

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

WP(C) No. 218 of 2025

Dr. Ibetombi Kshetrimayum, aged about 50 years, D/o (Late) Ksh. Shyamkanhai Singh, Senior Resident, Radiodiagnosis Department, Jawaharlal Nehru Institute of Medical Sciences (JNIMS), Porompat, a resident of Sagolband Tera Yambem Leirak, P.O. Imphal, P.S. Lamphel, Imphal West District, Manipur-795001.

..... Petitioner/s

- Versus -

1. The State of Manipur represented by the Commissioner-cum-Secretary (Health & FW), Government of Manipur, New Secretariat Building, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Jawaharlal Nehru Institute of Medical Sciences, JNIMS, P.O. & P.S. Porompat, Imphal East District, Manipur-795005, through its Director.
3. The Dean Academic, JNIMS, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
4. Dr. Mutum Anilkumar Singh, now working as Casualty Medical Officer, Jawaharlal Nehru Institute of Medical Sciences (JNIMS), Porompat, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.

..... Respondent/s

With

WP(C) No. 295 of 2025

Dr. Mutum Anilkumar Singh, aged about 37 years now working as Casualty Medical Officer, Jawaharlal Nehru Institute of Medical Sciences (JNIMS), Porompat, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.

..... Petitioner/s

- Versus -

1. The State of Manipur represented by the Commissioner-cum-Secretary (Health & FW), Government of Manipur, New Secretariat Building, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Jawaharlal Nehru Institute of Medical Sciences, JNIMS, P.O. & P.S. Porompat, Imphal East District, Manipur-795005, through its Director.
3. The Dean Academic, JNIMS, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.

..... Respondent/s

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioner/s	::	Mr. N. Ibotombi, Sr. Adv. assisted by Ms. Y. Jinita, Adv.
For the respondent/s	::	Mr. Lenin Hijam, AG along with Mr. Kh. Athouba, G.A. assisted by Ms. Thanyomi Keishing, Adv. [R1-R3]; Mrs. G. Pushpa, Adv. along with Ms. Th. Ranjeeta, Adv. [R4] Sharmila, Adv.
Date of reserving for order	::	05.06.2025
Date of Judgment & Order	::	11.06.2025

JUDGMENT & ORDER (CAV)

[1] Heard Mr. N. Ibotombi, learned senior counsel assisted by Ms. Y. Jinita, learned counsel for the petitioner, Mr. Lenin Hijam, learned Advocate General along with Mr. Kh. Athouba, learned Govt. Advocate assisted by Ms. Thanyomi Keishing, learned Jr. G.A. on behalf of State respondent Nos. 1 to 3 and Mrs. G. Pushpa, learned counsel along with Ms. Th. Ranjeeta, learned counsel for respondent No. 4.

[2] WP(C) No. 218 of 2025 has been filed by Dr. Ibetombi Kshetrimayum and WP(C) No. 295 of 2025 by Dr. Mutum Anilkumar Singh. These writ petitions are considered together in terms of the direction of the Hon'ble Chief Justice on administrative side and the position of the parties are referred to as in WP(C) No. 218 of 2025. Accordingly, Dr. Ibetombi Kshetrimayum will be referred as petitioner, State Respondents as respondent

Nos.1-3, and Dr. Mutum Anilkumar Singh will be referred as respondent No. 4 in this judgment.

WP(C) No. 218 of 2025:

[3] By the present writ petition, the petitioner has challenged the Notice dated 11.03.2025 issued by the Director, Jawaharlal Nehru Institute of Medical Sciences (in short, JNIMS), Imphal inviting applications from in-service candidates of all State without any regard to domicile for participation in the Special Stray Vacancy Round State Level PG counselling 2024 and also for quashing the Notifications dated 04.02.2025 and 10.02.2025 by Dean (Academic), JNIMS inter-alia granting provisional selection of the respondent No. 4 and admission granted to the respondent No. 4 in the third round counselling of State Quota Seats for undergoing post-graduate course in the subject of Radiodiagnosis in JNIMS under JNIMS sponsored category. There is another prayer for directing the official respondents to conduct a special stray round counselling of vacant seat for undergoing PG course in Radiodiagnosis in JNIMS sponsored category after cancelling the admission of the respondent No.4.

[4] The prayer in the writ petition, WP(C) No. 218 of 2025 is reproduced as:

- “(i) to admit this petition;*
- (ii) to issue Rule Nisi.*
- (iii) to issue a writ in the nature of Certiorari for quashing the Notice dated 11.03.2025 issued by the respondent No. 2 inviting applications from the in-service candidates of all States without any regard domicile for participation in the Special Stray Vacancy Round Staff Level, PG Counselling, 2024 thereby superseding the Notification of even number dated 05.03.2025 issued by the respondent No. 2.*
- (iv) to issue a writ of Certiorari for quashing the Notification dated 04.02.2025 issued by the respondent No. 3 thereby provisionally selected the respondent No. 4 for undergoing Post-Graduate Course in the subject of Radiodiagnosis.*

- (v) *to issue a writ of Certiorari for quashing the Notification dated 10.02.2025 issued by the respondent No. 3 thereby admitting the respondent No. 4 after completion of third round counselling of State Quota Seats for undergoing Post Graduate Course in the subject of Radiodiagnosis.*
- (vi) *to issue a writ in the nature of Mandamus directing the respondent Nos. 1 to 3 for fixing a date for holding a Special Stray Vacancy Round Staff Level, PG Counselling 2024 for filling up the vacant seat for undergoing Post Graduate Course at JNIMS in the subject of Radiodiagnosis in the JNIMS sponsored seat.*

AND

- (vi) *to pass any such further order(s) or direction(s) which this Hon'ble Court deem fit and proper to secure the ends of justice."*

[5] It is the case of the petitioner (Dr. Ibetombi Kshetrimayum) that she was appointed as Senior Resident in the Department of Radiodiagnosis, Jawaharlal Nehru Institute of Medical Sciences (in short JNIMS) vide order dated 25.02.2012 issued by the respondent No. 2 i.e. Director, JNIMS. Likewise, the respondent No. 4 (Dr. Anilkumar Singh) was also appointed as Casual Medical Officer vide order dated 18.05.2013 issued by the respondent No. 2 i.e. Director, JNIMS and now upgraded to Senior Casualty Medical Officer vide order dated 06.03.2021. Both the appointments were made on the recommendation of the duly constituted selection board.

[6] The petitioner appeared in NEET-PG, 2024 conducted by the National Board of Examinations in Medical Science, an autonomous body under the Ministry of Health and Family Welfare, Government of India under Roll No. 24661186914. The result of the said examination was declared on 23.08.2024 and the petitioner scored 6.8387371 percentile. Likewise, the respondent No. 4 also appeared in the NEET-PG, 2024 conducted by National Board of Examinations in Medical Science and he scored 26.5809089 percentile.

