



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 7067/2025

Anup Agrawal S/o Shri Subhash Chandra Agrawal, Aged About 39 Years, Resident Of C/o Subhash Textiles, House No. 31, Ward No. 08, Purana Hatri Chowk, City Sarangarh, District Sarangarh-Bilaigarh-496445 (Chhatisgarh)

-----Petitioner

Versus

1. State of Rajasthan through the Principal Secretary, Medical Education Department, Government Secretariat, Jaipur.
2. NEET PG Admission/ Counseling Board-2024 through the Chairman, SMS Medical College, Jaipur, Rajasthan.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 1691/2024

Rajesh Choudhary S/o Badri Lal Choudhary, Aged About 30 Years, R/o C-412, Azad Nagar, Bhilwara (Raj.)

-----Petitioner

Versus

1. State of Rajasthan through its Principal Secretary, Department of Medical Education, Government Secretariat, Jaipur.
2. Chairman, NEET-PG Medical & Dental Admission/ Counseling Board-2023, RUHS College of Dental Science (Govt. Dental College), Subhash Nagar, Behind T.B. Hospital, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 2614/2024

Dr. Jagmohan Sharma S/o Shri Babulal, Aged About 34 Years, R/o Village Supra, Post Kurka, Tehsil Rupbas, Bharatpur, Rajasthan-321301.

-----Petitioner

Versus

1. State of Rajasthan through the Principal Secretary,



Medical Education Department, Government Secretariat,
Jaipur.

2. NEET-PG Admission/Counseling Board-2023, through the
Chairman, RUHS College of Dental Sciences (Government
Dental College), Subhash Nagar, Behind T.B. Hospital,
Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 6646/2025

Dr. Supriya Kumari Gupta D/o Raju Lal Gupta, Aged About 29
Years, Resident Of Malarna Station, Tehsil Malarna Doonger,
Sawai Madhopur-322033

-----Petitioner

Versus

1. State of Rajasthan through the Principal Secretary,
Medical Education Department, Government Secretariat,
Jaipur
2. NEET PG Admission/Counseling Board-2024 through the
Chairman, SMS Medical College Jaipur, Rajasthan

-----Respondents

S.B. Civil Writ Petition No. 7237/2025

1. Dr. Preeti Pandey D/o Shri Ramdev Pandey aged about 32
years resident of 27-B, Bajrang Colony, Ram Nagar, Sodala,
Jaipur.
2. Dr. Ankit Pandey S/o Shri Ramdev Pandey aged about 30
years resident of 27-B, Bajrang Colony, Ram Nagar, Sodala,
Jaipur.

.....Petitioners

Versus

1. State of Rajasthan through the Principal Secretary, Medical
Education Department, Government Secretariat, Jaipur
2. NEET PG Admission/Counselling Board-2024 through the
Chairman, SMS Medical College Jaipur, Rajasthan

.....Respondents



For Petitioner(s) : Mr. Tanveer Ahamad with
Mr. Anurag Mathur
Mr. Mohd. Kasim Khan
Mr. R.D. Meena

For Respondent(s) : Mr. Vigyan Shah, AAG with
Mr. Yash Joshi
Mr. Shubhendra Singh with
Ms. Tanvisha Pant



HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

REPORTABLE

Reserved on **14/05/2025**

Pronounced on **21/05/2025**

1. In the present batch of writ petitions, the core controversy requiring adjudication predominantly pertains to the legality and validity of the impugned addendum to the instruction booklet dated 22.04.2025 issued in connection with the NEET PG, 2024 six months ultra-sound course under as Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, (Amendment 2014) (hereinafter referred to as 'PCPNDT Rules'), whereby the respondents have not considered the candidature of the petitioners herein due to certain eligibility conditions as notified by the additional addendum to the instruction booklet. Although ancillary issues are also raised, the principal question of law revolves around the legality and validity of the impugned addendum and non-consideration of the petitioners' candidature for want of certain eligibility conditions. Having regard to the commonality of issues both in law and in fact, and upon consent being recorded from the learned counsel



appearing for the respective parties, this Court deems it appropriate to treat **SBCWP NO. 7067/2025** titled as **Anup Agrawal Vs. State Of Rajasthan and Ors.** as the lead petition for the purposes of this adjudication.

