



1 WP-25113-2024
IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE VIVEK RUSIA
&
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
ON THE 24th OF AUGUST, 2024
WRIT PETITION No. 25113 of 2024

DHARA SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri L. C. Patne, learned counsel for the petitioner.
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ORDER

Per. Justice Vivek Rusia

By way of this writ petition under Article 226 of the Constitution of India, the petitioner is seeking direction to the respondents to allot seat in MBBS course against 5% Government School quota on the basis of his merit in the UR-GS seat in the current academic session 2024-25. By way of interim relief, the petitioner is seeking direction that one seat in the aforesaid quota be kept vacant for him.

02. The petitioner is a citizen of India, resident of Mandsaur and belongs to the OBC category (Non-creamy layer). The petitioner completed his school education from the Government School in first division. The National Testing Agency issued notification dated 06.03.2023 notifying the NEET-UG 2023 Examination for admission in the MBBS courses across the country. The petitioner appeared in the said examination and scored 359



marks out of 720. Petitioner could not secure admission in the OBC category under the 5% Government School quota. However, petitioner did not challenge his non-selection at the relevant point of time. Thereafter, for the academic session 2024-25, the National Testing Agency issued notification for the NEET (UG) Examination and now the tentative schedule for first round of counseling has been notified on 07.08.2024 wherein the online registration started on 12.08.2024. The schedule is reproduced below :

FIRST ROUND MBBS AND BDS COURSE			
S.no.	Event	Duration	No. of days
1	Online registration by eligible candidates of NEET UG 2024 on DME portal	12-08-2024 to 20-08-2024 (up to 11:59 PM)	9 days
2	Publication of vacancies	14-08-2024	3 days
3	Invitation of objection against vacancies	15-08-2024	
4	Disposal of objection and publication of final vacancies	16-08-2024	
5	Publication of State Merit list of registered candidates	21-08-2024	1 day
6	Choice filling and locking by MP Domicile registered candidates	22-08-2024 to 26-08-2024 (up to 11:59 PM)	5 days
7	Allotment Result of First Round	29-08-2024	
8	Reporting at allotted Medical/Dental college in person for documents verification and admission	31-08-2024 to 04-09-2024 (up to 6:00 PM)	5 days
9	Online Resignation/Cancellation of admission at college level	31-08-2024 to 07-09-2024 (up to 07:00 PM)	8 days
10	Opt for upgradation through candidate's login after admission by candidate	31-08-2024 to 07-09-2024 (up to 11:59 PM)	

03. Recently, the Apex Court has passed a judgment in the case of *Ramnaresh @ Rinku Kushwah & Others vs. State of M.P. & Others* reported



in 2024 INSC 611 whereby the 07 candidates belonging to SC/ST OBC and EWS category have been directed to be given admission in the next academic session 2024-25 against the UR-GS seats. After the aforesaid judgment, petitioner has rushed to this Court seeking admission in the current academic session 2024-25 on the basis of his merit in the NEET (UG) Examination 2023 score card. According to the petitioner, he had secured more marks in the NEET (UG) Examination 2023 than the 07 candidates in the SC/ST OBC and EWS category who approached this Court as well as the Apex Court. Therefore, he is also entitled to participate in the admission process for the MP State Combined NEET UG Counselling (MBBS/BDS Course) 2024.

04. Shri Patne, learned counsel for the petitioner submits that due to unavoidable circumstances, petitioner could not approach this Court earlier, immediately after closing of admission in the previous session i.e. NEET (UG) 2023. But now, in view of the Apex Court judgment in case of *Ramnaresh (supra)*, petitioner is also entitled to participate in the counselling process along with those 07 candidates. Therefore, the interim relief to participate in the counselling process be granted to the petitioner otherwise, nothing would survive in this petition.

05. We are inclined to issue notice to the respondents, however, learned counsel for the petitioner submits that if the interim relief is not granted to the petitioner, no purpose would be served by issuing notice to the respondents.

06. Heard learned counsel for the petitioner on the question of



admission and interim relief.

07. Admittedly, the petitioner participated in the NEET (UG) Examination 2023 and secured 359 marks out of 720 in the OBC category. He did not approach this Court or the Apex Court to claim admission in the UR-GS seats against the Government School quota. Only 07 candidates filed writ petition before this Court and after denial of interim relief and dismissal of writ petition, they approached in the Apex Court in SLP No. 2111 of 2024. By way of interim order dated 12.08.2024, seven seats were directed to be kept vacant by the Apex Court in the even that the appellants succeed in the SLP. Vide order dated 20.08.2024, the SLP has been allowed by the Apex Court with the direction to admit the 07 appellants in the next academic session 2024-25 for the MBBS Course against the seats reserved for UR-GS category. According to the present petitioner, he has secured higher marks than those 07 candidates, therefore, he is also entitled for admission in the next academic 2024-25 for MBBS Course.

08. Admittedly, the petitioner did not approach this Court in the year 2023. Thereafter, the NEET Examination for academic session 2024-25 has been completed. Those 07 candidates approached this Court well within time and thereafter, approached the Apex Court during the academic session 2023-24 and for them the interim protection was granted by keeping seven seats vacant in next academic session 2024-25. Now, if direction is issued to admit the petitioner in the next academic session along with those 07 candidates then one out of 07 will not get seat. In compliance of the interim order seven seats have been kept vacant for those 07 candidates who



approached the Apex Court. Therefore, in absence of any such direction or interim relief in favour of the present petitioner, the claim of the petitioner cannot be considered at this lateral stage. No direction can be issued to the respondents to consider the claim of the petitioner in parity with those 07 candidates for whom seven seats were directed to be kept vacant by the Apex Court by way of interim order.

09. The Apex Court in case of *S.Krishna Sradha vs. State of Andhra Pradesh & Others reported in (2020) 17 SCC 465* has held that, in case the Court is of the opinion that no relief of admission can be granted to a candidate in the very academic year who is found to be meritorious and such candidate/student has approached the Court at the earliest and without any delay, the Court can mould the relief and direct admission to be granted in the next academic session by issuing appropriate direction. The relevant paragraph (13.3) is reproduced hereunder :

"In case the Court is of the opinion that no relief of admission can be granted to such a candidate in the very academic year and wherever it finds that the action of the authorities has been arbitrary and in breach of the rules and regulations or the prospectus affecting the rights of the students and that a candidate is found to be meritorious and such candidate/student has approached the court at the earliest and without any delay, the court can mould the relief and direct the admission to be granted to such a candidate in the next academic year by issuing appropriate directions by directing to increase in the number of seats as may be considered appropriate in the case and in case of such an eventuality and if it is found that the management was at fault and wrongly denied the admission to the meritorious candidate, in that case, the Court may direct to reduce the number of seats in the management quota of that year, meaning thereby the student/students who was/were denied admission illegally to be accommodated in the next academic year out of the seats



allotted in the management quota."

10. Admittedly, in the present case, the petitioner did not approach this Court at the earliest to claim admission against the UR-GS category, hence, no relief can be extended to the petitioner in this petition. Needless to say that the petitioner is entitled for benefit of the judgment in case of *Ramnaresh (supra)* if he has appeared in the NEET (UG) Examination 2024-25.

11. With the aforesaid, this petition stands dismissed.

(VIVEK RUSIA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

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