[7] Vide notice dated 23.08.2024 issued by the National Board of Examinations in Medical Sciences, New Delhi, the minimum qualifying/eligibility criteria for admission in MC/MS/DNB/Diploma Courses as mentioned in the Information bulletin for NEET-PG 2024, the cut-off percentile for various categories are as follows:

Category	Minimum Qualifying/Eligibility Criteria
General/EWS	50 th Percentile
General-PwBD	45 th Percentile
SC/ST/OBC (Including PwBD of SC/ST/OBC)	40 th Percentile

[8] Vide another notice dated 04.01.2025 issued by the Directorate General of Health Services Medical Counselling Committee, the percentile for NEET-PG Counselling 2024 has been lowered and the eligibility criteria as General/EWS is 15 percentile and above and SC/ST/OBC/PwD category is 10 percentile and above. Vide another notice dated 25.02.2025 issued by the National Board of Examination in Medical Sciences, the revised minimum qualification criteria for NEET-PG, 2024 for all category is at 5th percentile.

[9] Vide notice dated 31.10.2024 issued by the Dean Academic, JNIMS, applications were invited for intending NEET-PG 2024 qualified Medical Graduate for undergoing PG Course in JNIMS in 20 (twenty) Departments. The distribution of PG seats in JNIMS, Imphal is 90 and fixing All India Quota (AIQ) as 46 and State Quota as 44.

[10] Vide notice dated 21.11.2024 issued by the Member Secretary, State Level PG Counselling Committee, the date for Combined State Level PG counselling for filling up of vacant seats for undergoing Post-Graduate (MD/MS/Diploma) courses at JNIMS and the RIMS, Imphal for the academic

Session 2024-2025 has given as 1st Round State Level PG counselling on 26.11.2024, 2nd Round on 19.12.2024 and 3rd Round on 09.01.2025.

[11] Vide another notice dated 25.11.2024 issued by the Director, JNIMS for First Round state Level PG counselling, JNIMS, 24 seats for State Quota is distributed as (a) Sponsored Category – 21; (b) Open Category – 17; (c) JNIMS Product – 2; and (d) JNIMS Sponsored – 4. Out of the 4 seats for JNIMS sponsored category, the seats are distributed as Medicine – 1, OBG – 1, Pathology – 1 and Radiodiagnosis – 1 for the year 2024.

[12] Vide notice dated 06.01.2025 issued by the Director, JNIMS, applications were called from newly NEET 2024 eligible candidates for 3rd round State PG counselling and vide another notice dated 01.02.2025 issued by the Director, JNIMS, the seats available for the 3rd round NEET-PG Counselling 2024 was issued and in the JNIMS sponsored, 4 seats i.e. Medicine – 1, OBG – 1, Pathology – 1 and Radiodiagnosis – 1 were still available.

C. JNIMS Sponsored:

Sl.No.	Subject	Course	Category	Vacant Seats
1.	Medicine	MD	-	1 (One) no.
2.	OBG	MD	-	1 (One) no.
3	Pathology	MD	-	1 (One) no.
4.	Radiodiagnosis	MS	-	1 (One) no.

[13] After completion of the 3rd round PG counselling, vide notice dated 04.02.2025 [Annexure- A/18] issued by the Dean (Academic), JNIMS, provisional select list was published for admission in PG Courses (MD/MS) and in the said notification, the name of the respondent No. 4 i.e. Dr. Mutum Anilkumar Singh was recommended in JNIMS sponsored seat in the subject for MD in Radiodiagnosis. Vide another notification dated 10.02.2025

[Annexure- A/19] issued by the Dean (Academic), JNIMS, published the list of admitted candidates for academic session 2024-2025 in various PG (MD/MS) courses in JNIMS after completion of 3rd round counselling and the respondent No. 4 was admitted in JNIMS sponsored seat for PG (MD) in Radiodiagnosis by paying necessary fees and submission of other documents including bond.

[14] Vide notice dated 20.02.2025 issued by the Director, JNIMS, applications were called for filling up vacancies under Stray Vacancy Round State Level PG Counselling 2024 (4th round) and vide another notice dated 23.02.2025, the date of Stray Vacancy Round was fixed on 26.02.2025.

[15] Subsequently, there was a reduction of the minimum qualifying mark for admission for NEET-PG 2024 Counselling to 5th percentile vide notice dated 25.02.2025 issued by the National Board of Examinations in Medical Sciences, New Delhi. The petitioner who scored 6.8387371 percentile in the NEET-PG qualifying examination, submitted an application dated 26.02.2024 to the Dean, JNIMS for allowing her to participate in NEET-PG counselling 2024, as she was eligible by then, after the minimum eligibility criteria was reduced to 5th percentile.

[16] The petitioner also submitted a detailed and common representation dated 27.02.2025 to the Commissioner (Health & Family Welfare), Government of Manipur and Director, JNIMS for allotting the PG seat in Radiodiagnosis, JNIMS to her for the academic session 2024, as she is eligible for admission in terms of the Notifications dated 16.02.2025 [Annexure- A/33] and dated 21.10.2024 [Annexure- A/34] both issued by JNIMS prescribing rules for reservation of 4 seats in the admission in PG course for JNIMS sponsored candidates, such as, Senior Residents/Tutor/ Demonstrator/ Lady Medical Officer/Senior Casualty Medical Officer/Casualty Medical Officer.

[17] The Director, JNIMS issued another notice dated 05.03.2025 for Special Stray Vacancy 5th round. The petitioner submitted an application for appearing in the Special Stray Vacancy Round State Level NEET-PG Counselling 2024 (5th round) with no objection certificate from the authority. Vide letter dated 10.03.2025, the petitioner also submitted an application to the Director, JNIMS for allotment of PG seat in the Department of Radiodiagnosis, JNIMS as per norms and rules of JNIMS in terms of Annexure- A/33 and Annexure- A/34. The petitioner also submitted another application dated 11.03.2025 to the Chairman, State Level PG Counselling Committee, 2024 and to the Member Secretary, State Level PG Counselling Committee, 2024 for proceeding with Special Stray Round State Level PG Counselling 2024.

[18] In supersession of the earlier notice dated 05.03.2025, the Director, JNIMS issued a notification dated 11.03.2025 calling for fresh application from intending newly eligible candidates after lowering of minimum NEET-PG 2024 qualifying percentile to participate for Special Stray Vacancy Round State Level PG Counselling 2024. However, it is stated that in terms of the Hon'ble Supreme Court's order dated 29.01.2025 in Civil Appeal No. 9289 of 2019: **Dr. Tanvi Behl v. Shrey Goel & Ors: 2025 INSC 125**, the vacancy will be opened to in-service of all State without any regard to domicile. The petitioner is aggrieved by this notification dated 11.03.2025 of merging of vacant seats to All India Quota as well the provisional selection and admission of respondent No. 4 in PG (MD) course in the subject of Radiodiagnosis in JNIMS.

