



2026:CGHC:4338-DB

**AFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 367 of 2026**

Anushka Yadav D/o Shri Akhilesh Yadav Aged About 29 Years R/o H. No. 10, Block - 10, Street-7, Priyadarshini Paarishar (West), Motilal Nehru Nagar Bhilai, Durg, District - Durg Chhattisgarh 490020

**... Petitioner**

**versus**

**1 - State Of Chhattisgarh Through The Secretary, Department Of Public Wealth And Family Welfare, Mantralaya, Mahanadi Bhavan, Nava Raipur, Atal Nagar, District - Raipur, Chhattisgarh 492002**

**2 - The Director Medical Education, Directorate Of Medical Education, Swasthya Bhavan, Sector 19, North Block, Atal Nagar, Nava Raipur, Chhattisgarh 492002**

**3 - The Commissioner Medical Education, Commissionerate Of Medical Education, Swasthya Bhavan, 2nd Floor, Sector 19, North Block, Atal Nagar, Nava Raipur, Chhattisgarh 492002**

**4 - The National Medical Commission Ministry Of Health And Family Welfare Through Its Director, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi 110077**

**5 - 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**

**---- Respondents**

(Cause title taken from Case Information System)

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For Petitioner : Mr. Nitesh Jain, Advocate

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For Respondents/State : Mr. Shashank Thakur, Additional Advocate General

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**Hon'ble Shri Ramesh Sinha, Chief Justice**  
**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Order on Board**

**Per Ramesh Sinha, C.J.**

**27/01/2026**

1. The present writ petition has been filed challenging the legality, validity and propriety of the order/ notification/ letter No. Q-1/ Student/ Counselling/ Sanchishi/ 2026, dated 22.01.2026 issued by the Commissioner, Medical Education, Chhattisgarh, whereby the entire counselling process of the first and second rounds conducted for admission to Post Graduate Medical Courses for the academic year 2025, along with the allotments made thereunder, has been cancelled, and further challenging the application of the amended Rule 11(a) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025 to already selected candidates, along with the explanation dated 23.01.2026 as well as the subsequent order/notification dated 23.01.2026 intimating a fresh counselling process, on the ground that the same is arbitrary, unconstitutional and violative of Articles 14, 19 and 21 of the Constitution of India.
2. The present petition has been filed by the petitioner seeking for the following reliefs:-

**“10.1 To issue a writ and/or an order in the nature of appropriate writ do issue calling the records from the respondent authorities concerned for perusal of this Hon'ble Court, if thinks fit in the facts & circumstances of case;**

**10.2 To issue a writ and/or an order in the nature of writ of certiorari do issue quashing the order/letter dated 22/01/2026, issued by Respondent no 3**

**canceling the counselling process of the first and second phases conducted earlier for the admission for the year 2025 and allotments made therein, in and all consequences arising thereof and related thereto,**

**10.3 To issue a writ and/or an order in the nature of writ of certiorari do issue quashing the order/letter dated 23/01/2026, issued by Respondent no.3 initiating fresh counselling process of the first and second phases conducted earlier for the admission for the year 2025, in and all consequences arising thereof and related thereto;**

**10.4 To issue a writ and/or an order in the nature of writ of certiorari and declare the application of Rule 11(a) of the Chhattisgarh Medical Post Graduation Admission Rules, 2025 as ultra vires so far as it relates to counselling done first and second phases conducted earlier for the admission for the year 2025:**

**10.5 To issue a writ and/or order in the nature of appropriate writ directing the letter/order dated 22/01/2026 and 23/01/2026 and Rule 11(a) of Chhattisgarh Medical Post Graduation Admission Rules, 2025 dated 22/01/2026 may be declared inoperative to the effect of allotment of petitioner and the petitioner to pursue studies with respect of admission taken.**

**10.6 To issue a writ and/or order in the nature of appropriate writ directing the respondent authorities for application of the Amended Rule 11(a) of the Chhattisgarh Medical Post Graduation Admission**

