

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4247/2026

Federation Of Private Medical And Dental College Of Rajasthan,
Through Its Authorized Signatory Mr. Puneet Makhija S/o Shri
Mohan Makhija, Aged About 38 Years R/o Pacific Hills, Pratap
Nagar Extension, Airport Road, Debari, Udaipur Raj.

-----Petitioner

Versus

1. Chairman, Neet Pg Medical And Dental Admission/
Counselling Board-2025 And Principal And Controller, Sms
Medical College And Attached Hospitals, Jaipur.
2. Union Of India, Through Its Secretary, Ministry Of Health
And Family Welfare, Dental Education Section, Nirman
Bhawan, P.o. And P.s. New Delhi.
3. National Board Of Examinations In Medical Sciences,
Through Its Director, Medical Enclave, Ansari Nagar Ring
Road, New Delhi-110029.
4. Directorate General Of Health Service, Medical
Counselling Committee, Nirwan Bhawan, Govt. Of India,
New Delhi.

-----Respondents

For Petitioner(s)	:	Mr. M.S. Singhvi, Sr. Adv. With Mr. Hemant Ballani
For Respondent(s)	:	Mr. Vigyan Shah, AAG Mr. Milap Chopra

HON'BLE MR. JUSTICE SANJEET PUROHIT**Judgment****Reportable**

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|----|---|----|-------------------|
| 1. | Date of Conclusion of arguments | :: | 23.02.2026 |
| 2. | Date on which judgment was reserved | :: | 23.02.2026 |
| 3. | Whether the full judgment or only the
operative part is pronounced | :: | Full |
| 4. | Date of pronouncement :: | :: | 13.04.2026 |





1. Present writ petition has been filed with the following prayers:-

"(i) The minutes of meeting dated 18.02.2026 (Annex.14) considering the candidates of reserved category of other State in the general category, while denying them the benefits of reduced percentile of the reserved category may kindly be declared illegal and the same may kindly be quashed and set aside.

(ii) It may kindly be declared that the eligibility criteria of percentile so declared by the respondent authorities vide its notification dated 13.01.2026 would apply uniformly to all counselling Board including the respondent No.1.

(iii) The candidates of reserved category of other State may kindly be declared eligible for participation in counselling process for admission in NEET PG 2025-2026 in the reserved category of the State of Rajasthan, if they are falling in reserved category of respective other State.

(iv) appropriate notification for conducting the Special Stray vacancy round of counselling for filling the remaining vacant seats MBBS Post Graduate Course in the State of Rajasthan for academic year 2025-2026 while permitting the students of reserved category of other state under the reserved category of the State of Rajasthan with reduced percentile so declared vide notification dated 13.01.2026.

(v) Any further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may pass in favour of petitioner foundation."

2. Petitioner – Federation of Private Medical and Dental College of Rajasthan has laid challenge to the minutes of meeting dated





18.02.2026 (Annexure-15), primarily on the ground that SC/ST/OBC candidates belonging to other States (Non-Rajasthan Domicile) are being treated as unreserved / General category candidates and are also denied the benefit of reduced qualifying percentile, as notified by the Central Government vide notice dated 13.01.2026 (Annexure-8). It is *interalia* prayed that appropriate directions be issued to Respondent-Authorities to permit such candidates to participate in the stray vacancy round of MBBS PG Course counselling against reserved category seats in the State of Rajasthan.

3. Explaining the facts germane to the controversy involved in present case, learned Senior counsel for the Petitioner Federation, Mr. M.S. Singhvi, assisted by Mr. Hemant Ballani, submitted that NEET PG (MD/MS/DNB) Examination 2025-2026 was conducted as per the Information Bulletin and Counselling Scheme (Annexure-3), which provides the process of conducting Online Counselling for allotment of PG seats under the All India Quota (AIQ), prescribing therein three rounds of counselling and one stray vacancy round. Clause 3.1 of said Information Bulletin provides for reservation policy of Central Government under the All India Quota. It is further stated that a similar Instruction Booklet was issued by the State of Rajasthan governing State quota seats, and Clause 4 of said Instruction Booklet provides for Reservation Policy.

3.1 It is submitted that after declaration of result of NEET PG 2025-2026 on 19.08.2025, category-wise cut-offs were released, which are mentioned below:-





NEET PG Qualifying Marks (Before lowering of percentile)

Category	Minimum Qualifying/Eligibility Criteria)	Cut-off Scores (out of 800)
General/EWS	50 th percentile	276
General;/PwBD	45 th percentile	255
SC/ST/OBC (Including PwBD of SC/ST/OBC)	40 th percentile	235

3.2 Counselling for AIQ seats were held on 23.10.2025, 05.12.2025 and 15.01.2026, whereas counselling for allotment of seats under State Quota were held on 02.12.2025 and 09.12.2025.

