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AS:14150-DB

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/260/2025

THE STATE OF NAGALAND AND 3 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND, KOHIMA-
797001

2: THE COMMISSIONER AND SECRETARY
DEPT. OF HIGHER AND TECHNICAL EDUCATION
NAGALAND
KOHIMA-797001

3: THE DIRECTOR
DIRECTORATE OF TECHINICAL EDUCATION
NAGALAND
KOHIMA-797001

4: THE CHAIRMAN
STATE COMMON SELECTION BOARD
NAGALAND KOHIMA-797001

VERSUS

VATSALA PANGHAL AND ANR.
D/O. COLONEL LOVELESG PANGHAL, 1 NAGALAND BN NCC,
KRUOLIEZOU COLONY, NEAR PENIEL CHURCH, BILLY GRAHAN ROAD,
KOHIMA-797001, NAGALAND.

2: THE UNION OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
GOVT. OF INDIA
NIRMAN BHAWAN
NEW DELHI-11000

Advocate for the Petitioner : ADDL. AG, NAGALAND,

Advocate for the Respondent : DY.S.G.I., MR. K GOGOI(C.G.C)

BEFORE

HON'BLE THE CHIEF JUSTICE ASHUTOSH KUMAR

HON'BLE MR JUSTICE ARUN DEV CHOUDHURY

For the Appellants : Ms. V. Suokhrie, Addl. AG, Nagaland.

Ms. T. Khro, Addl. AG, Nagaland.

For the Respondents : Mr. K. Gogoi, CGC.

Mr. Akshay Bhandari, Advocate.

Date of Hearing : 23.10.2025

Date of Judgment : 23.10.2025

JUDGMENT & ORDER (ORAL)

(A.D.Choudhury, J)

1. We have heard Ms. V. Shoukhrie, learned Addl. AG, Nagaland, Mr. K. Gogoi, learned CGC for the Union of India and Mr. Akshay Bhandari, learned counsel for the private respondent/writ petitioner.
2. A challenge has been thrown to the common judgment and order passed in WP(C) 134/2025 and WP(C)/138/2025, wherein a learned Single Judge has quashed the Notification No. HTE/RESERVE/23-1/2012/474 dated 09.09.2021 (for short Notification dated 09.09.2021) issued by the Government of Nagaland in the Higher and Technical Education Department by holding it to be arbitrary and contradictory to the Office Memorandum dated 28.07.2025 (for short Guideline dated 28.07.2027) issued by the Central Government prescribing guidelines for allocation of Central Pool MMBS /BDS seats for the academic year 2025-2026.
3. The fact, in a nutshell, is that the writ petitioner is a ward of a Colonel of the Indian Army, posted as Commanding Officer of 1 Nagaland Battalion NCC at Kohima. She had applied for a seat in the MBBS course from one of the 42 seats allocated to the State of Nagaland from the

Central Pool. When her name did not find place in the merit list of provisional selected candidate of Nagaland State NEET (UG) prepared by the Directorate of Technical Education, Nagaland, she preferred WP(C) No. 134/2025, primarily on the ground that though she is entitled for such a seat, for the reason that she has obtained marks above the cut off mark but her name did not figure in the merit list. By an interim order, the learned Single Judge directed the respondent authorities to allow the writ petitioner to participate provisionally in the counselling for allocation of seats for the MBBS course for the State of Nagaland.