**Rules, 2025 to the subsequent phases of counselling  
which will be conducted subsequent to order passed  
by this Hon'ble Court in MCC No. 40 of 2026 dated  
16/01/2026**

**10.7 Cost of the proceedings;**

**10.8 To grant any other relief deemed just and proper  
in the facts and circumstances of the case for  
imparting complete and substantial justice to the  
petitioner.”**

3. The facts of the case as emerges from the petition are that, the petitioner is a citizen of India and a permanent resident of the State of Chhattisgarh. The parents of the petitioner are also permanent residents of Chhattisgarh, and the petitioner holds a valid domicile certificate of the State. The petitioner is therefore entitled to all fundamental and constitutional rights guaranteed under the Constitution of India. The respondents are “State” within the meaning of Article 12 of the Constitution of India and are amenable to the writ jurisdiction of this Hon'ble Court.
4. The petitioner secured admission to the MBBS course in the year 2016 through CG PMT counselling at Raipur Institute of Medical Sciences, Raipur, under Pt. Deendayal Upadhyay Memorial Health Sciences and Ayush University of Chhattisgarh. The petitioner successfully completed the MBBS course in the year 2021 and thereafter completed the compulsory rotating medical internship from 10.05.2021 to 09.06.2022. The petitioner is duly registered with the Chhattisgarh Medical Council.

5. For pursuing postgraduate medical education, the petitioner appeared in the NEET (PG) examination conducted by the National Board of Examination in Medical Sciences (NBEMS) on 03.08.2025, the result of which was declared on 19.08.2025. The petitioner qualified the examination with a score of 510 and an All India Rank of 21613. Pursuant thereto, the petitioner registered for All India Counselling conducted by the Medical Counselling Committee (MCC) by depositing the requisite fee. In the first round of All India Counselling, the petitioner was provisionally allotted the Radiation Oncology course at Jawahar Lal Nehru Cancer Hospital and Research Centre, Bhopal, and deposited first-year fees of Rs. 1,25,000/-.
6. Simultaneously, the petitioner registered for Chhattisgarh State NEET (PG) Counselling, 2025, governed by the Chhattisgarh Medical Post Graduate Admission Rules, 2025, after depositing the registration amount of Rs. 2,02,000/-. In accordance with the directions issued by this Hon'ble Court in WPC No. 5937 of 2025 (Dr. Samriddhi Dubey v. State of Chhattisgarh), the State issued the first and second merit lists and conducted counselling rounds. The petitioner was allotted an M.D. (Radio Diagnosis) seat at Shri Shankaracharya Institute of Medical Sciences, Bhilai, and completed the entire admission process on 09.01.2026 after submitting original documents, affidavits and undertaking, and depositing admission fees of Rs. 10,79,000/-, bank guarantee of Rs. 10,00,000/- and hostel fees of Rs. 4,52,700/-. Provisional admission and confirmation letters were issued, and the petitioner joined the course on 21.01.2026.

7. Upon securing admission through State Counselling, the petitioner resigned from the earlier allotted All India Quota seat through MCC on 14.01.2026, resulting in forfeiture of the security deposit. Subsequently, despite there being no direction from this Hon'ble Court to apply the amended Rule 11(a) of the PG Admission Rules, 2025 retrospectively, Respondent No.3 issued an order dated 22.01.2026 cancelling the entire first and second rounds of counselling along with admissions already granted, followed by a notification dated 23.01.2026 initiating fresh counselling. Aggrieved by the arbitrary cancellation of the completed counselling process and admission already secured by the petitioner, the present writ petition has been filed.
8. Learned counsel for the petitioner submits that the impugned action of the respondent authorities in cancelling the first and second rounds of counselling, after the entire admission process had already been concluded and the petitioner had duly joined the allotted postgraduate medical course, is wholly arbitrary, illegal and violative of Articles 14, 21 and 21A of the Constitution of India. The petitioner was selected strictly on the basis of merit and in accordance with the rules prevailing at the relevant time. Once a vested right accrued in favour of the petitioner upon completion of admission formalities, issuance of provisional admission and confirmation letters, and submission of joining, the same could not have been taken away by a subsequent executive decision without any fault on the part of the petitioner. Such action not only infringes the petitioner's fundamental right to education but also fails the test of fairness, reasonableness and non-

arbitrariness.

9. Learned counsel further submits that the first and second rounds of counselling and seat allotments were completed on 24.12.2025 and 07.01.2026 respectively, much prior to the order passed by this Hon'ble Court in MCC No. 40 of 2026 and prior to the publication of the amended Rule 11(a) on 22.01.2026. There is no direction of this Hon'ble Court permitting retrospective application of either the clarification order or the amended rule. In absence of any such mandate, the respondent authorities had no jurisdiction to cancel a concluded counselling process. Even otherwise, any amendment in the rules can operate only prospectively and, at best, could be applied to future or fresh rounds of counselling and not to admissions already finalised.
10. Learned counsel lastly submits that the petitioner, acting bona fide, resigned from the earlier allotted All India Quota seat after securing admission through State counselling, thereby suffering forfeiture of security deposit and exposing herself to irreparable financial and academic loss. The impugned cancellation has placed the petitioner in a precarious position, jeopardising her career after years of preparation and two years of drop for postgraduate studies. Permitting such arbitrary exercise of power would lead to endless counselling processes, administrative chaos and grave prejudice not only to the petitioner but to similarly situated candidates. Hence, the impugned orders deserve to be quashed and the petitioner be allowed to continue her postgraduate studies in the seat already allotted to her.

11. Learned counsel appearing for the State Government respectfully submits that the writ petition is misconceived, premature and devoid of merit. The impugned orders dated 22.01.2026 and 23.01.2026 have been issued strictly in compliance with the law declared by the Hon'ble Supreme Court and the clarification issued by this Hon'ble Court in MCC No. 40 of 2026. The State, being under a constitutional obligation to implement the ratio laid down by the Hon'ble Apex Court in "**Dr. Tanvi Behl v. Shrey Goel & Others**" (2025) SCC OnLine SC 180 and subsequent clarifications, was duty-bound to rectify the counselling process so as to ensure that admissions to postgraduate medical courses are made in accordance with constitutional principles and settled law. The action of the State is neither arbitrary nor discriminatory but is a *bona fide* exercise undertaken to bring the admission process in conformity with law.
12. It is further submitted that no vested or indefeasible right accrues to any candidate merely on the basis of provisional allotment or admission, particularly when the admission itself is subject to statutory rules, judicial scrutiny and final outcome of pending proceedings. The petitioner was fully aware that the counselling process and admissions were subject to the outcome of litigation concerning Rule 11(a) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025. Therefore, the plea of vested right or legitimate expectation is misconceived. The State has ample authority to cancel or revise counselling if the same is found to be contrary to law, and such corrective action cannot be termed illegal merely because certain candidates had already joined pursuant to a provisional process.

13. Learned counsel for the State further submits that the contention regarding retrospective application is unsustainable. The impugned action does not amount to retrospective implementation of the amended rule but is a corrective measure to ensure that admissions are ultimately made in accordance with constitutional mandates. The State is required to maintain fairness, transparency and uniformity in medical admissions, which is a matter of public interest overriding individual inconvenience. Any financial loss or hardship alleged by the petitioner is incidental and cannot override the requirement of lawful admissions. If the relief sought by the petitioner is granted, it would perpetuate an illegality and create inequality among similarly situated candidates. Hence, the writ petition deserves to be dismissed in limine.
14. We have heard learned counsel for the parties and perused the documents annexed with the writ petition.
15. The Chhattisgarh Government has framed the Chhattisgarh Medical Post Graduate Admission Rules, 2025, which is applicable w.e.f. 06.11.2025 provided the institutional preference to the candidates and the candidates, who are given preference, may not necessarily be domicile to the State of Chhattisgarh. Rule 11 of the said Rules of 2025 is necessary to notice here:-

“11. प्रवेश में वरीयता:-

(क) राज्य कोटे में उपलब्ध सीटों पर सर्वप्रथम उन अभ्यर्थियों को प्रवेश दिया जाएगा, जिन्होंने या तो पं. दीनदयाल उपाध्याय स्मृति स्वास्थ्य विज्ञान एवं आयुष विश्वविद्यालय, छत्तीसगढ़ से संबद्ध चिकित्सा महाविद्यालय से एमबीबीएस डिग्री प्राप्त की हो अथवा जो

सेवारत अभ्यर्थी हो।

(ख) उपरोक्त उप-नियम (क) में उल्लिखित सभी पात्र अभ्यर्थियों को प्रवेश दिये जाने के उपरान्त यदि सीटें रिक्त रह जाती हैं, तो इन रिक्त सीटों पर, ऐसे अभ्यर्थियों को प्रवेश दिया जायेगा, जिन्होंने नियम 11(क) में उल्लेखित के अतिरिक्त किसी अन्य चिकित्सा महाविद्यालय से एमबीबीएस डिग्री प्राप्त की हो।”

16. Earlier, one Dr. Samriddhi Dubey had filed a WPC No. 5937 of 2025 (**Dr. Samriddhi Dubey v. State of Chhattisgarh and others**) before coordinate Bench of this Court, which was decided on 20.11.2025 and in para 21 of the order, it has been decided that:-

“21. In view of the proposition of law as laid down by the Apex Court in Dr. Tanvi Behl (supra), Rule 11(a) and (b) of the Chhattisgarh Medical Post Graduate Admission Rules, 2025 are quashed being ultra vires and violative of Article 14 of the Constitution of India 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.”

17. Subsequent to that an application for clarification of the directions contained in paragraph 21 of the order dated 20.11.2025 passed in WPC No. 5937 of 2025 was filed by the State, which was registered as MCC No. 40 of 2026 (**State of Chhattisgarh and others v. Dr. Samriddhi Dubey and others**) and vide order dated 16.01.2026, the MCC was disposed of clarifying the followings:-

“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 श्रेणीयों 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). ”

18. In the case of “**Dr. Tanvi Behl**” (supra), the Hon'ble Supreme Court has held that:-

“31. We are all domiciled in the territory of India. We are all residents of India. Our common bond as citizens and residents of one country gives us the right not only to choose our residence anywhere in India, but also gives us the right to carry on trade & business or a profession anywhere in India. It also gives us the right to seek admission in educational institutions across India. The benefit of ‘reservation’ in educational institutions including

medical colleges to those who reside in a particular State can be given to a certain degree only in MBBS courses, for which we have assigned reasons in the preceding paragraphs. But considering the importance of specialists doctors' in PG Medical Course, reservation at the higher level on the basis of 'residence' would be violative of Article 14 of the Constitution of India. This has been explained with pronounced clarity both in **Jagadish Saran** and **Pradeep Jain**. If such a reservation is permitted then it would be an invasion on the fundamental rights of several students, who are being treated unequally simply for the reasons that they belong to a different State in the Union! This would be a violation of the equality clause in Article 14 of the Constitution and would amount to a denial of equality before the law.

32. The law laid down in **Jagadish Saran** and **Pradeep Jain** has been followed by this Court in a number of decisions including the Constitution Bench decision in **Saurabh Chaudri**. We may also refer here judgments such as **Magan Mehrotra and Ors. v. Union of India (UOI) and Ors. (2003) 11 SCC 186**, **Nikhil Himthani vs. State of Uttarakhand and Others (2013) 10 SCC 237**, **Vishal Goyal and Others v. State of Karnataka and Others (2014) 11 SCC 456** and **Neil Aurelio Nunes (OBC Reservation) and Others v. Union of India and Others (2022) 4 SCC 1**, which have all followed **Pradeep Jain**. Thus, residence-based reservations are not permissible in PG medical courses.

33. Having made the above determination that residence-based reservation is impermissible in PG Medical courses,

the State 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. Thus, out of 64 seats which were to be filled by the State in its quota 32 could have been filled on the basis of institutional preference, and these are valid. But the other 32 seats earmarked as U.T. Chandigarh pool were wrongly filled on the basis of residence, and we uphold the findings of the High Court on this crucial aspect.”

19. When the coordinate Bench of this Court has already clarified in paragraph 21 of the order dated 20.11.2025, passed in WPC No. 5937 of 2025 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, the petitioner cannot claim any benefit, even if she was provided the provisional admission in the PG Medical Course and she paid the requisite fee against the allotted seat.
20. On 22.01.2026, the State Government vide its notification amended the Chhattisgarh Medical Post Graduate Admission Rules, 2025 and the Rule 11 has been amended, which is given as below:-

अधिसूचना

क्रमांक RULE-801/205/2025-MED. छत्तीसगढ़ चिकित्सा महाविद्यालय के स्नातकोत्तर पाठ्यक्रम में प्रदेश अधिनियम 2002 ( 28 सन् 2002) की धारा-3 सहपठित धारा 4 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए राज्य राज्य सरकार एतद्वारा छत्तीसगढ़ चिकित्सा स्नातकोत्तर प्रवेश नियम, 2025 में निम्नलिखित संशोधन करते हैं. अर्थात्-

संशोधन

उक्त नियमों में-

नियम-11 के स्थान पर निम्नलिखित नियम प्रतिस्थापित किया जाये. अर्थात्-

11. प्रवेश हेतु सीटों का विभाजन

(क) शासकीय चिकित्सा महाविद्यालयों की सीटों में अखिल भारतीय कोटे हेतु समर्पित की गई 50 प्रतिशत सीटों के उपरांत शेष उपलब्ध 50 प्रतिशत राज्य कोटे की सीटों पर वे पंजीकृत अभ्यर्थी जिन्होंने एम.बी.बी. एस. पाठ्यक्रम छत्तीसगढ़ राज्य में स्थित राष्ट्रीय आयुर्विज्ञान आयोग द्वारा मान्यता प्राप्त चिकित्सा महाविद्यालयों से उत्तीर्ण किया है अथवा जो छत्तीसगढ़ राज्य के सेवारत अभ्यर्थी हैं. प्रवेश हेतु पात्र होंगे।

(ख) निजी चिकित्सा महाविद्यालयों की सीटों में कुल सीटों के 50 प्रतिशत सीटों पर वे पंजीकृत अभ्यर्थी, जिन्होंने एम.बी. बी एस पाठ्यक्रम छत्तीसगढ़ राज्य में स्थित राष्ट्रीय आयुर्विज्ञान आयोग द्वारा मान्यता प्राप्त चिकित्सा महाविद्यालयों से उत्तीर्ण किया है अथवा जो छत्तीसगढ़ राज्य के सेवारत अभ्यर्थी है, प्रवेश हेतु पात्र होंगे।

शेष उपलब्ध 50 प्रतिशत सीटों को प्रावीण्यता के आधार पर ओपन सीटों की भाँति आवंटित किया जाएगा। इस प्रयोजन हेतु ऐसे अभ्यर्थी जिन्होंने एम.बी.बी.एस. पाठ्यक्रम छत्तीसगढ़ राज्य में स्थित राष्ट्रीय आयुर्विज्ञान आयोग द्वारा मान्यता प्राप्त चिकित्सा महाविद्यालयों से उत्तीर्ण नहीं किया है (गैर संस्थागत अभ्यर्थी), पात्र होंगे।

(ग) निजी चिकित्सा महाविद्यालयों की 50 प्रतिशत ओपन सीटों पर भी राज्य में प्रचलित आरक्षण नियम-6 लागू होगा।

(घ) यदि शासकीय चिकित्सा महाविद्यालय की सीटों के विरुद्ध पात्र अभ्यर्थी उपलब्ध नहीं होते हैं एवं सीटें रिक्त रह जाती हैं. तो काउंसिलिंग की तृतीय चरण की आवंटन प्रक्रिया के समय उन रिक्त सीटों को रूपांतरित (Conversion) करते हुए उन्हें गैर संस्थागत अभ्यर्थियों को आवंटित किया जा सकेगा।

21. Pursuant to the notification dated 22.01.2026, considering that there may be change of entire reservation roster/seat matrix and the allotment may also be changed, an order has been issued by the respondent No.3 on 22.01.2026 and cancelled the first and second phase of counselling and also cancelled the allotment of the seats vide its notice dated 22.01.2026 (Annexure P/1) and on 23.01.2026, an

explanation has been published by the respondent No.3 to clarify the allotment of seats under the institutional and non-institutional quota.

The said clarification is also necessary to notice here:-

“छत्तीसगढ़ राजपत्र (असाधारण) क्रमांक 40. अधिसूचना क्रमांक RULE-801/205/2025-MED, नवा रायपुर अटल नगर, दिनांक 22 जनवरी 2026 द्वारा चिकित्सा स्नातकोत्तर (एम.डी./एम.एस.) पाठ्यक्रम, प्रवेश वर्ष 2025 के नियमों में किए गए संशोधन के संबंध में यह स्पष्ट किया जाता है कि उक्त अधिसूचना में उल्लिखित '50 प्रतिशत सीटों पर ओपन कैटेगरी (Open Category) के आधार पर आवंटन का आशय यह है कि इन सीटों पर आवंटन पूर्णतः मेरिट के आधार पर किया जाएगा, जिसमें संस्थागत (Institutional) एवं गैर-संस्थागत (Non-Institutional) दोनों ही कोटे के पात्र अभ्यर्थी समान रूप से पात्र होंगे।”

22. Since, Rule 11(a) and (b) of the said Rules of 2025 has been amended and the respondent No.3 has cancelled the earlier round of counseling and allotment of seats, the petitioner cannot claim as a indefeasible right that she should be entitled for the allotted seat of Medical P.G. Course, on which she has already taken admission.
23. In view of the foregoing analysis, this Court finds no merit in the present writ petition. The impugned orders dated 22.01.2026 and 23.01.2026 issued by the respondent-State have been passed in faithful compliance with the law laid down by the Hon'ble Supreme Court in the case of **“Dr. Tanvi Behl”** (supra) and the clarificatory order passed by this Court in WPC No. 5937 of 2025 and MCC No. 40 of 2026. The State has acted within its constitutional and statutory domain to ensure that admissions to Post Graduate Medical Courses

are made strictly in accordance with settled legal principles and constitutional mandates. It is well settled that no vested or indefeasible right accrues merely on the basis of provisional allotment or admission, particularly when such admissions are subject to judicial scrutiny and correction.

24. Accordingly, the writ petition is **dismissed**.
25. It is further directed that this order shall have the effect "*in rem*" and shall apply uniformly to all similarly situated candidates. The issues adjudicated herein stand conclusively settled, and no separate or successive petitions raising identical grounds shall be entertained by this Court, so as to prevent multiplicity of litigation and to ensure certainty, finality and discipline in the Post Graduate medical admission process.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice

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## **HEAD NOTE**

The candidate cannot claim an indefeasible right to the allotment of a seat in the Medical PG course, in which he or she has already taken admission, in view of the amendment to Rule 11 of the Chhattisgarh Medical Post Graduate Admission Rules, 2025.