



2026:CGHC:4104-DB



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 6105 of 2025

Arman Ogrey S/o Shri Sukhram Orgey Aged About 19 Years R/o Bolar
Parisar, Devrikhurd, District Bilaspur Chhattisgarh 495001

... Petitioner

versus

1 - State Of Chhattisgarh Through The Principal Secretary, Department Of
Health, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District
Raipur Chhattisgarh

2 - Commissioner Department Of Medical Education Chhattisgarh
Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur
Chhattisgarh

3 - Director Of Medical Education North Block, Sector-19, Swasthya
Bhawan, 2nd Floor, Nawa Raipur, Atal Nagar, Chhattisgarh 492002

4 - Chairman State Counselling Committee, Directorate Of Medical
Education, Through Director Of Medical Education, Raipur, North Block,
Sector 19, Swasthya Bhawan, 2nd Floor, Nawa Raipur, Atal Nagar,
Chhattisgarh 492002

5 - Liza Mahima D/o Premlal Mahima Aged About 20 Years Student 1st
Year Session 2025 M B B S Course Through The Principal, Bharatratna
Late Shri Atal Bihari Vajpayee Memorial Government Medical College (M G
M C), Rajnandgaon Chhattisgarh 491441

... Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Bidya Nand Mishra, Advocate
For Respondents/State	:	Mr. Shashank Thakur, Additional A.G.
For Respondent No.5	:	Mr. Siddharth Pandey, Advocate



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

Judgment on Board

Per Ramesh Sinha, Chief Justice

23/01/2026

1. Heard Mr. Bidya Nand Mishra, learned counsel for the petitioner as well as Mr. Shashank Thakur, learned Additional A.G. on behalf of the respondents/State and Mr. Siddharth Pandey, learned counsel for the respondent No.5.
2. The petitioner, who appeared in the NEET-2025 examination for admission to the MBBS/BDS Course under the Government Quota in the State of Chhattisgarh, has approached this Court being aggrieved by the action of the respondent authorities in depriving him of seat allotment in the MBBS Course for the academic session 2025 in Bharatratna Late Atal Bihari Vajpayee Government Medical College, Rajnandgaon (C.G.), despite his higher merit position. It is the case of the petitioner that though one clear vacancy under the SC category (without any sub-category) was available in the said institution during the Mop-Up Round, and though he was placed at Serial No. 877 in the merit list (3rd Round) uploaded on 24.10.2025, he was illegally superseded by a lower-ranked female candidate, namely Liza Mahima (respondent No.5), who was placed at Serial No. 882 in the same merit list and was allotted the seat vide Provisional Allotment List of the Mop-Up Round published on 05.11.2025. The petitioner further asserts that his representation dated 06.11.2025 highlighting the said anomaly was not considered



by the authorities, compelling him to invoke the jurisdiction of this Court seeking redressal of his grievance.

3. The present petition has been filed by the petitioner seeking the following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to call the entire records relating to this case.

10.2 That, this Hon'ble Court may kindly be pleased to allow the petition and set aside the impugned Chhattisgarh Neet-UG (MBBS/BDS) 2025 Provisional Allotment List-Mop-Up Round dated 05.11.2025 (P/5) with reference to serial no.113 of the list allotted in the name of female candidate Liza Mahima respondent no.5 by which the petitioner is deprived of his legitimate right to selection for admission.

10.3 That, this Hon'ble Court may kindly be pleased to quash the admission taken by respondent no.5 in MBBS Course 2025 illegally in the said institution MGMC Rajnandgaon on the basis of undue favour by respondent no.1 to respondent no.4 as stated above.

10.4 That, this Hon'ble Court may kindly be pleased to direct respondent's no.1 to 4 to grant and allow petitioner's admission in MBBS 2025 Course in Govt. Quota in the said institution "Bharatratna Late Shri Atal Bihari Vajpayee MGMC" Rajnandgaon (C.G.) on the basis of facts and grounds stated above.