3.3 It is further stated that even after the completion of said rounds of counselling, large number of PG MBBS seats under All India Quota as well as State Quota remained vacant, whereupon the National Board of Examination ("NBE"), in consultation with the Central Government, reduced the qualifying percentile for admission vide order dated 13.01.2026 and provided category-wise revised qualifying cut-offs, which are mentioned hereunder:-

Revised NEET PG Qualifying Marks (After lowering of percentile)

Category	Minimum Qualifying/Eligibility Criteria	Cut-Off Scores (Out of 800)
General/EWS	50 th percentile	103
General PwBD	45 th percentile	90
SC/ST/OBC (Including PwBD of SC/ST/OBC)	40 th percentile	-40

3.4 Learned counsel for the petitioner submitted that although, after aforesaid revision of qualifying marks, NEET PG Counselling Board of State of Rajasthan granted permission for registration of candidates not belonging to State of Rajasthan, but in revised provisional list of eligible candidates, reserved category candidates of other States were debarred from participating in 3rd round of counselling against the reserved State Quota seats, thereby





denying benefits of reduced percentile to reserved category candidates of other States.

3.5 It is submitted that Petitioner Federation submitted a detailed representation raising its grievances and requested Respondent No. 1 to extend benefits of reduced percentile for reserved category in State of Rajasthan to reserved category candidates belonging to other States. However, Respondents, vide minutes of meeting dated 18.02.2026, decided that among the candidates belonging to other States, only those having qualifying marks up to 103 (i.e., the cut-off for the general category) would be permitted to participate in the stray vacancy round. It was further decided that candidates who have domicile of Rajasthan but have completed their MBBS from other States will be allowed to participate as per the qualifying scores released by NBE for their respective categories.

3.6 Said decision is under challenge in present writ petition.

4. Learned Senior counsel for the petitioner, Mr. M.S. Singhvi contended that denial of benefit of reduced percentile to reserved category candidates of other States is arbitrary, unjustified and defeats the very purpose of lowering the qualifying criteria.

Learned counsel submitted that the decision for reducing / revising percentile was taken in view of the fact that large number of PG seats were lying vacant. However, impugned decision dated 18.02.2026 militates against the very objective of reducing qualifying marks. Learned counsel argued that valuable postgraduate seats must not remain vacant, especially in view of the repeated mandates of the Hon'ble Supreme Court holding that allowing medical seats to go vacant is a national wastage. In this





regard, reliance has been placed upon judgment of the Hon'ble Supreme Court passed in the case of ***Index Medical College, Hospital and Research Centre v. State of MP, (2023) 11 SCC 570.***

4.1 It is further contended that impugned decision dated 18.02.2026 essentially amounts to reserving all the seats under the reservation quota for the reserved category candidates having a domicile of the State of Rajasthan. Put differently, it constitutes 100% domicile-based reservation, which is against the settled position of law that domicile-based reservation is constitutionally invalid. It is contended that said position has been re-iterated and re-affirmed, most recently, in the judgment delivered by the Hon'ble Supreme Court in the case of ***Dr. Tanvi Behl v. Shrey Goel & Ors., 2025 SCC OnLine SC 180.*** In this respect, learned counsel has also placed reliance upon ***Jagadish Saran v. Union of India, (1980) 2 SCC 768, Dr. Pradeep Jain v. Union of India, (1984) 3 SCC 654, Saurabh Chaudri v. Union of India, (2003) 11 SCC 146, Nikhil Himthani v. State of Uttarakhand, (2013) 10 SCC 237, and Medical Council of India v. State of Kerala, (2019) 13 SCC 185.***

4.2 It is further submitted that as per Clause 4 of the Instruction Booklet and Counselling Scheme (Annexure-4), upon exhaustion of the list of reserved category candidates, the roster point earmarked for that category shall be treated unreserved. Therefore, reserved category candidates of other States ought to be considered against the State Quota seats for unreserved / General category candidates while granting them benefit of revised percentile for reserved category.





4.3 Learned Senior Counsel also averred that in the earlier round of counselling, admission was given to another student, namely Dr. Divyanshu Chitravanshi, against a general seat while considering his NEET Score according to the cut-off marks prescribed for a reserved category candidate. It is urged that the State authorities cannot be allowed to deny similar benefits to reserved category candidates of other States in subsequent round of counselling.