2. It is, however, considered apposite to clarify at the outset that while there may exist factual variances among the individual petitions constituting the present batch, such discrepancies are confined solely to the narrative factual matrices peculiar to each case. They do not impinge upon or detract from the common questions of law which fall for consideration before this Court. Accordingly, the judgment rendered herein shall apply to all the writ petitions connected and heard together with the lead matter, on a *mutatis mutandis* basis, subject to necessary adaptation to the individual factual contexts where required.

3. Before proceeding to examine the present petitions on their merits, it is imperative to first delineate the foundational facts and the core issues arising therein. A precise appreciation of the factual matrix and procedural background as submitted by the learned counsel appearing for the petitioners' is essential to contextualize the grievances of the petitioners and the legal questions that fall for adjudication. The salient aspects of the petitions along with the submissions made by the learned counsel appearing on behalf of the petitioners are, therefore, summarized as under:

4. Learned Counsel for the Petitioners, Mr. Tanveer Ahmad, along with other learned counsel representing the petitioners, submitted that the petitioners are not residents and



domiciles of the State of Rajasthan rather have pursued and completed their MBBS degree from institutions situated within the State of Chhattisgarh, Gwalior, Gujarat, China, Kazakhstan etc. and not from within the territorial boundaries of the State of Rajasthan.

5. It was further contended that the respondent-authorities issued the Instruction Booklet for admission to Postgraduate Medical Courses (MD/MS) for the academic year 2024 in the State of Rajasthan. Subsequently, an additional amendment was issued by way of an addendum, particularly in the context of the six-month Ultra Sound Training Course in accordance with the PCPNDT Rules (as applicable in the State of Rajasthan) annexed in the lead petition as Annexure-7.

6. The impugned addendum introduces new eligibility criteria for admission to postgraduate medical courses and stipulates the following preference-based eligibility structure:

Clause (a): Institutional preference shall be given to candidates who have obtained their MBBS qualification from institutions located within the State of Rajasthan, to the extent of 50% of the total seats.

Clause (b): A further preference shall be extended to in-service candidates serving under the Rajasthan Government, again to the extent of 50% of the total seats.

7. In this regard it was apprised to the Court that as per the said additional addendum, only in the event that seats remain vacant after the conclusion of the second round of counseling and an adequate number of candidates are not available from the



aforementioned categories, only then will candidates possessing a Rajasthan domicile certificate be considered. Thereafter, residuary candidates from outside the State of Rajasthan will be eligible for allotment of the remaining vacant seats.

8. It was contended that the petitioners have approached this Court challenging the aforementioned eligibility criteria as introduced by the respondent-authorities by way of the impugned addendum, on the ground that such stipulation effectively creates a mandatory requirement of:

- (i) Rajasthan State domicile and/or
- (ii) Institutional qualification from Rajasthan-based medical colleges, thereby rendering similarly placed candidates such as the petitioners, who are otherwise meritorious and eligible under NEET-PG guidelines, ineligible for participation in the admission process.

9. It was submitted that by virtue of the impugned addendum, the respondents have effectively locked 100% of the available seats in favour of candidates falling within either of the two categories, namely institutional preference (50%) and in-service government medical officers (50%). As a consequence, the open market for competition is eliminated in its entirety, thereby denying opportunity to otherwise eligible candidates, such as the petitioners, in manifest violation of fundamental rights as insured by the Article 14 and 16 of the Constitution of India.

10. In support of the contentions made insofar, learned counsel appearing for the petitioners have unanimously placed



reliance on the following judicial pronouncements and have averred as follows:

10.1 That reservation in any form, including institutional preference and service-based reservation, cannot exceed the constitutionally prescribed ceiling of 50%, as laid down in the landmark judgment of **Indra Sawhney v. Union of India [(1992) Supp (2) SCR 454]**, wherein the Hon'ble Supreme Court categorically held that reservation exceeding 50% would be violative of the basic structure of the Constitution of India, save in exceptional circumstances.

10.2 That the complete exclusion of candidates domiciled in other States, solely on the ground of their place of residence or place of study, amounts to hostile discrimination and is violative of the constitutional guarantee of equality. In this context, reliance was placed upon the decision in **Tanvi Behl v. Shrey Goel [Civil Appeal No. 9298/2019]**, wherein it was held that domicile-based discrimination in educational admissions without reasonable nexus is unconstitutional.

10.3 That the Hon'ble Supreme Court in **Saurabh Chaudri v. Union of India [(2003) 11 SCC 146]** and in **Yatinkumar Jasubhai Patel & Ors. v. State of Gujarat & Ors. [(2019) 10 SCC 1]** has recognized the permissible extent of institutional preference in postgraduate medical admissions, but has simultaneously cautioned that such preference should be exercised in a balanced and reasonable manner, ensuring adequate representation to candidates from outside the State.