10.5 That any other relief, which this Hon'ble Court may deem fit and proper together with cost of the petition.”

4. The facts of the case are that, the petitioner is a citizen of India and is entitled to all legal and fundamental rights guaranteed under the Constitution of India. The petitioner appeared in the NEET-UG 2025 examination conducted for admission to MBBS/BDS courses in the State of Chhattisgarh in accordance with the prescribed rules. As per the “NEET-UG (MBBS/BDS) 2025 Mop-Up Round Seat Matrix” uploaded on 13.10.2025 on the CGDME website, one clear vacancy under the SC category (without any sub-category) was available under the Government Quota for the MBBS course in Bharatratna Late Atal Bihari Vajpayee Government Medical College, Rajnandgaon. The reservation policy governing the allotment of such seats is contained in the Gazette Notification dated 16.07.2025 issued by the Medical Education Department, Government of Chhattisgarh.
5. The CG-NEET-UG 2025 Merit List for the Mop-Up Round (Round-3), uploaded on 24.10.2025, showed the petitioner placed at Serial No. 877 with Category Rank SC-1, whereas a female candidate, namely Liza Mahima, respondent No.5, was placed at Serial No. 882 with Category Rank SC-4. Despite the petitioner being higher in merit and the seat being earmarked exclusively for SC category without any sub-category, the Provisional Allotment List of the Mop-Up Round dated 05.11.2025 revealed that the petitioner was not allotted the said seat. Instead, respondent No.5 was allotted the MBBS seat at



the said institution, as reflected at Serial No. 113 of the provisional allotment list.

6. It is the petitioner's specific case that the seat matrix clearly excluded any preference based on sub-categories such as women or other classes within the SC category, and therefore the petitioner, being the sole eligible and highest-ranked SC-1 candidate, was entitled to the said seat. The petitioner was thus illegally superseded by a lower-ranked candidate in clear violation of the merit list and reservation rules. Aggrieved thereby, the petitioner submitted a representation dated 06.11.2025 to the Commissioner, Medical Education Department, Raipur, highlighting the illegality and discrimination in the allotment process; however, no action was taken on the said representation, compelling the petitioner to file the present petition seeking enforcement of his lawful and legitimate right to admission in the MBBS course.
7. Learned counsel for the petitioner would submit that, the petitioner duly appeared in and qualified the NEET-UG 2025 examination for admission to the MBBS course in the State of Chhattisgarh and, as per the Mop-Up Round Seat Matrix dated 13.10.2025 read with the Gazette Notification dated 16.07.2025, only one seat under the Government Quota in Bharatratna Late Shri Atal Bihari Vajpayee Government Medical College, Rajnandgaon was earmarked exclusively for the SC-1 (N) category without any sub-category preference. It is further submitted that the petitioner was placed at Serial No. 877 with Category Rank SC-1 in the Round-3 merit list



dated 24.10.2025, whereas respondent No.5, a female candidate, was ranked lower at Serial No. 882 with Category Rank SC-4, and therefore the petitioner was the first and sole eligible candidate entitled to the said seat. However, in utter disregard of merit and the applicable reservation rules, the petitioner was illegally excluded from the Provisional Allotment List of the Mop-Up Round dated 05.11.2025 and was wrongly superseded by respondent No.5, who was allotted the seat at Serial No. 113 of the allotment list, despite there being no provision for allotment to any sub-category such as women. Such arbitrary and biased action on the part of respondent Nos.1 to 4 has resulted in grave discrimination against the petitioner, violating Articles 14 and 15 of the Constitution of India, causing irreparable loss to his academic career, and therefore the impugned provisional allotment dated 05.11.2025 deserves to be quashed to the extent of the seat allotted to respondent No.5, with a consequential direction to allot the said MBBS seat to the petitioner strictly in accordance with merit.

8. Per contra, learned Additional Advocate General appearing for the respondents/State would submit that, the present petition is wholly misconceived, devoid of merit, and liable to be dismissed at the threshold, as the admission process has been conducted strictly in accordance with the Chhattisgarh Medical, Dental and Physiotherapy Under Graduate Admission Rules, 2025. It is submitted that Rule 5(2) of the said Rules mandates 30% horizontal reservation for women candidates across all categories, including the Scheduled Caste category. In the instant case, during the second round of counselling,



the lone SC category seat in Bharatratna Late Shri Atal Bihari Vajpayee Government Medical College, Rajnandgaon was rightly allotted to an SC female candidate, Ms. Tabbu, in compliance with the horizontal reservation policy; however, upon her failure to join, the seat remained vacant and was necessarily carried forward to the Mop-Up Round under the same category and class, as a reserved seat once operated cannot be converted or de-reserved. Consequently, during the Mop-Up Round, the said seat was validly allotted to respondent No.5, Liza Mahima, who belongs to the SC female category, strictly in conformity with the statutory reservation framework. The petitioner's contention based solely on vertical merit is misconceived, as merit operates subject to reservation rules, and no vested right accrues merely on the basis of a higher rank when horizontal reservation applies. There is thus no arbitrariness, illegality, or violation of Articles 14 or 15 of the Constitution, and the provisional allotment dated 05.11.2025 is lawful, valid, and unassailable, warranting dismissal of the writ petition.