4.4 Learned Senior counsel argued that Respondent-Authorities have changed the rules of the game midway and have taken a decision contrary to the Instruction Booklet and the previously followed institutional practice, which is not sustainable in the eyes of law. It is stated that the Instruction Booklet nowhere provides for a 100% domicile-based reservation and, therefore, the same cannot be allowed to be introduced for the stray vacancy round, that too, by way of a decision taken in a meeting held on 18.02.2026.

4.5 Learned Senior counsel has also placed reliance upon paras 10.4, 10.11, 10.12 & 10.13 of NEET-PG 2025 Information Bulletin, and also on the pro-forma provided for caste certificates to be submitted by reserved category candidates (provided in Annexure 1 and Annexure 2 of the Information Bulletin), and submitted that even as per afore-mentioned clauses, the action of Respondents is not justified.

4.6 Learned Counsel has relied upon judgement passed in the case of ***Faculty Association of All India Institute of Medical Sciences v. Union of India & Ors., (2013) 11 SCC 246*** to





argue that there can be no reservation for speciality and super-speciality courses.

5. E-converse, learned Additional Advocate General, Mr. Vigyan Shah and Government Counsel Mr. Milap Chopra, appearing on behalf of the State of Rajasthan, vehemently opposed the submissions made on behalf of Petitioner Federation and stated that impugned decision of Respondent No. 1 – NEET PG Medical & Dental Admission / Counselling Board, 2025 is in consonance with the constitutional scheme, provisions of the Rajasthan Scheduled Castes, Scheduled Tribes, Backward Classes, Special Backward Classes & Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments & Posts in Services under the State) Act, 2008 (“Act of 2008”) and the Postgraduate Medical Education Regulations, 2023 (“PGMER - 2023”), and thus, the same cannot be said to be arbitrary, unjustified or unconstitutional.

5.1 It is stated that examination of NEET-PG 2025 was conducted in relation to 50% seats reserved under the All India Quota and 50% seats reserved under the State Quota. It is submitted that admissions against the seats under State Quota is governed by the Instruction Booklet (Annexure-4) issued by the Government of Rajasthan. It is argued that no new decision has been taken vide impugned minutes dated 18.02.2026 and the same merely reiterates the position already contained in Clause 4 of said booklet, which clearly stipulates that “*norms of reservation followed in the State of Rajasthan will be applicable only to bonafide candidates of State of Rajasthan and that the reserved category candidates of other States shall be considered under*





unreserved category". Said policy has been followed consistently and uniformly throughout the entire process of counselling / admission. As the clause contained in the initial Instruction Booklet was not challenged by Petitioner Federation at earlier stage, it is estopped from challenging same stipulation contained in decision dated 18.02.2026 at the stage of stray vacancy round.

5.2 Countering the submission regarding 100% domicile reservation, learned counsel for the respondents stated that decision to not permit reserved category candidates of other States to participate against reserved category seats of State of Rajasthan in stray vacancy round is in consonance with the constitutional mandate. It is contended that there is no bar on the participation of such candidates against General / unreserved seats as per the revised percentile for General category, but they cannot be permitted to participate against General / unreserved seats while taking into account the revised percentile cut-off for reserved category candidates.

5.3 Learned counsel for the Respondent stated that it is well established position of law that the right to reservation is State-specific and can constitutionally be extended only to candidates belonging to those specific tribes, castes or classes as are notified for that purpose in relation of each individual state. Reliance in this regard has been placed upon judgments of the Hon'ble Supreme Court delivered in the cases of **Marri Chandra Shekhar Rao v. Seth G.S. Medical College, (1990) 3 SCC 130**, and **Bir Singh v. Delhi Jal Board, (2018) 10 SCC 312**. Thus, learned counsel submitted that the challenge given on behalf of Petitioner Federation is against settled position of law.





5.4 Learned Counsel for respondent has further placed reliance upon judgments passed by Hon'ble Apex Court passed in the cases of ***Siddhant Mahajan v. State of Rajasthan, 2025 SCC Online SC 2864***, and ***Ombir Singh v. State of U.P., 1993 Supp (2) SCC 64*** and argued that the practice of lowering qualifying marks only for the purpose of filling of vacant seats has been deprecated by the Hon'ble Apex Court and that there can be no compromise with merit at the level of speciality courses.

5.5 Countering the submission of learned counsel for the petitioner regarding grant of admission to Dr. Divyanshu Chitravanshi, learned counsel for the respondents submitted that said admission was given under the All India Quota on the recommendation of the Central Counselling Board. Even assuming, arguendo, that such recommendation was erroneous, Petitioner cannot be permitted to claim negative equality.