[19] It is the case of the petitioner that vide notification dated 16.02.2022 [Annexure- A/33], the JNIMS framed a rule known as Time Scale Promotion (Regularly appointed Senior Residents/Tutor/Demonstrator/Lady Medical Officer possessing Post Graduate Degree) (1st Amendment) Rules, 2022. The rule proposes amendment of Rule 7(d) in the Time Scale Promotion (Regularly appointed Senior Residents/Tutor/Demonstrator/Lady Medical

Officer possessing Post Graduate Degree) Rules, 2018 and Rule 7(d) was amended by stipulating that 14% of the State open quota seat for PG course of JNIMS will be reserved for teachers in each session and in order to be eligible for PG seats reservation, the teacher must qualify NEET-PG exam and the reservation will be in force for 5 years i.e. till 2025 and detail of reservation given in Schedule-I. 4 seats are reserved for teachers in JNIMS for each year on roster basis amongst 11 subjects over the five years and Radiodiagnosis gets only one seat in 2024 over the period of five years.

[20] The notification dated 16.02.2022 [Annexure- A/33] is reproduced as:

“NOTIFICATION

Imphal, the 16th of February, 2022

No. 01/1/Estt/JIMS/10(v):- The President, Jawaharlal Nehru Institute of Medical Sciences Society, Imphal, Manipur with the previous sanction of the State Government, is pleased to make the following rules further to amend the Time Scale Promotion (Regularly appointed Senior Residents/Tutor/Demonstrator/Lady Medical Officer possessing Post Graduate Degree) Rules, 2018, namely:-

1. SHORT TITLE AND COMMENCEMENT:

(1) These rules may be called the Time Scale Promotion (Regularly appointed Senior Residents/Tutor/Demonstrator/Lady Medical Officer possessing Post Graduate Degree) (1st Amendment) Rules, 2022.

(2) These rules shall come into force with effect from the current academic session i.e. 2021-2022.

2. Amendment of Rule 7(d) of Time Scale Promotion (Regularly appointed Senior Residents/Tutor/Demonstrator/Lady Medical Officer possessing Post Graduate Degree) Rules, 2018:

The existing Rule 7(d) shall be substituted by the following:

For those regularly appointed Senior Resident/Tutor/Demonstrator (Teachers) who do not possess Post Graduate Degree, there will be a provision for reservation of Post Graduate Degree seats in the Institute as follows:

(I) 14% of the State Open Quota seats in Post Graduate Degree courses of the Institute shall be reserved for teachers in each session.

(II) In order to be eligible for PG seats reservation, they must qualify NEET-PG exam.

- (III) Reservation of PG seats shall be done in the same department in which they are already working.
- (IV) In case of more than one member qualifying NEET-PG Exam in the same department in same session, preference will be given to the one who is older in age irrespective of the score.
- (V) If any Teachers quota seat is not filled up due to unavailability of eligible Teachers, then the vacant seat shall be filled up by candidates from the State Merit List.
- (VI) The seat allotment matrix will be adjusted from time to time according to availability of eligible Teachers with preference given to the subsequent year roster.
- (VII) The reservation shall be in force for 5 years i.e. till 2025.
- (VIII) The detail reservation roster is given at Schedule-I.
3. This issues as per approval conveyed vide letter No. JNIM-1101/6/2021-HS-HEALTH dated 14th February, 2022 issued by Secretariat Health, Dept., GoM and State Cabinet approval in meeting held on 04.01.2022 and with the “No Objection” of the Election Commission of India conveyed vide letter No. 437/MR-LA/2022-NES-II dated 1st February, 2022 which is subject to condition that no undue publicity is to be made.
4. This rule shall be subject to outcome of WP(C) No. 88 of 2022.

(Prof. L. Deben Singh)
Director, J.M. Institute of Medical Sciences”

“SCHEDULE-I

PG DEGREE SEAT RESERVATION ROSTER FOR REGULAR
NON-PG TEACHERS (SR/TUTOR/DEMONSTRATOR) OF JNIMS,
IMPHAL.

Sl. No.	Course	Year					Total
		2021	2022	2023	2024	2025	
1.	Anaesthesiology			1		1	2
2.	Forensic Medicine	1			1		2
3.	Medicine	1	1		1	1	4
4.	OBG		1		1		2
5.	Orthopaedics	1		1			2
6.	Paediatrics			1		1	2
7.	Pathology		1				1
8.	Pharmacology			1			1
9.	Radiodiagnosis				1		1
10.	Respiratory Medicine	1				1	2
11.	Surgery		1				1
	Total	4	4	4	4	4	20

[21] Since the Senior Casualty Medical Officer and Casualty Medical Officer were not included in the 1st Amendment Rules, 2022, JNIMS issued another notification dated 21.10.2022 [Annexure- A/34] known as Scheme for Reservation of Post Graduate Medical Seats in JNIMS for Senior Casualty Medical Officers and Casualty Medical Officers, JNIMS. Under the new Scheme, the Senior Casualty Medical Officers and Casualty Medical Officers are also eligible for allotment of PG seats in the JNIMS sponsored quota under Para (i) of the notification dated 16.02.2025. However, as per Para (iii) of the notification, if eligible candidates are available from Regularly appointed Senior Resident/Tutor/Demonstrator/Lady Medical Officer in the concerned subject after lowering of the NEET-PG cut off percentile in the subsequent round, the Senior Casualty Medical Officer/Casualty Medical Officer who has been allotted a PG seat, must surrender the seat.

[22] The notification dated 21.10.2022 [Annexure-A/34] is reproduced as:

“NOTIFICATION

Imphal, the 21st October, 2022

“No. 01/931/Non-PG CMO/22-JNIMS:- The President, Jawaharlal Nehru Institute of Medical Sciences Society, Imphal, Manipur with the previous sanction of the State Government is pleased to make the following Scheme for reservation of Post Graduate Medical Seats in JNIMS for Senior Casualty Medical Officers and Casualty Medical Officers, JNIMS as follows:-

- (i) *The reservation of PG seats for regularly appointed Senior Casualty Medical Officers and Casualty Medical Officers will be considered only if any of the regularly appointed Sr. Residents/Tutor/Demonstrator/Lady Medical Officers’ quota seats provided by the Rule 7(d) of the Time Scale Promotion (Regularly appointed Senior Resident/Tutor/Demonstrator/lady Medical Officer possessing Post Graduate Degree) (1st Amendment) Rules, 2022, are not filled up due to unavailability of eligible regularly appointed Sr. Residents/Tutor/Demonstrator/Lady Medical Officer of the concerned department of JNIMS in that academic year.*

- (ii) *In order to be eligible for PG seats reservation, the Senior Casualty Medical Officer/Casualty Medical officers must qualify NEET-PG Examination.*
- (iii) *Since Sr. Casualty Medical Officers/Casualty Medical Officers are open to any of the allocated PG seats/subject, Senior Casualty Medical Officers and Casualty Medical Officers shall be eligible to join 1st round of PG Counselling; but allotment of PG seats will be considered from 2nd round counselling onwards. If eligible candidates are available from the regular Senior Resident/Tutor/Demonstrator/Lady Medical Officer in the concerned subject after lowering the NEET-PG cut off percentile in the subsequent round, the Sr. Casualty Medical Officer/Casualty Medical Officers who has been allotted PG Seat must surrender the seat.*
- (iv) *In case of having more than one NEET-PG qualifying candidates in the same Department, preference will be given on the basis of seniority in service, academic age of the candidate and NEET-PG Score.*
- (v) *This scheme shall be applicable to Casualty Medical Officers who have rendered regular service of not less than 5 (five) years.*
- (vi) *This reservation Scheme shall be in force for 5 (five) years i.e. till 2026 and in the line with Time Scale Promotion (Regularly appointed Senior Residents/Tutor/Demonstrator/Lady Medical Officer possessing Post Graduate Degree) 1st Amendment) Rules, 2022.*
- (vii) *If any Teachers' quota seat is not filled up due to unavailability of both eligible Teachers and Senior Casualty Medical Officer/Casualty Medical Officers, then the vacant seat shall be filled up by candidates from the State Merit List.*

2. *This is issued as per approval conveyed by Secretariat: Health Department, Government of Manipur vide letter No. JNIM-1101/6/2021-HS-HEALTH, dated 20.10.2022 in accordance with State Cabinet Decision taken in its meeting held on 13.10.2022.*

3. *This scheme shall be subject to outcome of all analogous Writ Petitions/SLPs relating to reservation of PG seats in JNIMS for JNIMS's Doctors.*

(Prof. L. Deben Singh)
Director, J.N. Institute of Medical Sciences."