10.4 The judgment of the Division Bench of this Court in **State of Rajasthan v. Dr. Simple Gupta [D.B. Special Appeal (Writ) No. 822/2020]**, wherein similar eligibility criteria providing for institutional preference in postgraduate admissions were struck down on the ground that the same were *ultra vires* the Constitution as they resulted in the complete exclusion of meritorious candidates from other States.

11. Consecutively, it was submitted that the impugned eligibility conditions, as introduced by the additional amendment/addendum to the Instruction Booklet for PG Medical Courses 2024, suffer from the vice of arbitrariness and unreasonableness, and are liable to be set aside as they:

11.1 Violate Articles 14 and 16 of the Constitution of India;

11.2 Are contrary to the principles laid down by the Hon'ble Supreme Court in the context of permissible institutional preference and reservation;

11.3 Lead to regional parochialism and frustrate the objective of national integration and merit-based selection in higher medical education.

12. In light of the aforementioned, it was pleaded that the impugned additional amendment (Annexure-7) in the Instruction Booklet to the extent it imposes institutional and domicile-based preference amounting to 100% exclusion of open category candidates may be quashed and set aside.

13. *Per contra*, Learned Additional Advocate General, Mr. Vigyan Shah, appearing on behalf of the respondent-State, vehemently opposed the submissions advanced by the learned



counsel for the petitioners and had prayed for dismissal of the present batch of petitions on grounds, *inter alia*, that the challenge to the impugned eligibility criteria lacks merit, both in fact and in law.

14. At the outset, it was submitted that the reliance placed by the petitioners on the judgment rendered in **Dr. Simple Gupta (supra)** is wholly misconceived, inasmuch as the said judgment is subsequently diluted by a later Division Bench of this Court, on account of subsequent developments. In the subsequent proceedings, the Court observed that the issue raised in the said case had become academic in nature, and while the point of law pertaining to the validity of institutional preference was kept open, liberty was expressly granted to the State Government to frame a fresh and appropriate policy governing the subject matter.

15. It was further submitted that the present eligibility criteria, as contained in the Information Booklet for admission to PG medical courses (MD/MS) 2024, merely provides for 50% reservation in favour of institutional preference, i.e., candidates who have obtained their MBBS degrees from institutions located within the State of Rajasthan. It was emphatically denied that the said reservation amounts to 100% exclusion of other candidates.

16. In this context, reliance was placed upon the authoritative pronouncement of the Hon'ble Supreme Court in **Saurabh Chaudri & Ors. v. Union of India & Ors. [(2003) 11 SCC 146]**, wherein the Apex Court upheld institutional preference to the extent of 50% in postgraduate medical admissions as constitutionally valid and permissible. The Hon'ble Court, in the



said judgment, recognized that while a balance must be maintained, institutional preference does not *per se* offend Articles 14 and 16 of the Constitution when kept within reasonable bounds.

17. It was further submitted by the learned AAG, that a separate 50% reservation is carved out for in-service candidates, i.e., those serving in the medical services of the Rajasthan Government. The legality of such in-service quota is upheld by the Hon'ble Supreme Court in **Tamil Nadu Medical Officers Association v. Union of India [(2021) 6 SCC 568]**, wherein it was observed that such reservations are a manifestation of the State's positive constitutional obligation under Article 47 read with Article 21 of the Constitution of India to provide adequate health care facilities and ensure distribution of trained professionals in under-served and rural areas.

18. It is further submitted that the judgment relied upon by the petitioners in **Dr. Tanvi Behl (supra)** does not come to the aid of the petitioners. In the said case, the Court indeed reiterated the principle that reservation solely on the basis of domicile is impermissible in the absence of any reasonable classification. However, it is equally important to note that the same judgment also upheld the validity of institutional preference to the extent of 50%, thus affirming the very principle upon which the impugned policy of the State of Rajasthan is founded.

19. The learned Additional Advocate General further submitted that the petitioners have incorrectly equated institutional preference and in-service reservation with domicile-



based reservation, which is factually and legally untenable. Subsequently, it was averred that institutional preference and in-service quotas do not impose any domicile requirement; in fact, candidates admitted in Rajasthan medical colleges or appointed in Rajasthan Government medical service are selected on an all-India basis through NEET and UPSC/State Public Service Commission, respectively. Hence, the pool of eligible candidates under these categories is not confined to Rajasthan domiciles and is open to all candidates nationwide, thereby discrediting the petitioners' contention of regional discrimination.