6. Heard learned counsel for the parties and perused the material available on record.

7. The challenge to the impugned decision dated 18.02.2026 gives rise to a twofold controversy for consideration by this Court. First, whether the denial of reservation benefits to candidates belonging to reserved categories from other States is arbitrary and violative of the constitutional mandate. Second, whether the impugned decision, in its operation and effect, results in an impermissible 100% reservation based on domicile.

8. The concept of reservation is schematically embedded in the various provisions of the Constitution of India. The Constitution (Ninety Third Amendment) Act, 2005 inserted sub-clause (5) of Article 15, which enables the State to make any special provision





for socially and educationally backward classes of citizen or the Scheduled Caste (SC) and Scheduled Tribes (ST) in relation to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions.

Article 366(24) defines "Scheduled Castes" as "such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under Article 341 to be Scheduled Castes for the purpose of this Constitution."

Article 366(25) defines "Scheduled Tribes" with reference to Article 342, and Article 366(26C) defines "Socially and Educationally Backward Classes" with reference to Article 342A.

As the definitions of SCs, STs, and Socially and Educationally Backward Classes are linked to Articles 341, 342, and 342(A) of the Constitution of India respectively, the relevant portions of said provisions are quoted below for ready reference: -

"Article - 341. Scheduled Castes

(1) The President **may with respect to any State or Union territory**, and where it is a State after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or group within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes **in relation to that State or Union territory**, as the case may be."

"Article - 342. Scheduled Tribes

(1) The President may **with respect to any State or Union territory**, and where it is a State after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes **in**





***relation to that State or Union territory**, as the case may be."*

"Article - 342A. Socially and educationally backward classes.

*The President may **with respect to any State or Union territory**, and where it is a State, after consultation with the Governor thereof, by public notification, specify the socially and educationally backward classes which shall for the purposes of this Constitution be deemed to be socially and educationally backward classes **in relation to that State or Union territory**, as the case may be."*

A bare reading of said provisions, especially the underlined phrases, makes it clear that the notification of Scheduled Castes, Scheduled Tribes, and Socially and Educationally Backward Classes, or parts or groups thereof, is **State-specific**.

8.1 It is in this background that the Presidential Order, namely Constitution (Scheduled Castes) Order, 1950 was issued determining the specific castes, races and tribes as Scheduled Castes (SCs) in relation to each state. Part 15 of said order dated 11.08.1950 notified SCs in relation to and with respect to the State of Rajasthan. Presidential Orders of similar nature were issued notifying Scheduled Tribes (STs) and Other Backward Classes (OBCs) in relation to the State of Rajasthan. It is thus clear that under our constitutional scheme, SCs, STs, and OBCs are determined and categorized state-wise.

8.2 In pursuance of the Directive Principles contained in Articles 38 and 46 of the Constitution of India, concerning upliftment of SCs, STs, and other socially and educationally backward classes, the Act of 2008 was enacted by the State of Rajasthan, which came into force w.e.f. 25.08.2009. Section 3 of the Act provides





for reservation of seats in the educational institutions of the State for SCs, STs, Backward Classes (BCs), Special Backward Classes (SBCs) and OBCs. These categories have been defined under Section 2 of the Act of 2008 in reference to their respective definitions as provided under the Constitution of India, which is state specific.

8.3 The reference to provisions of PGMER-2023 also acquires relevance and significance in present context. Clause 4.8 of the said Regulations provides for '*Reservation of Seats in Medical Colleges/ Institutions*' and clearly stipulates that the same shall be according to the applicable laws prevailing in States / Union Territories.

8.4 On a conjoint reading of the constitutional scheme discussed above, the statutory scheme of the Act of 2008 as well as the provisions of PGMER-2023, it becomes evident that castes, races and tribes are classified as SCs, STs, BCs, SBCs or OBCs in relation to each individual states. Such classification and notification are based on the unique socio-economic and cultural realities of that specific region, and the corresponding policy decisions governing reservation are necessarily informed by these State-specific considerations. It cannot be assumed, nor is it capable of empirical determination, that backward classes across different States share identical or even comparable social realities.

A necessary corollary of this position is that the benefits of reservation are confined to categories notified in relation to a particular State and cannot be extended to members who are recognised as belonging to a reserved category in another State.