[23] It is the case of the petitioner that by the notification dated 16.02.2022, only Senior Resident/Tutor/Demonstrator/Lady Medical Officers are eligible for consideration for admission in PG course under the JNIMS sponsored quota against 4 (four) seats reserved for each academic year. In the notification dated 16.02.2022, Senior Casualty Medical Officers/ Casualty Medical Officers are not included. Subsequently, the notification dated 16.02.2022 (the rule framed under Article 309 of the Constitution), was amended by issuing another notification dated 21.10.2022 where Senior Casualty Medical Officer and Casualty Medical Officer in JNIMS are also eligible for consideration against 4 (four) seats reserved under JNIMS sponsored category in terms Para (i) of the said notification, where the teachers are not found eligible.

[24] However, as per Para (iii) of the notification dated 21.10.2022, such Senior Casualty Medical Officers/Casualty Medical Officers who have been allotted PG seats in JNIMS sponsored category, have to surrender the seats, if regular Senior Resident/Tutor/Demonstrator/Lady Medical Officer in the concerned subject are found eligible in subsequent round after lowering NEET-PG cut off percentile.

[25] The petitioner is claiming for her right to admission in terms of the notifications dated 16.02.2022 and 21.10.2022 issued by the JNIMS whereby Senior Casualty Medical Officer/Casualty Medical Officer has to surrender the seat allotted to him or her when persons like the petitioner are eligible at subsequent stage on lowering of the minimum eligibility criteria for NEET-PG cut off percentile.

[26] In the present case, the respondent No. 4, a Senior Casualty Medical Officer in JNIMS, was admitted in PG (MD) course in Radiodiagnosis in the 3rd round, as the persons mentioned in Para (i) of the notification dated 21.10.2022 i.e. Senior Resident/Tutor/Demonstrator/Lady Medical Officer

were not eligible at that stage. The score of respondent No. 4 was 26.5809089 and NEET-PG percentile at 3rd round was 15th percentile. Later on, when the NEET-PG percentile was reduced to 5th percentile vide notification dated 25.02.2025, the petitioner, having a NEET-PG Score of 6.8387371 percentile, requested for her admission. The petitioner, a Senior Resident in Radiodiagnosis department in JNIMS, claimed her right for admission in PG(MD) course in Radiodiagnosis in place of respondent No. 4, as he ought to surrender the seat in terms of Para (iii) of the notification dated 21.10.2022.

[27] It is the case of the petitioner that in previous year, the JNIMS authority issued orders to cancel the admission of Senior Casualty Medical Officer/Casualty Medical Officer, when Senior Resident/Tutor/Demonstrator/Lady Medical Officer were subsequently found to be eligible on reduction of NEET-PG qualifying percentile. However, in the present case, JNIMS authority has refused to issue such order cancelling the admission granted to respondent No. 4 and on the contrary, it has issued the impugned notification dated 11.03.2025 stating that any vacant seat was merged with the All India Quota. It is stated that the same was done in compliance of the judgment dated 29.01.2025 passed by the Hon'ble Supreme Court in Civil Appeal No. 9289 of 2019 in the case of **Dr. Tanvi Behl v. Shrey Goel & Ors.** reported as **2025 INSC 125**.

[28] It may be stated that the Hon'ble Supreme Court held in para 33 of the above mentioned judgment that residence-based reservation is impermissible in PG Medical courses and 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 and the Hon'ble Court struck down reservation in PG seat on the basis of residence base. Para 33 of the said judgment is reproduced as:

“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.”

[29] In the above judgment, institution-based reservation is held to be permissible, but what has been barred is the reservation strictly based on residence.

[30] The main ground raised in the writ petition, i.e., WP(C) No. 218 of 2025, is that in terms of the notifications dated 16.02.2022 [Annexure- A/33] and 21.10.2022 [Annexure- A/34] issued by JNIMS regulating the reservation of PG seat for JNIMS sponsored candidates, i.e., 14% open quota equivalent to 4 seats, the respondent No. 4 who has been admitted in the JNIMS sponsored seat, has to vacate the seat and the petitioner, who is eligible after reduction in the percentile, has to be admitted against the seat allotted to the respondent No. 4.

[31] It is the case of the petitioner that the notifications dated 16.02.2022 and 21.10.2022 which stipulate the rule for reservation and admission in PG seats for JNIMS sponsored candidates, have not been set aside or stayed by any competent Court having jurisdiction nor repealed by the competent authority. The judgment of the Hon'ble Supreme Court in the case of **Dr. Tanvi Behl (supra)** does not prohibit institution-based reservation in PG courses in Medicine and as such, the notification dated 11.03.2025 issuing merger of all vacant seats including JNIMS sponsored seat in All India pool is arbitrary, illegal and without any basis and it is not in terms of the direction of the Hon'ble Supreme Court. It is prayed that the official respondents be directed to cancel the admission granted to the respondent No. 4 in PG course in Radiodiagnosis and the same be given to the petitioner.

[32] The respondent No. 1 has filed counter affidavit wherein it is stated that the Time Scale Promotion (Regularly appointed Senior Resident/Tutor/Demonstrator/Lady Medical Officer Possessing Post-Graduate Degree) (1st Amendment) Rules, 2022 was framed for those employees of JNIMS who are teachers and not for the product of JNIMS institute. It further states that the Hon'ble Supreme Court's order dated 29.01.2025 in Civil Appeal No. 9289 of 2019 held that resident-based reservation is not permissible in PG medical course and accordingly, the State respondent, vide its notice dated 11.03.2025, decided to conduct counselling of PG in vacant seats in accordance with the Hon'ble Supreme Court's order in **Dr. Tanvi Behl (supra)** and therefore, all vacant seats are open to in-service all India candidates on merit without any regard to domicile.