4. The State of Nagaland had taken a stand in the said writ petition that by virtue of Notification dated 09.09.2021, she is not entitled to any seat under the aforesaid quota.
5. Thereafter, a second writ petition, i.e. WP(C) No. 138/2025, was preferred assailing the Notification dated 09.09.2021.
6. It is the case of the writ petitioner before the learned Single Judge as well as before this Court that the impugned Notification dated 09.09.2021 is not sustainable for the reason that it is in derogation of Guidelines dated 28.07.2025, issued by the Government of India, Ministry of Health and Family Welfare.
7. The learned Single Judge has upheld the aforesaid contention.
8. It was further contended by the petitioner that though 42 numbers of seats are reserved for the wards of personnel under Ministry of Defence, the same will not debar her from availing dual eligibility for the Central Pool quota meant for State of Nagaland and it is her privilege that allows her to choose one of the entitlements, which has been denied to her by the impugned Notification Dated 09.09.2021.
9. On the other hand, the State of Nagaland posited that it is within its power to prescribe the eligibility criteria for candidates seeking admission in the MBBS course against the seat allocated to the State under the Central Pool, since the Central guidelines allow the reservation policy being followed by the beneficiary State to be applied in Central Pool MBBS seats. It is their further contention that such Central Pool seats are domicile-based and are allocated because Nagaland is deficient in Medical education. They contend that the writ petitioner is not entitled for dual benefit under two separate quotas.
10. It is important to record herein that by order dated 08.09.2025, this Court had directed Mr. K. Gogoi, learned CGC, to obtain instructions with regard to whether Clause 1.2.4 of the Office

Memorandum dated 28.07.2025 would include Army Officers also Mr. K. Gogoi, on instruction, submits that the private respondent/writ petitioner cannot be allotted a seat from amongst the 42 MBBS Central Pool seats allotted to the State of Nagaland under Guidelines dated 28.07.2025. In this regard, he has referred to the letter No.C.18018/01/2025-ME-II dated 17.09.2025, issued by the Under Secretary to the Government of India addressed to the learned CGC, which states at para Nos. 5 & 6 as follows:-

“5. Under the Central Pool Quota Scheme, 42 MBBS and 04 BDS seats has been allocated to Nagaland and 42 MBBS and 03 BDS seats has also been allocated to Ministry of Defence for being allotment to ward of defence personnel for academic year 2025-26. Copies of allocation of Seats to State of Nagaland and Ministry of Defence are an annexure.

*6. So far as the matter related to treating of Army personnel as central government employee in clause 1.2.4 of Ministry's Guidelines dated 27.07.2025. it is informed that **these seats are allocated to the State to compensate for the shortage of medical infrastructure and to provide opportunities for the students of the State to integrate into the mainstream.** Additionally, **a separate quota is reserved for army personnel under the central pool scheme.**” (emphasise supplied)*

11. We have given anxious consideration to the submissions of the parties and have also gone through the materials on record.
12. Facts not in dispute are that the writ petitioner's father is an Indian Army Officer posted in Nagaland and has his headquarters within the State of Nagaland. It is also not in dispute that a separate quota of 45 seats (42 MBBS and 03 BDS) is earmarked for Defence personnel under the Central Pool Scheme, and the writ petitioner did not qualify against such quota for a shortfall of marks.
13. Clause 1.2 of the Office Memorandum dated 28.07.2025 provides as follows:-

“1.2 Eligibility Conditions:

Only the children of

1. Permanent residents of the State/UT concerned;

2. The employees of the State/UT Government concerned;

3. *The employees of the Central/other State/UT Government on deputation to the State/UT concerned and*

4. *The employees of the Central/other State/UT Govt. posted in and having their headquarters within the State/UT concerned will be eligible. The children of Central/State/UT Government employees aforementioned, should be treated at par with the local resident.”*

14. Therefore, the issue revolves around Clauses 1.2.3 & 1.2.4 of the guidelines mentioned above, and whether the petitioner is covered under the aforesaid Clauses, and whether her father shall come within the definition of an employee of the Central Government for the purpose of availing the benefit.
15. The Union of India, as recorded hereinabove, under its instruction dated 17.09.2025, in no ambiguous term has clarified that the seats under Clause 1.2.4 of the guideline dated 27.07.2025 are allocated to the State to compensate for the shortage of Medical infrastructure and to provide opportunities for the students of the State to integrate into the mainstream, and already a separate quota is reserved for Army personnel.
16. The Central Pool of MBBS/BDS seats are administered by the Ministry of Health and Family Welfare, Government of India, which distributes a fixed number of seats each year amongst various beneficiary categories. The defence personnel quota and the deficient State quota are mutually independent and non-interchangeable sub-schemes under the overall Central Pool.
17. While the defence quota is intended to benefit the dependents of those serving the nation in defence; the deficient State quota is intended to strengthen the medical human resource base of a State that lacks adequate medical colleges or seats. Therefore, it cannot be countenanced that the writ petitioner has been discriminated against by completely ousting her from the competition.
18. From Clause 1.2 of the Guideline dated 28.07.2025, it is clear that beneficiaries of the latter category are residents of the concerned State/UT, with the exception of the children of employees of Central/other State/UT government on deputation in the State/UT concerned and also similar categories of employees who are posted in the State and having their head quarters within the concerned State, to be nominated by the State Government in accordance with Guidelines issued by the Central Government.
19. That being the position, we are of the considered view that the aforesaid two quotas are distinct