8.5 The issue concerning extension of benefits of reservation in one State to a reserved category candidate of another state came up for the consideration of the Hon'ble Supreme Court in the case of **Marri Chandra** (*supra*), wherein it was held as under:-



"13. It, however, appears to us that the expression 'for the purposes of this Constitution' in Articles 341 as well as in Article 342 do imply that the Scheduled Castes and the Scheduled Tribes so specified would be entitled to enjoy all the constitutional rights that are enjoyable by all the citizens as such... The words "for the purposes of this Constitution" must mean that a Scheduled Caste so designated must have right under Articles 14, 19(1)(d), 19(1)(e) and 19(1)(f) inasmuch as these are applicable to him in his area where he migrates or where he goes. The expression "in relation to that State" would become nugatory if in all States the special privileges or the rights granted to Scheduled Castes or Scheduled Tribes are carried forward. It will also be inconsistent with the whole purpose of the scheme of reservation. In Andhra Pradesh, a Scheduled Caste or a Scheduled Tribe may require protection because a boy or a child who grows in that area is inhibited or is at disadvantage. In Maharashtra that caste or that tribe may not be so inhibited but other castes or tribes might be. If a boy or a child goes to that atmosphere of Maharashtra as a young boy or a child and goes in a completely different atmosphere or Maharashtra where this inhibition or this disadvantage is not there, then he cannot be said to have that reservation which will denude the children or the people of Maharashtra belonging to any segment of that State who may still require that protection. After all, it has to be borne in mind that the protection is necessary for the disadvantaged castes or tribes of Maharashtra as well as disadvantaged castes or tribes of Andhra Pradesh. Thus, balancing must be done as between those who need protection and those who need no protection, i.e., who belong to advantaged castes or tribes and who do not. **Treating the determination under**



Articles 341 and 342 of the Constitution to be valid for all over the country would be in negation to the very purpose and scheme and language of Articles 341 read with Article 15(4) of the Constitution.

14. ...But having regard to the purpose, it appears to us that harmonious construction enjoins that we should give to each expres-sion--'in relation to that state' or "for the purposes of this Constitution"--its full meaning and give their full effect. This must be so construed that one must not negate the other. The construction that reservation made in respect of the Scheduled Caste or tribe of that State is so deter- mined to be entitled to all the privileges and rights under the Constitution in that State would be the most correct way of reading, consistent with the language, purpose and scheme of the Constitution. Otherwise, one has to bear in mind that if reservations to those who are treated as Scheduled Caste or Tribe in Andhra Pradesh are also given to a boy or a girl who migrates and gets deducted in the State of Maharashtra or other States where that caste or tribe is not treated as Scheduled Caste or Scheduled Tribe then either reservation will have the effect of depriving the percentage to the member of that caste or tribe in Maharashtra who would be entitled to protection or it would denude the other non- Scheduled Castes or non- Scheduled Tribes in Maharashtra to the proportion that they are entitled to. This cannot be logical or correct result designed by the Constitution."

8.6 Reiterating the same position of law, the Hon'ble Supreme Court, in the case of **Bir Singh** (supra), has held as under:

"34. Unhesitatingly, therefore, it can be said that a person belonging to a Scheduled Caste in one State cannot be deemed to be a Scheduled Caste person in relation to any other State to which he migrates for the purpose of employment or education. The expressions "in relation to that State or Union Territory" and "for the purpose of this Constitution" used in Articles 341 and 342 of the Constitution of India would mean that the benefits of





reservation provided for by the Constitution would stand confined to the geographical territories of a State/Union Territory in respect of which the lists of Scheduled Castes/Scheduled Tribes have been notified by the Presidential Orders issued from time to time. A person notified as a Scheduled Caste in State 'A' cannot claim the same status in another State on the basis that he is declared as a Scheduled Caste in State 'A'."

And, again, in para 38: -

"38. It is an unquestionable principle of interpretation that interrelated statutory as well as constitutional provisions have to be harmoniously construed and understood so as to avoid making any provision nugatory and redundant. If the list of Scheduled Castes/Scheduled Tribes in the Presidential Orders under Article 341/342 is subject to alteration only by laws made by Parliament, operation of the lists of Scheduled Castes and Scheduled Tribes beyond the classes or categories enumerated under the Presidential Order for a particular State/Union Territory by exercise of the enabling power vested by Article 16(4) would have the obvious effect of circumventing the specific constitutional provisions in Articles 341/342. In this regard, it must also be noted that the power under Article 16(4) is not only capable of being exercised by a legislative provision/enactment but also by an Executive Order issued under Article 166 of the Constitution. It will, therefore, be in consonance with the constitutional scheme to understand the enabling provision under Article 16(4) to be available to provide reservation only to the classes or categories of Scheduled Castes/Scheduled Tribes enumerated in the Presidential orders for a particular State/Union Territory within the geographical area of that State and not beyond. If in the opinion of a State it is necessary to extend the benefit of reservation to a class/category of Scheduled Castes/Scheduled Tribes beyond those specified in the Lists for that particular State, constitutional discipline would require the State to make its views in the matter prevail with the central authority so as to enable an appropriate