20. It was further contended that the policy adopted by the State Government is in furtherance of the legitimate objectives of public policy, including encouragement of local health infrastructure development, retention of medical talent within the State, and ensuring continuity of service in rural and under-served areas. These are recognized grounds for permissible classification under Article 14 of the Constitution and are not arbitrary or discriminatory in nature.

21. In conclusion, the learned Additional Advocate General submitted that the eligibility conditions in the present case are:

21.1 Well within the constitutional framework and supported by binding judicial precedents;

21.2 Not in excess of the permissible 50% ceiling, as laid down in **Indra Sawhney (supra)** and other subsequent judgments;



21.3 Non-exclusive and non-discriminatory, as the institutional and in-service categories are open to candidates across India, subject to merit and selection processes;

21.4 Framed in furtherance of public interest and healthcare imperatives within the State.

22. In light of the foregoing, the respondent-State prays that the present petitions deserve to be dismissed *in limine* as being devoid of merit and as a challenge to a validly framed and constitutionally compliant policy.

23. Having heard the rival arguments advanced by the learned counsel for all the parties, undertaking a scrupulous examination of the record pertaining to the case, scanning the precedents cited at the Bar and juxtaposing the contentions noted herein above, this Court is view that prior to a substantive adjudication of the matter on its merits, it is appropriate to delineate and formally note down certain facts that remain undisputed between the parties, thereby providing a clear foundation upon which the subsequent legal analysis shall be constructed:

23.1 The present batch of petitions raise a challenge to the eligibility criteria for allotment of seats under the State quota for Medical Postgraduate courses (MD/MS/Post MBBS DNB), 2024, particularly concerning the six-month Ultrasound Training Course under the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Rules, as notified by the State of Rajasthan vide Additional Addendum (Annexure-7).



23.2 It is not disputed that the addendum issued by the respondent-authority sets out eligibility criteria limiting participation to two categories:

23.2.1 Firstly, candidates who have qualified NEET PG-2024 and obtained their MBBS degree from institutions situated in the State of Rajasthan; and

23.2.2 Secondly, Medical Officers/Medical Teachers serving under the Government of Rajasthan.

23.3 The said Addendum further stipulates a dual reservation scheme, namely:

23.3.1 A 50% institutional preference for candidates from Rajasthan-based medical colleges;

23.3.2 A 50% in-service preference for Medical Officers/Teachers employed by the Government of Rajasthan.

24. It is relevant to note that both these categories—namely ‘institutional’ and ‘in-service candidates’ are not confined to residents or domiciles of Rajasthan. Candidates admitted to Rajasthan Medical Colleges are selected through an all-India competitive examination (NEET), and similarly, in-service candidates are appointed through open public recruitment. The policy further clarifies that if seats remain unfilled, the same would first be made available to candidates holding Rajasthan domicile certificates, and thereafter, to the residuary open category candidates. This ensures that meritorious candidates from across India are not excluded from consideration, thereby fulfilling the principle *jus naturale*—natural justice.



25. As regards the reliance placed on the judgment rendered by the Division Bench in **Dr. Simple Gupta (supra)**, it is evident from the record that the said judgment was subsequently diluted, with the Division Bench expressly leaving the question of law open and granting liberty to the State to frame a suitable policy. Thus, the said judgment does not have binding effect as a precedent under *ratio decidendi* and is distinguishable on facts.

"Learned counsel for the original-petitioner submitted that in the impugned judgment of the learned Single Judge petitioner was already admitted in the said course, she has successfully completed the same and a certificate of completion is also issued to her. He produced a copy of such certificate which is taken on record. Counsel for the petitioner stated that the petitioner hails from the State of Rajasthan, she has married to a person who is also a doctor and has settled down in the State itself. It is wholly fortuitous that she had to undertake the medical training outside the State.

In view of these developments, we are not inclined to examine the issue arising out of the judgment of the learned Single Judge in the present case. Even if we were to uphold all the contentions of the State Government, in view of the further developments and equity which has been created in favour of the petitioner, it would be almost impossible for us to annul the completion certificate of the diploma course which has been issued in her favour. This would result into sheer wastage of the seat, the training imparted to a candidate and this would not be in the interest of the parties concerned."

(Emphasis supplied)



26. The Hon'ble Supreme Court in a catena of judgments has upheld the validity of institutional and in-service preferences to the extent of 50%, provided they are not excessive or arbitrary, as in **Saurabh Chaudri (Supra)**, the Hon'ble Court upheld institutional preference to the extent of 50% as being constitutionally valid.

27. In **Tamil Nadu Medical Officers Association (Supra)** also, the Hon'ble Court upheld in-service reservation in light of Articles 21 and 47 of the Constitution, recognizing the State's positive obligation to promote public health infrastructure.

*"3.1 The moot question is whether the State Government is competent to provide for a reservation for candidates who are already serving the Government. Such reservation is made for Post-graduate seats in the different medical colleges in the State. **The competence of the State Government is traceable to Article 245 r/w Schedule VII List III Entry 25 to the Constitution. It cannot be said that there has to be a legislature made law to provide for such reservation. The Government can in exercise of its power as an Executive Under Article 154 provide for such reservation and it has been so provided as well. Once competence is found in favour of Government then only question is one of a possible conflict with a Central Law and the resolution of any question of repugnancy. It is submitted that said question really does not arise in the present case;***

3.4 There is no plenary law by the Centre provided for any reservation for in-service candidates. In other words, there is no Central Law governing the said aspect, therefore, it would be competent for the State Government to provide for a reservation for in-service candidates. In the absence of a Central Law, it is obviously open to the State Government to



provide for a legal instrument, whether by way of a statute or by an executing order providing a reservation for in-service candidates;

17.1 That the action of the State to provide for the in-service quota is in the discharge of its positive constitutional obligations to promote and provide better health care facilities for its citizens by upgrading the qualifications of the existing in-service doctors so that the citizens may get more specialized health care facility. Such action is in discharge of its own constitutional obligations as provided in Article 47 of the Constitution of India, which is the corresponding fundamental right of the citizens protected Under Article 21 of the Constitution of India."

(Emphasis supplied)

28. In **Yatinkumar Jasubhai Patel v. State of Gujarat [(2019) 10 SCC 1]**, and **Dr. Tanvi Behl Vs. Shrey Goel & Ors.** reported in **2025 SCC OnLine SC 180** the constitutional permissibility of limited institutional preference was reiterated. In these ratios it was opined that reservation on the basis of "domicile" is impermissible in law but reserving seats upto 50% for giving institutional preference is very well within the four corners of law. The relevant extract from **Dr. Tanvi Behl (Supra)**

"12. The question in Saurabh Chaudri was the validity of institutional preference/reservation as well as reservation based on residence. The precise questions before the Court, in its own words are as follows:

"10. The question which was initially raised in the writ petition was as to whether reservation made by way of institutional preference is ultra vires Articles 14 and 15 of the Constitution of India; but during hearing a larger issue viz. as to whether any reservation, be it on residence or institutional preference, is constitutionally permissible, was raised at the Bar."



It answered in the affirmative for institutional preference and held that to be a reasonable classification permissible under Article 14 of the Constitution of India.

29. Moreover, the maxim "*salus populi suprema lex esto*"—the welfare of the people shall be the supreme law, guides the State in formulating healthcare-related educational policy. The twin criteria of institutional preference and in-service reservation serve the larger public interest and are grounded in rational and non-arbitrary classification. Furthermore, this Court is of the considered view that the petitioners' reliance on **Tanvi Behl (supra)** is misplaced, as the ratio therein pertained to reservation exclusively based on domicile, which is not the issue in the present case. Here, no exclusive reservation on the basis of domicile has been made, and the categories specified are inclusive and merit-based, having a rational nexus with the object sought to be achieved.

30. In light of the above observations, this Court finds that the eligibility conditions and reservation policy notified through the impugned addendum do not suffer from any constitutional infirmity. They are in consonance with the provisions of Articles 14 and 16 of the Constitution, and are not *ultra vires* to the principles laid down by the Hon'ble Supreme Court, and hence this Court is not inclined to interfere with a policy decision which is reasoned, proportionate, and aligned with public interest.

Conclusion:

31. For the reasons aforementioned, this Court finds no merit in the present batch of petitions. The additional addendum



to the instruction booklet dated 22.04.2025 (Annexure-7 in the lead petition) and the eligibility criteria framed thereunder are constitutionally valid, legally sustainable, and rational in nature.

32. Accordingly, the present batch of petitions being devoid of any merits stand dismissed. No order is passed as to costs. Pending applications, if any, shall also stand disposed of.

(SAMEER JAIN),J

JKP/s-249-252