[33] The respondent Nos. 2 & 3, (JNIMS authority) have also filed common counter affidavit stating that the impugned notification dated 11.03.2025 was issued in compliance of the Hon'ble Supreme Court's order dated 29.01.2025 in Civil Appeal No. 9289 of 2019 (**Dr. Tanvi Behl vs. Shrey Goel & Ors**). It is specially stated that as per the Hon'ble Supreme Court's order, Time Scale Promotion (regularly appointed Senior Residents/Tutor/Demonstrator/Lady Medical Officer possessing Post Graduate Degree) (1st Amendment) Rules 2022 and Scheme for Reservation of Post Graduate Medical seats in JNIMS for Senior casualty Medical Officer and Casualty Medical Officers, JNIMS, 2022 stand superseded and Special Stray Vacancy Round in PG counselling was fixed on 18.03.2025 and the same was duly completed.

[34] The respondent No. 4 filed counter affidavit. One vacant seat for Radiodiagnosis under JNIMS sponsored quota in 3rd round was granted to the respondent No. 4 who was eligible for attending 3rd round PG counselling in terms of relaxation of eligibility criteria to 15th percentile and admittedly, the respondent No. 4 scored 26.5809089 percentile. It is the case of the respondent No.4 that once he has been admitted in the 3rd round, the said

admission cannot be cancelled without any fault or fraud on his part. It is stated that the petitioner was not eligible at the stage of 3rd round counselling, as her scored was only 6.8387371. After his selection and admission, the respondent No. 4 deposited a sum of Rs. 1,00,000/- as admission fee and he started attending classes. It is also stated that the respondent No. 4 was admitted under the notification dated 21.10.2022 and the respondent No. 4 is also an employee of the JNIMS. Once respondent No. 4 has been admitted in the PG course, he cannot be forced to vacate the seat, as he will be disqualified to appear in further NEET-PG examination as per the bulletin issued for NEET-PG (MD/MS) counselling. It is stated that after 3rd round, a candidate who does not join 3rd round seat may exit with forfeiture of security deposit and elimination and cannot participate any further counselling conducted by NMC and a candidate attending round three and not allocated to 3rd round seat can participate in stray on further round. Since the respondent No.4 has been allotted a seat in the 3rd round, he cannot attend any further counselling for NEET-2024.

[35] Respondent No. 4 has also submitted that he has already submitted a bond of Rs. 1,39,73,520/- when proceeding for study leave and if the admission to respondent No. 4 is to be cancelled as prayed for by the petitioner, it will cause immense hardship and the difficulty to him and he will not be eligible for appearance in the subsequent NEET entrance examination. It is also stated that respondent No. 4 has not committed any illegal act while taking admission and he cannot be compelled to vacate the seat and if any seat is available, it may be offered to the petitioner.

[36] The petitioner has filed rejoinder affidavit to the counter affidavit filed by respondent No. 1 stating that the authority has not issued any notification treating earlier notifications regarding PG medical course 2024 as null and void. It is also stated that in admission to PG courses 2023 in JNIMS under the JNIMS sponsored quota, one Dr. Mekhulshim Tontanga Maring, a Senior Casualty Medical Officer was allotted to PG seat in Surgery on the

basis of notifications dated 16.02.2022 and 21.10.2022, as no eligible Senior Resident was available at that stage. As eligible Senior Resident was available later on, the JNIMS authority issued an order dated 18.10.2023 cancelling the admission granted to Dr. Mekhulshim Tontanga Maring and in his place, one Dr. Pukhrambam Kiran Singh, a Senior Resident, was directed to be admitted under the said notification.

[37] The petitioner has also filed rejoinder affidavit to the counter affidavit of respondent Nos. 2 & 3 stating that the Apex Court in the judgment dated 29.01.2025 does not consider the legality of the JNIMS sponsored quota and as such, the impugned notice dated 13.03.2025 issued by the JNIMS authority is without any basis. It is also stated that there is no further notification issued by the JNIMS authority cancelling the notification dated 16.02.2022 and the notification dated 21.10.2022 and hence, the plea of respondent Nos. 2 & 3 in their counter affidavit that the notifications stand superseded in terms of the order of the Hon'ble Supreme Court, is not tenable.

[38] The petitioner has filed a short rejoinder affidavit to the counter affidavit of respondent No. 4 stating that notifications dated 16.02.2022 and 21.10.2022 will be applicable in admission to JNIMS sponsored seats and the respondent No. 4 who was admitted to undergo PG courses, has to vacate the seat in favour of the petitioner. It is also stated that there is no rule which mandate the qualifying service of 10 years after completion of PG courses.

WP(C) No. 295 of 2025:

[39] The respondent No. 4 in WP(C) No. 218 of 2025 has also filed another writ petition, i.e., WP(C) No. 295 of 2025 challenging the notification dated 21.10.2022 issued by the JNIMS authority [Annexure-A/34 in WP(C) No. 218 of 2025].

[40] Respondent No. 4 is aggrieved by Para (iii) of the notification dated 21.10.2022 whereby JNIMS has formulated the Scheme for reservation

of PG seat in JNIMS sponsored seat for Senior Casualty Medical Officer/Casualty Medical Officer requiring them to vacate the seat in favour of the teachers at a later stage. This notification is in continuation of the earlier notification dated 16.02.2022 issued by the JNIMS authority for fixing 14% seat for JNIMS sponsored candidate which amounts to 4 seats in PG in every year, where only Senior Resident/Tutor/Demonstrator/Lady Medical Officer of JNIMS are to be considered for admission to PG course in JNIMS against these 4 seats over the year 2021 to 2025.

[41] Since the original notification dated 16.02.2022 does not include the Senior Casualty Medical Officer/Casualty Medical Officer of JNIMS, by the impugned notification dated 21.10.2022, Senior Casualty Medical Officers/Casualty Medical Officers are also permitted for taking admission against 14% seats i.e. 4 seats reserved for JNIMS sponsored candidates, if eligible candidates from the teacher's category are not available. In Para (iii) of the notification dated 21.10.2022, it is stated that the Senior Casualty Medical Officer/Casualty Medical Officer who has taken admission against the 4 seats for JNIMS sponsored candidates, has to surrender the seat; if after lowering NEET-PG cut off percentile in subsequent round, the regular Senior Resident/Tutor/Demonstrator/Lady Medical Officer are eligible. In such situation, the Senior Casualty Medical Officer/Casualty Medical Officer who has been allotted a PG seat, has no option other than surrendering the seat. The respondent No.4 submits that such a condition is very harsh, irrational and leads to class legislation amongst the equals who have basic MBBS degree and are employees of the same institute.

[42] Para (iii) of the notification dated 21.10.2022 is reproduced as:

“(iii) Since Sr. Casualty Medical Officers/Casualty Medical Officers are open to any of the allocated PG seats/subject, Senior Casualty Medical Officers and Casualty Medical Officers shall be eligible to join 1st round of PG Counselling; but allotment of PG seats will be considered from 2nd round counselling onwards. If eligible candidates are available from the regular Senior Resident/Tutor/

Demonstrator/Lady Medical Officer in the concerned subject after lowering the NEET-PG cut off percentile in the subsequent round, the Sr. Casualty Medical Officer/Casualty Medical Officers who has been allotted PG Seat must surrender the seat.”