parliamentary exercise to be made by an amendment of the Lists of Scheduled Castes/Scheduled Tribes for that particular State. Unilateral action by States on the touchstone of Article 16(4) of the Constitution could be a possible trigger point of constitutional anarchy and therefore must be held to be impermissible under the Constitution.”

8.7 Following the law laid down in the case of **Marri Chandra (supra)**, so also in the case of **Action Committee on Issue of Caste Certificate to Scheduled Castes & Scheduled Tribes in the State of Maharashtra v. Union of India** reported in **(1994) 5 SCC 244**, the Hon'ble Supreme Court in the case of **Ranjana Kumari Vs. State of Uttarakhand** reported in **(2019) 15 SCC 664** has reiterated the same view in following terms:-

"4. Two Constitution Bench judgments of this Court in Marri Chandra Shekhar Rao v. Dean, Seth G.S. Medical College and Action Committee on Issue of Caste Certificate to Scheduled Castes & Scheduled Tribes in the State of Maharashtra v. Union of India have taken the view that merely because in the migrant State the same caste is recognized as Scheduled Caste, the migrant cannot be recognized as Scheduled Caste of the migrant State. The issuance of a caste certificate by the State of Uttarakhand, as in the present case, cannot dilute the rigours of the Constitution Bench Judgments in Marri Chandra Shekhar Rao (supra) and Action Committee (supra)."

8.8 In view of the aforesaid settled position of law, it is clear that the benefit of reservation is restricted to the State of origin and cannot be extended into the State to which one has migrated.

9. At this stage, it is apposite to consider Clause 4 of the Instruction Booklet issued by the State of Rajasthan, relevant portion of which reads as under: -





"The norms of reservation of the State Government of Rajasthan will be applicable only for bonafide candidates of the State of Rajasthan. SC/ST/OBC NCL/MBC NCL/EWS candidates of states other than Rajasthan shall be considered as unreserved category candidates. All candidates of the reserved category for the State of Rajasthan shall submit a valid caste/EWS certificate as per the State Government rules."

The said provision is in consonance with the constitutional scheme, statutory mandate and the law laid down by the Hon'ble Supreme Court as discussed above and therefore, cannot be said to be arbitrary or unconstitutional.

9.1 Said Clause 4 has been consistently applied throughout the process of all counseling rounds. It is also undisputed that Petitioner Federation has never resisted or raised any objection regarding said Clause 4 of the Instruction Booklet nor challenged the same. A close reading of decision contained in Minutes of Meeting dated 18.02.2026 shows that it merely reiterates and clarifies the existing prevailing provision. As submitted by learned counsel for the respondents, said minutes of meeting were issued as a clarification in response to the detailed representation submitted by the Petitioner Federation and do not introduce any new condition on subsequent stage.

9.2 In that view of the matter, it cannot be said that any new decision has been taken, much less one contrary to the constitutional scheme or the policy contained in the Instruction Booklet. In this backdrop, the contentions raised by learned counsel for the petitioner that the respondents have changed the rules of the game mid-way and that the State Counselling Board





has taken a new decision vide impugned minutes dated 18.02.2026 are found to be wholly misconceived.

10. This Court is also not persuaded to accept the contention advanced by learned counsel for the petitioner that the impugned decision results in a regime of 100% domicile-based reservation.

In substance, the decision dated 18.02.2026 does not create an absolute bar based on domicile; rather, it stipulates that the benefit of revised qualifying marks prescribed for reserved categories shall not be extended to candidates belonging to reserved categories of other States. Effectively, the decision operates to withhold reservation benefits from out-of-State reserved category candidates and confines such benefits to reserved category candidates of the State of Rajasthan. As discussed hereinabove, such a classification is legally permissible and does not offend the constitutional mandate. It is further pertinent to note that candidates belonging to reserved categories of other States are not rendered ineligible to participate in the selection process. They continue to be entitled to compete for unreserved seats, subject to their fulfilling the qualifying criteria applicable to the General category, including the revised qualifying marks prescribed for said category.