9. Mr. Siddharth Pandey, learned counsel appearing for Respondent No. 5 would submit that, the present writ petition is misconceived and liable to be dismissed at the threshold, as the petitioner seeks to assail a lawful allotment made strictly in accordance with the Medical, Dental and Physiotherapy Under Graduate Admission Rules, 2025. It is submitted that Rule 5(2) of the said Rules expressly provides for 30% horizontal reservation for women across all categories, including the Scheduled Caste category. In the instant case, during the second round of counselling, the lone SC category seat in Bharat Ratna Late



Atal Bihari Vajpayee Government Medical College, Rajnandgaon was rightly operated under the horizontal reservation for SC women and allotted to an SC female candidate, Ms. Tabbu, who, however, did not join the course. Consequently, the seat was validly carried forward to the Mop-Up Round under the same category and class, as a reserved seat once operated cannot be converted. In the Mop-Up Round, Respondent No. 5, being an eligible SC female candidate, was duly allotted the seat in accordance with the statutory reservation framework. The petitioner's claim based solely on higher vertical merit is legally untenable, as merit operates subject to reservation rules, and no arbitrariness or discrimination can be attributed to a selection made in strict conformity with law. The allotment in favour of Respondent No. 5 is thus lawful and unassailable, and the petition, being devoid of merit and substance, deserves outright dismissal.

10. To rebut the contention made by learned counsel appearing for the respective respondents, learned counsel for the petitioner would submit that, the defence taken by the State and Respondent No.5 is wholly misconceived, factually incorrect, and contrary to the scheme of reservation contained in Rules 5(2) and 5(4) of the Chhattisgarh Medical, Dental and Physiotherapy Under Graduate Admission Rules, 2025. While Rule 5(2) provides for horizontal reservation of 30% for women, the manner of operating such reservation is expressly governed by Rule 5(4), which mandates that once the prescribed quota of a horizontal class is exhausted, the remaining seats in the parent category must be filled strictly on merit without



reference to sub-category. In the present case, out of 12 SC seats available in the State Quota of Bharatratna Late Atal Bihari Vajpayee Government Medical College, Rajnandgaon, the 30% women quota (i.e., 3 seats) stood fully exhausted in the first round of counselling, wherein five female candidates were in fact allotted seats, as reflected from the seat matrix and allotment lists on record. Thereafter, in the second round, one seat was expressly notified as SC 'No Class', meaning without any sub-category, and was rightly allotted to Ms. Tabbu on pure merit; however, upon her non-joining, the said seat was carried forward to the Mop-Up Round retaining its character as SC No-Class, as clearly shown in the Mop-Up Round Seat Matrix dated 13.10.2025 (Annexure-P/2). Once the seat stood earmarked as SC No-Class, there was no legal scope for re-applying horizontal reservation for women, and the seat could only be filled by the highest-ranked candidate in the SC category as per merit. Since the petitioner was ranked higher at Serial No. 877 (SC-1) than Respondent No.5 at Serial No. 882 (SC-4), the petitioner alone was entitled to allotment of the said seat. The respondents' plea that a reserved seat, once allotted to a woman candidate, must perpetually remain a women's seat is contrary to Rule 5(4) and settled principles governing horizontal reservation, and acceptance of such an argument would lead to distortion of the reservation roster and obliteration of merit within the parent category. The impugned allotment in favour of Respondent No.5 is thus patently illegal, arbitrary, and violative of Articles 14 and 15 of the Constitution of



India, and the petitioner, having been illegally superseded despite higher merit, is entitled to the reliefs as prayed for in the writ petition.