[43] The respondent No. 4 who has been admitted in the PG course in Radiodiagnosis in 3rd round of the NEET-PG 2024 Counselling in JNIMS is liable to surrender the seat in terms of Para (iii) of the Notification dated 21.10.2022. This is the prayer of the petitioner i.e. Dr. Ibetombi Kshetrimayum in WP(C) No. 218 of 2025, praying for cancelling the seat allotted to the respondent No. 4 and to consider her case against the seat likely to be vacated by him.

[44] The main grounds raised in the writ petition i.e. WP(C) No. 295 of 2025 are that:

- (i) The impugned notification dated 21.10.2022, especially Para (iii) has been issued by JNIMS authority in arbitrary exercise of power and in malafide intention only to favour Senior Resident/Tutor/Demonstrator/Lady Medical Officer over Senior Casualty Medical Officer/Casualty Medical Officer of JNIMS.
- (ii) There is no reason to discriminate between Senior Casualty Medical Officer/Casualty Medical Officer over Senior Resident/Tutor/Demonstrator/Lady Medical Officer of JNIMS, as both categories of employees have MBBS degree only.
- (iii) If the respondent No. 4 is to surrender the seat, the same will not be in conformity with the notification of NEET-PG (MD/MS/DMB) Counselling 2024, information bulletin issued by the Medical Council of India. If a candidate does not join 3rd round seat, he cannot participate in any further round of counselling and also in future examination.

- (iv) The impugned notification dated 21.10.2022 is not tenable in law because of class legislation amongst the MBBS Degree holders.
- (v) The impugned notification dated 21.10.2022 is in violation of the scheme floated by National Board of Counselling of NEET-PG.

[45] WP(C) No. 295 of 2025 is listed along with WP(C) No. 218 of 2025 as directed by the Hon'ble Chief Justice on administrative side.

[46] The State respondents have not filed counter affidavit in WP(C) No. 295 of 2025 and the petitioner in WP(C) No. 218 of 2025 is not a party in this writ petition.

[47] The issues involved in the present case are:

- (i) Whether the Notifications dated 16.02.2022 [Annexure-A/33] and dated 21.10.2022 [Annexure-A/34] issued by the JNIMS authority regulating the reservation of seats for JNIMS sponsored candidates in PG course, have been superseded by the judgment dated 29.01.2022 passed by Hon'ble Supreme Court in Civil Appeal No. 9289 of 2019 in the case of **Dr. Tanvi Behl v. Shrey Goel & Ors.** reported as **2025 INSC 125**?
- (ii) Whether the respondent No. 4 i.e. Dr. Mutum Anilkumar Singh has to surrender/vacate the PG seat in Radiodiagnosis allotted to him in terms of Para (iii) of the Notification dated 21.10.2022 [Annexure-A/34]?
- (iii) Whether the Notification dated 21.10.2022 [Annexure-A/34] is unreasonable and ultra vires of Article 14 of the Constitution of India as far as it makes a class legislation

amongst the equals, ie, the employees of JNIMS holding MBBS degree?

- (iv) Whether the plea of the respondent No.4 challenging Para (iii) of the Notification dated 21.10.2022 [Annexure-A/34] after obtaining benefit under Para (i) of the same Notification, is hit by the principle of approbate and reprobate?
- (v) What is the power of High Court under Article 226 of the Constitution, in exceptional circumstances, for moulding relief to do complete justice to the parties in the litigation?

Petitioner's Contentions:

[48] Mr. N. Ibotombi, learned senior counsel for the petitioner, draws the attention of this Court to the notification dated 16.02.2022 issued by the JNIMS known as Time Scale Promotion (Regularly appointed Senior Residents/Tutor/Demonstrator/Lady Medical Officer possessing Post Graduate Degree) (1st Amendment) Rules, 2022. By this rule, an amendment was incorporated in Rule 7(d) whereby 14% of the State Open Quota in PG course in JNIMS will be reserved for teachers i.e. Senior Resident/Tutor/Demonstrator/Lady Medical Officer in each session and in order to be eligible for PG seats reservation under this rule, the teacher must qualify NEET-PG examination. The teachers can only be considered for the seats concerning their departments.

[49] The reservation of seat will be done in the same department in which seat the teachers are working. If any teacher's quota is not filled up due to non-availability of teachers, the vacant seat will be filled up from the State merit list and this reservation will be valid for 5 years i.e. from 2021-20225 and 14% of the State Open Quota comes to be 4 seats. These 4 seats are distributed over 11 departments from the year 2021-2025 with 4 seats every year and for the year 2024, one seat each has been reserved for Medicine, OBG, Pathology and Radiodiagnosis.

[50] The petitioner is working as Senior Resident in the department of Radiodiagnosis in JNIMS. Since the Senior Casualty Medical Officers/Casualty Medical Officers are not included in the notification dated 16.02.2022, vide another notification dated 21.10.2022 JNIMS framed a Scheme for reservation of PG seats in JNIMS for Senior Casualty Medical Officer/Casualty Medical Officer, JNIMS. Such Officers are eligible to compete in 14% seats i.e. 4 seats reserved for JNIMS sponsored candidates, in view of Para (i) of the notification due to non-availability of eligible teachers. However, Para (iii) of the notification dated 21.10.2022 requires Senior Casualty Medical Officer/Casualty Medical Officer, who has taken admission in 4 reserved seats for teachers in JNIMS, has to surrender/vacate the seat in favor of the regularly appointed Senior Resident/Tutor/Demonstrator/Lady Medical Officer when they are eligible in subsequent round on reduction of NEET-PG cut off percentile.

[51] Mr. N. Ibotombi, learned senior counsel for the petitioner, further submits that respondent No. 4, a Senior Casualty Medical Officer in JNIMS, was admitted in 3rd round with percentile score of 26.5809089 when the NEET-PG percentile was fixed at 15% by the Central Authority. He was provisionally selected and admitted vide notifications dated 04.02.2025 and 10.02.2025 issued by the JNIMS and was admitted in PG course in Radiodiagnosis against one of the 4 seats reserved for JNIMS sponsored teachers/candidates. However, after reduction of NEET-PG minimum eligibility criteria vide notification dated 25.02.2025 to 5th percentile by the National Board of Examination, the petitioner became eligible for appearing in counselling and admission for PG course in Radiodiagnosis. Subsequently, vide letter dated 26.02.2025 and by subsequent representation, the petitioner requested to the authority that she be called for counselling and the respondent No. 4 be directed to vacate the seat in terms of Para (iii) of the notification dated 21.10.2022.

[52] The petitioner, being a Senior Resident in JNIMS, is subsequently eligible for the same seat. However, vide impugned notification dated 11.03.2025, JNIMS authority has issued a fresh notification cancelling earlier notification for Special Stray Vacancy Round State Level PG Counselling by merging all vacant seats to all India Merit List in terms of the Hon'ble Supreme Court judgment dated 29.01.2025 in Civil appeal No. 9289 of 2019. Learned senior counsel for the petitioner, submits that the stand of the State respondent as well as JNIMS authority to the effect that the notifications dated 16.02.2022 and 21.10.2022 issued by the JNIMS for reserving 4 seats for JNIMS sponsored candidates have been superseded by the judgment dated 29.01.2019 of the Hon'ble Supreme Court, is without any basis. In fact, these two notifications were never considered by the Hon'ble Supreme Court. The issue before the Hon'ble Supreme Court was the permissibility of the resident-based reservation in PG course in medicine. In para 33 of the judgment, it was observed that for any PG course in Medicine, the resident-based reservation was held to be impermissible while upholding institution-based reservation.