and different; one is compensatory, meant for the students of the State, including the children of employees of Central Government on deputation to the State and those posted in the State having their Head Quarters in the State and the other one is exclusively meant for defence personnel. Therefore, for the purpose of availing such benefit, a defence personnel cannot be treated as a Central Government employee.

20. Thus, in the opinion of this Court, the guideline dated 28.07.2025 itself disqualifies the writ petitioner from getting the benefit of Central Pool MBBS seats meant for a deficient state. When separate quota is created for individual categories of Central Government Servants, the argument of dual eligibility against both quotas is misplaced.
21. The law also disfavours dual benefit under two different welfare schemes emanating from the same source. Once the petitioner's category as a ward of a defence personnel is admitted, she can avail the benefit under the defence quota, which she failed to get for having short of the minimum cut-off mark in that quota; she cannot claim a parallel advantage under another quota intended for a distinct beneficiary group. However, the learned Single Judge failed to consider the aforesaid issues and held that the impugned notification dated 09.09.2021 is arbitrary and beyond the guidelines dated 28.07.2025.
22. This Court is also of the opinion that when the writ petitioner is not even eligible under Clauses 1.2.3 and 1.2.4 of the guidelines dated 28.07.2025, the challenge to the Notification dated 09.09.2021, more particularly, paragraph 1 category-III (b), 2(c) and 3(e), cannot be sustained at the behest of the writ petitioner.
23. Yet another aspect of the matter is that the allocation of central poll seats is a policy measure falling within the domain of the Union Government. The seats are not part of any statutory entitlement but are created as a matter of executive discretion to serve diverse objectives: national service recognition (defence quota), regional equity (deficient state quota) and other specified categories. Such a decision can be judicially reviewed only when it is palpably arbitrary or in direct violation of Constitutional Guarantees.
24. As recorded hereinabove, the object of the deficient state quota is to augment the supply of doctors in the State that lacks adequate medical colleges, and the object of the defence pool is entirely different; to recognise and reward national service by defence personnel. Both quotas operate under the same central pool, but each serves a separate beneficiary class. The policy of mutual exclusivity between the defence pool and the deficient pool thus bears a rational nexus

to the scheme's purpose and cannot be termed arbitrary.

25. When the central government, in its policy wisdom, has chosen to treat the defence personnel and their wards as a separate class with dedicated quota benefits, the exclusion of such a class from another pool cannot be termed discriminatory. The classification distinguishing between ordinary residents of a State, including central government employees posted in the State or in deputation having headquarters therein and wards of defence personnel having an independent quota is based on an intelligible differentia having a rational nexus to the object of fair and balanced allocation. Therefore, there is no violation of the right of the writ petitioner under Article 14 of the Constitution of India.
26. It is well settled that a writ court cannot, in the exercise of its power of judicial review, compel the executive to merge or cross-apply distinct quota categories unless the exclusion is manifestly arbitrary, which it is not in the present case.
27. However, the learned single judge overlooked the foundational distinction between the two categories: these two quotas serve a distinct policy objective. When the Guidelines dated 28.07.2027 are not meant for the defence quota, the impugned notification dated 09.09.2021 does not offend the writ petitioner, and such a notification cannot be struck down as a whole at the behest of the writ petitioner.
28. The judgments relied upon by the learned counsel for the writ petitioner, in the considered opinion of this Court, are not applicable in the given facts of the present case.
29. Accordingly, the writ appeal succeeds.
30. The impugned Common judgment and order dated 14.08.2025 passed by the learned Single Judge in WP(C) 134/2025 and WP(C) 138/2025 are set aside.
31. Consequently, the writ petitions stand dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant