

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 162 of 2025

(DR. AYUSH SHRIVASTAVA vs UNION OF INDIA AND OTHERS)

Dated : 06-01-2025

Shri Alok Vagrecha - Advocate for the petitioners.

Smt. Janhvi Pandit Addl. Advocate General for the respondent/State.

Issue notice to the respondent No.1 on payment of process fee by RAD mode within three working days.

Notice be made returnable within two weeks.

Smt. Janhvi Pandit, Additional Advocate General, accepts notice on behalf of respondents No.2 and 3 and undertakes to file reply within a week.

Learned counsel for the petitioners contended that the petitioners are in-service candidates and have completed MBBS degree and are serving in the rural areas of the State of Madhya Pradesh since last 3 to 11 years. As per notification dated 30.12.2024 (Annexure P/2) seeking filling up of the seats in the M.D/M.S. course - 2024 was to commence from 01.01.2025 and fresh choice filling and choice locking for the second round was to commence from 03.01.2025 till 06.01.2025 and the results of the second round was to be announced by 08.01.2025. However, as per the notice dated 04.01.2025 issued by the respondent No.1 the eligibility percentile criteria for participating in NEET PG counselling 2024 has been lowered down making it to 15 percentile for the candidates belonging to General/EWS category and similarly candidates belonging to SC/ST/OBC/PwD categories to 10 percentile have also been made eligible for participating in the NEET

PG counselling 2024. In view of the notice Annexure P/3 dated 04.01.2025, the petitioners have also become eligible to participate in the NEET PG counselling. However, since the portal has not been opened after 04.01.2025, the petitioners are unable to participate in the counselling. Even the respondents have changed the criteria as laid down in the notification dated 31.12.2024 by amending the same by notification dated 04.01.2025 (Annexure P/4) thereby depriving the petitioners to participate in the counselling.

Per contra, learned counsel for the respondents opposed the prayer and submitted that the petitioners have missed the bus since they have not registered themselves for the NEET PG counselling of M.D./M.S. course 2024, therefore, this petition is bereft of merits and substance and is liable to be dismissed at this stage itself.

Heard learned counsel for the parties and perused the record.

It is trite law that the rules/procedure as laid down cannot be changed in between. Thus, as per notice dated 04.01.2025, the petitioners cannot be prima facie deprived from participating in the second round of counselling.

In the facts and circumstances of the case, as an interim measure, respondents No.2 and 3 are directed to open the portal for registration of the candidature of the petitioners provisionally subject to final outcome of this petition.

The said exercise be done forthwith without any loss of time and the petitioners be also permitted to participate in the MP State Combined NEET PG Counselling (MD/MS Course) 2024 forthwith and the result scheduled to

be declared on 07.01.2025 be kept in abeyance until further orders of this Court.

Certified copy today.

(SUSHRUT ARVIND DHARMADHIKARI)
JUDGE

(ANURADHA SHUKLA)
JUDGE

HS