[53] It is submitted that 4 seats reserved for JNIMS Teachers are under the notifications dated 16.02.2022 and 21.10.2022 and these seats are nothing but institution-based reservation. The stand of the State respondent and JNIMS that the judgment dated 29.01.2025 of the Hon'ble Supreme Court in the case of **Dr. Tanvi Behl (supra)** has superseded these two notifications, is not tenable and without any basis. It is stated that the notifications dated 16.02.2022 and 21.10.2022 are still valid and subsisting.

[54] It is also pointed out that the respondent No. 4 has been admitted in PG course in terms of the notification dated 21.10.2022, as none of the Senior Resident/Tutor/Demonstrator/Lady Medical Officer of JNIMS were eligible in the 3rd round of the counselling. However, as per Para (iii) of the notification dated 21.10.2022, the petitioner who is a Senior Resident in JNIMS in Radiodiagnosis, is now eligible on reduction of the NEET-PG

eligibility criteria to 5th percentile. Admittedly, the petitioner scored 6.8387371 percentile. It is also stated that as per Schedule-I of the notification dated 16.02.2022, Radiodiagnosis has one seat reserved in the year 2024 only for the period of five years from 2021 to 2025. If the petitioner is not adjusted against the only seat reserved for the subject Radiodiagnosis throughout the period of 5 years i.e. 2021-2025, she may not get the benefit of the scheme at all although the same has been formulated for employees like her.

[55] Further, Mr. N. Ibotombi, learned senior counsel for the petitioner, draws the attention of this Court that the notifications dated 16.02.2022 and 21.10.2022 have neither been revoked nor cancelled by any competent authority and have not been set aside by any court of competent jurisdiction. The respondent No. 4, having taken advantage of the benefit under Para (i) of the notification dated 21.10.2022, now cannot challenge legality of Para (iii) the notification and the same is hit by the principle of approbate and reprobate.

[56] During the course of hearing, Mr. N. Ibotombi, learned senior counsel for the petitioner, produced a letter dated 21.05.2025 submitted by one Dr. Md. Mosmir, who took admission in PG in General Medicine in JNIMS as per NEET-PG examination 2024, submitted his resignation from PG course due to personal reason. In the alternate, Mr. N. Ibotombi, learned senior counsel for the petitioner, submits that instead of cancellation of admission of the respondent No. 4, he may be shifted to the subsequent vacant seat in PG course in Medicine and the petitioner may be considered against the seat to be vacated by respondent No. 4 in terms of Para (iii) of the notification dated 21.10.2022. It is emphasised that the reservation of 4 seats for JNIMS sponsored candidates in terms of notifications dated 16.02.2022 and 21.10.2022 cannot be termed as a resident-based reservation so to attract the bar imposed in the judgment dated 29.01.2025 passed by the Hon'ble Supreme Court in **Dr. Tanvi Behl case (supra)**.

[57] Mr. N. Ibotombi, learned senior counsel for the petitioner, draws the attention of this Court to an order dated 28.02.2025 passed by this Court in MC(WP(C) No. 136 of 2024 [Ref: WP(C) No. 740 of 2023] where in an exactly similarly situation, one Dr. Mekhulshim Tontanga Maring, a Senior Casualty Medical Officer who was admitted under the same notification dated 21.10.2022 was shifted to another vacant seat in Surgery Department and one Dr. Pukhrambam Kiran Singh, a Senior Resident in Surgery Department was admitted in PG course in his place in terms of Para (iii) of the notification.

[58] Learned senior counsel for the petitioner refers to the following case law in support of his submission:

- (i) **(2013)10 SCC 237 [Nikhil Himthani v. State of Uttarkhand]:** Institutional based reservation in post graduate course in medicine is permissible, if the same is not resident-based criteria.
- (ii) **(1984) 4 SCC 654 [Pradeep Jain v. Union of India]:** Domicile and residence are different concept.
- (iii) **(2003) 7 SCC 83 [State of MP v. Gopal D. Tirthani]:** 20% reservation for in-service candidates in PG medical course was upheld.
- (iv) **(2014) 11 SCC 456 [Vishal Goyal v. State of Karnataka]:** Impermissibility of the resident-based reservation disguised as institutional-based reservation.
- (v) **AIR 2013 SC 1241: (2013) 5 SCC 470 [Rajasthan State Industrial Development and Investment Corporation & Anr. Vs. Diamond and Gem Development Corporation Ltd. & Anr.]:** A party cannot be permitted to “blow hot-blow cold”, “fast and loose” or “approbate and reprobate” where one accepts the benefits of a contract or conveyance or an order, he is estopped from denying the validity of or binding effect of such contract, or

conveyance, or order upon himself. This rule is applied to ensure equity.

Official Respondents' Contentions:

[59] Mr. Lenin Hijam, learned Advocate General, submits that para 33 of **Dr. Tanvi Behl case (supra)** held that resident-based reservation is impermissible in PG medical course. However, reservation can be made for institution-based seat. Learned A.G. further submits that it is stand of the State and official respondents that the notifications dated 16.02.2022 and 21.10.2022 of reserving 4 seats for JNIMS sponsored candidates in PG course in JNIMS, have been superseded by the judgment in **Dr. Tanvi Behl case (supra)**. However, learned AG fairly concedes that on plain reading of para 33 of the judgment, it is ample clear that what has been barred is only resident-based admission in PG in Medicine. However, the same para 33 permits institution-based admission in PG course in Medicine.

[60] Learned AG has pointed out that on minute scrutiny of the two notifications dated 16.02.2022 and 21.10.2022 issued by the JNIMS reserving 4 seats in PG course for JNIMS teachers, the same are not based on residence criterion, rather these two notifications provide strictly institution-based reservation for JNIMS employees in PG course and hence, the stand of the official respondents in their pleadings may not strictly be in conformity with the decision of **Dr. Tanvi Behl case (supra)**.

[61] Learned AG refers to the judgment of the Hon'ble Supreme Court reported as **(1992) 4 SCC 683 para 10: R N Gosain v. Yashpal Dhir** that law does not permit a person both to approbate and reprobate in the same transaction. However, learned AG submits that once the respondent No. 4 has taken admission in PG course in Radiodiagnosis in terms of the benefit under Para (i) of the notification dated 21.10.2022, now he cannot challenge Para (iii) of the same notification as contrary to law and in violation of Article 14 of the Constitution. Further, learned AG submits that with the subsequent

development of existence of one vacant seat in PG course in the subject General Medicine in JNIMS, this Court may pass appropriate order considering the peculiar facts of the case and without strictly going into the merit of the case.

