon'ble Court in ***Dr. Tanvi Behl*** (supra) is in complete compliance with the ratio laid down by this Hon'ble Court in the said judgment. Rule 11(a) and (b) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025 are providing only for institutional preference and not for residence or domicile based reservation. The Rules of 2025 were framed pursuant to ***Dr. Tanvi Behl*** (supra) judgment and removed the domicile-based preference provided in the previous Rules of 2021. Therefore, the applicant-State has complied with the settled proposition of law regarding residence-based quotas. Retaining the institutional based reservation is permissible under law as upheld by this Hon'ble Court. As per the ratio of the Constitution Bench Judgment of this Hon'ble Court in ***Dr. Tanvi Behl*** (supra) only prohibits residence-based reservation in PG-Medical Courses and expressly upholds the validity of institutional preference as reasonable.

- 10 Mr. Thakur further submits that Rule 11(a) of the Rules, 2025 merely grants preference to candidates who have obtained their MBBS degree from the colleges affiliated to the applicant-State University or who are in service candidates from the State which is a form of institutional preference upheld by this Hon'ble Court in ***Dr. Tanvi Behl*** (supra), ***Pradeep Jain vs Union of India*** (1984 (3) SCC 654), ***Saurabh Chaudhari vs Union of India*** (2003) 11 SCC 146. The order passed by this Court affected the counselling process in interregnum consequently affecting the legitimate expectation and equal opportunity to candidates. The 50% of the PG Seats are already filled through the All India Quota on



the basis of pure merit and institutional preference applies only within the limited 50% Stat Quota. This Hon'ble High Court ought to have applied the well-settled presumption of constitutionality in favour of subordinate legislation and State policy, particularly in the sphere of medical education and public health, in striking down Rule 11(a) and 11(b) of the 2025 Rules without demonstrating that the classification based on institutional preference is palpably arbitrary or lacking a rational nexus with the objective of retaining and incentivizing doctors for the State's healthcare needs. The Admission Rules, 2025 deals with the admission in PG Medical courses with respect to the seats specifically earmarked for the State quota seats and it is further respectfully submitted that the Hon'ble Supreme Court in **Dr. Tanvi Behl** (supra) has categorically observed that the State quota seat may nevertheless accommodate a reasonable number of seats filled on the basis of the institutional preference and in the original PG Admission Rules, the same was provided. However, the Hon'ble Court while deciding WPC No. 5937/2025 in para 21, has held Rule 11(a) and 11(b) of the Rules, 2025 as ultra vires and it has further been held that 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 and the same runs contrary to the dictum of **Dr. Tanvi Behl** (supra) case.

- 11 Lastly, Mr. Thakur submits that this Hon'ble Court may kindly be pleased to clarify / modify the directions given in para 21 of the order dated 20/11/2025 passed in WPC No. 5937/2025 to the extent that in the available seats of PG Medical course under the State quota, the institutional preference can be given to the candidates those, who have obtained their MBBS degree from the medical colleges situated in the

State of Chhattisgarh and affiliated with the AYUSH University or in service candidates, as per the dictum of case of **Dr. Tanvi Behl** (supra) in the interest of justice.

- 12** Mr. Rajeev Shrivastava, learned Senior Advocate appearing for the respondent No. 1/writ petitioner submits that no clarification/modification is required as this Hon'ble Court has, vide paragraph 17 of the judgment reproduced the relevant paragraphs of the judgment passed in **Tanvi Behl** (supra) and the judgment of this Hon'ble Court is based on the said judgment passed by the Hon'ble Apex Court and the State has also notified the amendments made to Rules 2025 vide notification dated 01.12.2025.
- 13** We have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
- 14** According to the learned counsel for the applicant/State, the Government of Chhattisgarh, Medical Education Department, has issued a notification dated 01.12.2025 by substituting Rule 11(क) and (ख) and substituting it by Rule (क), (ख), (ग) (घ) of the Rules of 2025. Though the same is not the subject matter of this petition, however, for better understanding of the facts, we deem it appropriate to take note of the same, which reads as under:

“ 11. प्रवेश हेतु सीटों का संस्थागत आरक्षण :— शासकीय एवं निजी चिकित्सा की कुल उपलब्ध सीटों को दो वर्गों में विभाजित किया जाता है। संस्थागत आरक्षण हेतु 50 प्रतिशत सीटें, तथा ओपन मेरिट हेतु 50 प्रतिशत सीटें।

**(क)** संस्थागत आरक्षण – 50 प्रतिशत सीटें

शासकीय एवं निजी चिकित्सा महाविद्यालयों की कुल सीटों उन अभ्यर्थियों के लिए आरक्षित रहेगा जिन्होंने छत्तीसगढ़ राज्य में स्थित एनएमसी द्वारा मान्यता प्राप्त

चिकित्सा महाविद्यालयों से एमबीबीएस उत्तीर्ण किया है अथवा जो सेवारत अभ्यर्थी है। इन सीटों पर प्रवेश केवल संस्थागत आरक्षण के पात्र अभ्यर्थियों के मध्य मेरिट के आधार पर दिया जाएगा।

(ख) गैर संस्थागत आरक्षण – 50 प्रतिशत सीटें

गैर संस्थागत आरक्षण शेष 50 प्रतिशत सीटें ओपन कैटेगरी मानी जाएंगी। इन सीटों पर प्रवेश सभी पात्र अभ्यर्थियों हेतु राज्य-स्तरीय मेरिट सूची के आधार पर किया जाएगा। ओपन सीटों पर किसी प्रकार की संस्थागत आरक्षण लागू नहीं होगी।

(ग) उपरोक्त दोनों श्रेणियों में राज्य में प्रचलित आरक्षण नियम 6 के तहत लागू होगा।

(घ) यदि संस्थागत आरक्षण के अंतर्गत निर्धारित सीटों पर पात्र अभ्यर्थी उपलब्ध नहीं होते हैं, तो मॉप-अप राउण्ड की आवंटन प्रक्रिया के समय उन रिक्त सीटों का अंतरण (conversion) करते हुए उन्हें सामान्य (ओपन) श्रेणी में कर दिया जाएगा।”

15 The Hon'ble Apex Court, in **Tanvi Behl** (supra) has observed that domicile based reservation in PG Medical course is bad but the Apex Court has also clearly stated that a reasonable number of institution based reservation is permissible. Further, a miscellaneous application being MA No. 512/2025 in CA No. 9289/2019 was filed before the Apex Court, wherein the Hon'ble Apex Court vide order dated 24.03.2025, in the first paragraph has observed that the residence based reservations were not permissible for postgraduate seats in medical colleges and that only reservation to a limited extent is permissible, for institutional preference alone, meaning thereby that institutional preference is permitted to a certain extent.

16 In view of the above, the contents of paragraph 21 of the order dated 20.11.2025 passed in WPC No. 5937/2025, “*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*”, stands deleted and the State shall act in accordance with the ratio laid down by the Apex Court in ***Tanvi Behl*** (supra).

- 17 Accordingly, this petition stands **disposed of**.
- 18 A copy of this order be placed alongwith the records of WPC No. 5937/2025.

Sd/-  
(Bibhu Datta Guru)  
**JUDGE**

Sd/-  
(Ramesh Sinha)  
**CHIEF JUSTICE**

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