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## **HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 4702 of 2025**

**DR. SAMRIDDHI DUBEY *versus* THE STATE OF CHHATTISGARH**

### **Order Sheet**

<b>04/09/2025</b>	<p>Heard Mr.Rajeev Shrivastava, learned Senior Advocate assisted by Mr.Sandeep Dubey, Mr.Manas Vajpai, Ms.Jyoti Chandravanshi and Mr.Kaif Ali Rizvi, learned counsel for the petitioner. Also heard Mr.Shashank Thakur, learned Deputy Advocate General appearing for respondents No.1 to 3/State, Ms.Shreya Pawan Daga, learned counsel holding the brief of Mr.Dhiraj Wankhede, learned counsel appearing for respondent No.4, Mr.Ramakant Mishra, learned Deputy Solicitor General appearing for respondent No.5 and Mr.Adhiraj Surana, learned</p>

counsel appearing for respondent No.6.

By way of this writ petition, the petitioner has challenged the Rule 11 (a) and part of Rule 11 (b) of the Chhattisgarh Medical Post Graduate Admission Rules, 2021 (hereinafter referred as "The P.G. Admission Rules, 2021"), which is unconstitutional and ultravires being a violative of Article 14 of the Constitution of India.

Learned Senior Advocate appearing for the petitioner submits that the petitioner is a permanent resident of the State of Chhattisgarh, her parents are also permanent residents of the State of 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 her All India Rank, she was allotted VMKV Medical College and Hospital, Salem on the basis of counselling conducted by the Medical Council Committee conducted by the Directorate General of Health Services, Ministry of Health and Family Welfare,

	<p>Government of India. The petitioner has successfully completed her MBBS course in 2023 and also successfully completed her compulsory rotating medical internship from 07.04.2023 to 06.04.2024 and got her medical registration certificate from the Tamil Nadu Medical Council as well as the Chhattisgarh Medical Council. Learned Senior Advocate further submits that for pursuing the post-graduate studies in the field of Medical Science, the petitioner appeared in NEET (PG) examination conducted by the National Board of Examination in Medical Sciences (hereinafter referred as “NBEMS”) on 03.08.2025 and the result for NEET (PG) was declared on 19.08.2025. As per the result declared by the NBEMS for NEET (PG) 2025, the petitioner is eligible to get admission in post-graduate medical courses. The NBEMS has declared the result, but the date of counselling for seeking admission has yet not been declared.</p> <p>Learned Senior Advocate also submits that Rule 11(a) of the P.G. Admission Rules, 2021 provides that</p>
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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 and 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 (a) 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. This amounts to 100% reservation to the candidates, who got MBBS degree from the State of Chhattisgarh.

Learned Senior Advocate contended that the Hon'ble Supreme Court in the matter of **Dr. Tanvi Bhel v. Shrey Goel and others** reported in **2025 SCC OnLine SC 180** (Annexure P/13) answered the similar question and held that the residence-based reservation is impermissible in PG Medical courses, the State

	<p>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. Learned Senior Advocate further contended that Rule 11(a) and part of the Rule 11 (b) of the PG Admission Rules, 2021 creates discrimination among student having domicile of Chhattisgarh State, by dividing them in two categories, one the person passed from medical colleges of the State of Chhattisgarh and second the candidate having domicile of the State of Chhattisgarh, but obtained MBBS degree from colleges situated outside the State of Chhattisgarh. Apart from this, giving admission to the candidates who belongs to category mentioned in Rule 11(b), only on the seats remaining after admitted all the candidates belonging to category specified in category of Rule 11(a) is a colorable exercise of power of providing 100% reservation to the candidate, who belongs to category mentioned in Rule 11 (a) of the PG Admission Rules, 2021 and in view of Rule 11(a) and part of the Rule 11</p>
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(b) of the PG Admission Rules, 2021, the residence-based reservation and institution-based reservations are violative of Article 14 of the Constitution of India because it creates an unjustifiable classification between the State of Chhattisgarh and all others, therefore, interference from this Court is necessary by declaring Rule 11 (a) and part of Rule 11 (b) of the Chhattisgarh Medical Post Graduate Admission Rules, 2021 as ultravirus / unconstitutional being a violative of Article 14 of the Constitution of India.

Since Mr.Shashank Thakur, learned Deputy Advocate General appearing for respondents No.1 to 3/State, Ms.Shreya Pawan Daga, learned counsel holding the brief of Mr.Dhiraj Wankhede, learned counsel appearing for respondent No.4, Mr.Ramakant Mishra, learned Deputy Solicitor General appearing for respondent No.5 and Mr.Adiraj Surana, learned counsel appearing for respondent No.6 have put in appearance on behalf of the respondents, there is no need to issue fresh notices to the respondents.

	<p>Learned Deputy Advocate General appearing for respondents No.1 to 3/State prays for and is granted two weeks' time to file return and thereafter, two weeks' further time is granted to learned counsel for the petitioner to file rejoinder, if any.</p> <p>List this matter thereafter.</p> <p>Sd/- <b>(Bibhu Datta Guru)</b> <b>Judge</b></p> <p>Sd/- <b>(Ramesh Sinha)</b> <b>Chief Justice</b></p>
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