11. We have heard learned counsel for the parties and considered their rival submissions made herein above and also gone through the entire records of the case with utmost circumspection.
12. In the matter of “**Pramati Educational & Cultural Trust v. Union of India**” (2014) 8 SCC 1, the Hon’ble Supreme Court, discussing the issue with respect to the scope and object of Article 15(5), has held that:-

“Clause (5) of [Article 15](#) of the Constitution reads as follows:-

“Nothing in this article or in sub-clause (g) of clause (1) of [article 19](#) shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions.”

13. The Hon’ble Supreme Court in the matter of “**State of Kerala v. N.M. Thomas**” (1976) 2 SCC 310 has held that:-

“..... There is thus nothing in [Art. 16\(1\)](#) of the Constitution to prevent the State from making reasonable classification in order to boost up the



members of the scheduled castes and tribes by giving concessions without imperilling the efficiency of the services.”

14. For admission of all the Under Graduate courses under the State quota in the Government Medical, Dental and Physiotherapy Colleges within the State of Chhattisgarh, as well as in the seats under the Government Quota, Management Quota and Non-resident Indian Quota of Private Medical, Dental and Physiotherapy Colleges are governed by the “Medical, Dental and Physiotherapy Under Graduate Admission Rules, 2025”. Rule 5 of Rules 2025 deals with reservation of the seats and Rule 5(2) provides that, there would be horizontal reservation of 30% for women in all categories, which reads as under:-

“5. Reservation of seats:-

(1) In every Government College and Government quota of Private College, 32 percent of the seats in each institution shall be reserved for the Scheduled Tribes, 12 percent for the Scheduled Castes and 14 percent for the Other Backward Classes (except Creamy Layer). In every government college 10 percent seats will be reserved for EWS. To avail the benefit of this reservation, it will be mandatory for the candidate to produce the permanent caste certificate or EWS certificate of Chhattisgarh State.

(2) There will be horizontal reservation of 3 percent for Defense Class, 3 percent for



freedom fighter class, 5 percent for Person with disability class and 30 percent for women class in all categories.

(3) Seats reserved for person with disability shall be the eligibility criteria filled up as per prescribed by NMC.

Disability Certificate: Only the certificate issued by the State Medical Board Chhattisgarh will be accepted. This certificate will be issued by the State Medical Board after receiving application from the candidate applies and after conducting all examinations and tests. Certificates issued one day before admission will be valid.

(4) In all categories, 3% horizontal reservation is available for Defense Class, 3% for freedom fighter class and 5% for PWD class. Candidates applying in these class, if eligible in the said. class, will be able to get allotment of seats of the respective class and if the seats of the class get exhausted, then eligible candidates of the class will be eligible for allotment as per merit in their category. But if after applying in the class, they are found ineligible in the scrutiny, then they are excluded from the merit list, that is, they become ineligible for counselling.”

15. The petitioner could not secure position in the first round of counseling and during the second round of counseling, following the



30% horizontal reservation for women candidates, the said seat was allotted to SC Female category student and one Ms. Tabbu who was placed at serial No. 596 with State Rank of 1107 was allotted the said seat. Ms. Tabbu did not join the said seat and it was remained vacant, which was carry forward and included in the Mop-Up Round under the same heading, because once the seat has been reserved for a particular class, the same cannot be converted. The respondent No.5 is also belongs to SC Female category and in the condition that Ms. Tabbu had not joined, the said seat was allotted to the respondent No.5, which cannot be said to be an arbitrary exercise of powers or the seat was wrongly allotted to her, and therefore, there is no illegality in the same.

16. In light of the foregoing submissions and in accordance with settled principles of law, as upheld by the Hon'ble Supreme Court in cases of "**Pramati Educational and Cultural Trust** (supra) and "**N.M. Thomas**" (supra), it is clear that the petitioner's claims are without merit. The petitioner's attempt to override established horizontal reservation norms, which have been consistently endorsed by the Supreme Court, cannot stand. The seat allotment process followed the statutory reservation framework, and the petitioner's higher merit, though significant, cannot negate the horizontal reservation once it has been properly applied. Consequently, the petitioner's writ petition lacks substance and is not sustainable in law.



17. We do not find any good ground to entertain the matter agitated by the petitioner, accordingly, the present writ petition deserves to be and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

ved



HEAD NOTE

The seat allotment process should follow the statutory reservation framework and the petitioner's higher merit cannot negate the horizontal reservation, once it has been properly applied.