10.1 Insofar as the reliance placed by learned counsel for the petitioner on the decisions in ***Dr. Tanvi Behl (supra)***, ***Jagadish Saran v. Union of India (supra)***, ***Dr. Pradeep Jain v. Union of India (supra)***, ***Saurabh Chaudri v. Union of India (supra)***, ***Nikhil Himthani v. State of Uttarakhand (supra)***, and ***Medical Council of India v. State of Kerala (supra)*** is concerned, this Court is of the considered view that the same is





misplaced. The controversy in the present case does not relate to the validity of a 100% domicile-based reservation, which formed the core issue in the aforesaid judgments. Rather, the issue herein pertains to the permissibility of restricting the benefits of reservation to candidates belonging to the State of Rajasthan. Such a measure, as discussed hereinabove, aligns with the constitutional framework and does not amount to an impermissible exclusion. Consequently, the principles laid down in the aforementioned decisions, being rendered in the context of wholesale domicile-based reservation or materially different factual matrices, are clearly distinguishable and do not advance the case of the petitioner.

11. So far as the contention of petitioner that, upon exhaustion of the list of reserved category candidates, the seats are to be treated as unreserved and that candidates of other States should be considered against such seats with the benefit of relaxed percentile applicable to reserved categories is concerned, the same is wholly untenable and impermissible in law.

11.1 The relevant clause of Instruction Booklet reads as under :-

"Unfilled reserved seat(s) : During / after the round 3 of counselling and on exhaustion of the list of reserved category candidates, the roster point earmarked for that category shall be treated unreserved and shall be filled accordingly."

A plain reading of the above clause makes it clear that once seats are treated as unreserved, they are required to be filled in accordance with the criteria applicable to the unreserved category. Consequently, on exhaustion of list of reserved category candidates, the seats are turned as unreserved/general seats then





candidates seeking admission against such seats must meet the minimum qualifying percentile prescribed for Unreserved / General category.

11.2 A plain reading of the communications dated 19.08.2025 and 13.01.2026 (Annexure-8), pertaining to the declaration of qualifying and revised qualifying cut-off marks, unequivocally indicates that the qualifying percentiles have been prescribed distinctly for each category. The scheme, thus, envisages a category-specific threshold, intrinsically linked to the nature of the seat for which a candidate seeks consideration. It necessarily follows that a candidate aspiring to compete for or secure admission against a seat earmarked for a particular category must satisfy the qualifying criteria prescribed for that very category. Permitting a candidate to rely upon the minimum qualifying marks applicable to a different category would not only dilute the integrity of the selection process but also defeat the underlying rationale of maintaining differential standards across categories. In this backdrop, the contention of the petitioner that candidates belonging to reserved categories of other States ought to be considered against unreserved seats while simultaneously availing the benefit of the relaxed percentile prescribed for reserved categories is wholly misconceived. Such a proposition would conflate distinct eligibility regimes and is clearly impermissible in law, as it would result in an anomalous and legally unsustainable advantage unsupported by the governing framework.

12. Insofar as the contention that postgraduate medical seats ought not to be permitted to remain vacant is concerned, this Court is in agreement with the broad proposition that such seats,





having regard to their national importance, should ideally be filled to the fullest extent possible. However, this objective cannot be pursued at the cost of, or in derogation of, the constitutional and statutory framework governing admissions, nor can it be achieved by compromising the minimum standards of merit that are integral to the selection process. The balance between optimal seat utilization and maintenance of academic standards must be preserved.

It is also noteworthy that the reduction in qualifying percentile by the Central Government has already addressed, to a significant extent, the concern relating to unfilled postgraduate medical seats. Be that as it may, candidates belonging to reserved categories of other States cannot be permitted to claim admission either against reserved category seats earmarked for the State of Rajasthan, or against unreserved seats while seeking to avail the benefit of the relaxed percentile prescribed for reserved categories. Any such claim would be contrary to the governing legal framework and would impermissibly dilute the standards applicable to unreserved category admissions.

12.1 This Court finds merit in the submission advanced on behalf of respondents that there can be no compromise on merit in admission to PG medical courses. In the cases of **Siddhant Mahajan** (supra) and **Ombir Singh** (supra), the Hon'ble Supreme Court has held that candidates who do not meet the prescribed qualifying criteria cannot be granted admission merely to ensure that seats do not remain vacant.

13. Further, contention advanced on behalf of the petitioner, while relying upon case of **Faculty Association of All India**





Institute of Medical Sciences (*supra*) that reservation is impermissible in speciality and super-speciality courses, is, in the considered opinion of this Court, wholly misconceived. In essence, the decision in **Faculty Association** (*supra*) was rendered in the context of recruitment and promotion to high-level faculty positions in premier medical institutions, where considerations of institutional excellence and maintenance of the highest standards assume paramount importance. The ratio of the said judgment, cannot be mechanically extended to the facts of the present case relating to admissions in postgraduate medical educational institutions.

13.1 Reservation in educational institutions is expressly contemplated and permitted under Article 15(5) of the Constitution of India, and is duly operationalized through the relevant statutory regime, including the Act of 2008 and the Post Graduate Medical Education Regulations, 2023. It is also of significance that the applicable reservation policy was explicitly delineated in Clause 4 of the Instruction Booklet and was consistently adhered to throughout the counselling process. Despite being fully aware of the same, the Petitioner Federation did not choose to assail the said policy at any stage prior to or during the process. In view of the aforesaid, the contention raised is liable to be rejected not only on substantive legal grounds, being inapplicable to the present factual and legal context but also on the principle of estoppel, as the petitioner, having acquiesced to the governing framework, cannot now be permitted to challenge the same at this belated stage.



14. Insofar as contention advanced by the petitioner with respect to the admission granted to one Dr. Divyanshu Chitravanshi against a General category seat, purportedly on the basis of his NEET score of reserved category, is concerned, this Court is of the considered view that the said lone instance, by itself, cannot constitute a valid ground to bypass or disregard the binding constitutional and statutory framework governing admissions. This Court also finds merit in the submission advanced on behalf of the respondents that the said admission pertained to an All India Quota seat, which operates in a distinct domain, and, therefore, cannot be relied upon by the petitioner to claim parity. The Petitioner Federation, in this regard, cannot invoke the principle of "negative equality" to seek extension of a benefit which is otherwise not legally sustainable.

14.1 It has further been brought to the notice of this Court that an identical contention, premised on the admission of Dr. Divyanshu Chitravanshi, was raised in **S.B. Civil Writ Petition No. 19263/2025 (Dr. Sneh Choudhary v. State of Rajasthan & Ors.)**, wherein a Coordinate Bench of this Court at Jaipur has expressly refused to accept such a plea. Be that as it may, it is a well-settled principle of law that courts are not meant to perpetuate or compound an illegality or irregularity. Even assuming, arguendo, that any deviation has occurred in an individual case, the same cannot be cited as a precedent to claim similar treatment in contravention of the governing legal framework.

15. This Court has failed to trace any significance and relevance of Clauses 10.11 and 10.12 so also the format of certificate





prescribed as Annexure-1 and Annexure-2 under NEET PG 2025 Information Bulletin, as relied upon by petitioner. As a matter of fact, present case relates to State Quota Seats for which provisions are prescribed under Clause 10.13. More particularly Clause 10.13.4 clearly stipulates that the admission against State Quota Seats shall be given as per the different eligibility criteria and reservation policies of concerned State. For ready reference Clause 10.13.4 is quoted below :-

"10.13.4 Different states have different eligibility criteria and reservation policies. State Government/ Counseling authorities are requested to create their own application forms customized to their requirements to determine the eligibility of the candidates for opting for seats in the concerned state based on their eligibility criteria, reservation policies, benefit to in-service candidates, benefit to candidates who have undergone rural / difficult area postings."

16. As an upshot of the foregoing discussion, this Court has arrived at the following conclusions: -

- i. In view of the law laid down by the Hon'ble Supreme Court in **Marri Chandra Shekhar Rao** (supra) and **Bir Singh** (supra), it is well settled that benefits of reservation granted in one State cannot be extended to reserved category candidates belonging to another State;
- ii. Since reserved category candidates belonging to other States are allowed to participate against unreserved seats, the impugned decision does not, either in form or in substance, amounts to 100% domicile based reservation;
- iii. It is neither permissible under the extant statutory framework nor tenable in law to allow reserved category





candidates belonging to other States to participate against unreserved seats while claiming benefits of relaxed qualifying standards prescribed for reserved category candidates;

iv. While postgraduate medical seats are regarded as being of national importance, this consideration cannot override the necessity of adhering to prescribed minimum standards of merit, particularly in postgraduate courses.

17. In view of the conclusions recorded here-in-above, this Court is of the considered opinion that impugned decision dated 18.02.2026 does not suffer from any illegality, arbitrariness, or infirmity warranting interference of this Court.

18. Consequently, instant writ petition, being devoid of merit, is hereby dismissed.

19. Stay petition and pending applications, if any, also stand disposed of.

(SANJEET PUROHIT),J

38-/- praveen/neha