Respondent No.4's Contentions:

[62] Mrs. G. Pushpa, learned counsel for respondent No. 4, submits that respondent No. 4 was admitted in the 3rd round counselling based on merit and on the date of 3rd round counselling, i.e., on 03.02.2025, the petitioner was not eligible for appearing in the counselling for 3rd round. The petitioner was eligible only in 5th round, i.e., Special Stay Round where the minimum eligibility criteria for NEET-PG was reduced to 5th percentile. Both the petitioner and the respondent No.4 are employees of JNIMS and there is no rational behind discriminating against the Senior Casualty Medical Officer/ Casualty Medical Officer like the respondent No.4, in favour of the Senior Resident/Tutor/Demonstrator/Lady Medical Officer in JNIMS like the petitioner herein. After his successful selection and admission in the PG course in Radiodiagnosis in JNIMS on the basis of the 3rd round counselling, the respondent No.4 has deposited a sum of Rs. 1,00,000/- as admission fee and also executed a bond of Rs. 1,39,73,520/- for study leave w.e.f. 10.02.2025 for completing PG course.

[63] It is submitted that if the admission of the respondent No. 4 is cancelled as prayed for by the petitioner, it will cause immense hardship and inconvenience to the respondent No.4, as he will not be eligible for appearing any further NEET-PG examination and amount deposited as admission fee and bond for study leave would be forfeited. If this Court is to consider subsequent vacant seat of General Medicine PG in JNIMS as vacated by one Dr. Md. Mosmir, the same may be allotted to the petitioner. At this stage, having already attended classes in Radiodiagnosis for 3 or 4 months, it will be improper and unjust to the respondent No. 4 to shift him to another subject in the mid-course.

[64] It is also stated that the respondent No. 4 has filed another writ petition being WP(C) No. 295 of 2025 challenging the validity and arbitrariness of the notification dated 21.10.2022 issued by the JNIMS, framing a scheme for admission to PG course for reserving seat for PG course for Senior Casualty Medical Officer/Casualty Medical Officer. It is stated that Para (iii) of the notification dated 21.10.2022 is arbitrary, without any basis and discriminatory against similarly situated persons in favour of the Senior Resident/Tutor/Demonstrator/Lady Medical Officer in JNIMS against the Senior Casualty Medical Officer/Casualty Medical Officer in JNIMS. It is pointed out that both the categories are employees of JNIMS and have the same degree, i.e., MBBS.

[65] It is also stated that the respondent No. 4 has a legitimate expectation of continuing the PG course and the principle of estoppel will apply against the JNIMS authority. Once the respondent No. 4 has been admitted in the PG course in terms of rules and on his own merit, it is urged that he cannot be asked to vacate the seat at the later stage, in absence of any mala fide or fraudulent act alleged against him.

[66] Mrs. G. Pushpa, learned counsel for the respondent No. 4, also submits that in the subsequent order, the Hon'ble Supreme Court has protected the previous admission granted prior to the judgment of **Dr. Tanvi Behl** case and as such, admission of the respondent No. 4 is also protected by the said order of the Hon'ble Supreme Court.

[67] Mrs. G. Pushpa, learned counsel for respondent No. 4, relies on the decisions in the following case law in support of her submission:

- (i) **(1948) 1 KB 223 [Associated Provincial Picture Houses, Limited v. Wednesbury Corporation]:** In this case the rule of Wednesbury was established where Court

can interfere with the administrative action or decision if the same is unreasonable and without any basis.

- (ii) **(2001) 2 SCC 386 [Om Kumar v. Union of India]:** Article 14 of the Constitution provides that administrative action can be struck down on the ground of unreasonableness, discriminatory, arbitrary applying the Wednesbury Rule.
- (iii) **(1994) Legal Eagle (SC) 1021: (1995) 1 CC 478 [M/s New Horizons Limited & Anr. vs. Union of India & Ors.]:** Judicial review is applicable even in the field of contractual power by the Government bodies on the basis of Wednesbury Principle of reasonableness.
- (iv) **Indian Kanoon-<http://indiankanoon.org/doc/27422/> [V. Ramana vs. A.P.S.R.T.C & Ors.]:** While examining administrative action, the Court is to examine whether the order is rational or reasonable and the test of Wednesbury will be applicable.
- (v) **(1994) AIR SCW 3344 [Tata Cellular v. Union of India]:** Although there may be a judicial restraint, the Court can exercise judicial review if the power of the government in contractual matter is arbitrary, by applying the principle of Wednesbury rule.
- (vi) **1978 Legal Eagle (SC) 388: (1979) 2 SCC 409 [Motilal Padampat Sugar Mills Company Limited vs. State of U.P. & Ors.]:** Where the Hon'ble Supreme Court held that the doctrine of promissory estoppel is applicable against the State authority.
- (viii) **(2021) 10 SCC 116 [Somesh Thapiyal v. HNB Garhwal University]:** Hon'ble Supreme Court has taken judicial note of unequal bargaining power between the employer and the employee who is to accept the terms of appointment/contract without any protest.

[68] In the present case, the respondent No. 4 has no bargaining power while accepting the admission for PG course in terms of the notification dated 21.10.2022 and this aspect has to be considered by this Court.

Analysis & Reasoning of the Court:

[69] This Court has considered the materials on record, especially the judgment of the Hon'ble Supreme Court in the case of **Dr. Tanvi Behl (supra)**; the notifications dated 16.02.2022 [Annexure-A/33] and dated 21.10.2022 [Annexure-A/34] issued by the JNIMS reserving 4 seats for JNIMS sponsored candidates, especially for the teachers and Casualty Medical Officer; the scheme of counselling for NEET-PG 2024 issued by National Board of Medical Examination; other related documents; and the relevant case law. On careful examination of para 33 of **Dr. Tanvi Behl case (supra)**, it is ample clear that the Hon'ble Supreme Court held the resident-based reservation in PG course in Medicine as impermissible, while upholding the institutional-based reservation.

[70] In the present case, the notifications dated 16.02.2022 and dated 21.10.2022 issued by the JNIMS provide for reservation in favour of JNIMS employees. In fact, it is an institution-based reservation made by the above notifications, where 4 seats are reserved for teachers in JNIMS in 11 subjects/courses during the year 2021-2025 and the Senior Casualty Medical Officer/Casualty Medical Officer in JNIMS can also be considered under the said scheme of reserving 4 seats for JNIMS employees. However, in terms of Para (iii) of the notification dated 21.10.2022, they have to vacate/surrender the seat once the Senior Resident/Tutor/Demonstrator/Lady Medical Officer are found eligible in subsequent round after reduction of eligibility criteria of NEET-PG percentile by the authority. This Court is of the considered view that these two notifications cannot be termed as resident-based reservation, rather they are institution-based reservation. Hence, the decision in **Dr. Tanvi Behl case (supra)** of non-permissibility of admission in PG course in Medicine on the basis of residence, will not be attracted to the schemes as alleged by the

JNIMS. This fact has rightly been admitted by the learned AG in the course of his submission, even if the same is contrary to the pleadings of the official respondents.

[71] This Court is conscious of fact that Para (iii) of the notification dated 21.10.2022 is heavily loaded in favour of the Senior Resident/Tutor/Demonstrator/Lady Medical Officer and seems to be discriminatory against the Senior Casualty Medical Officer/Casualty Medical Officer in JNIMS to the extent that latter have to surrender their seats, if the teachers (like the petitioner) are eligible in subsequent round of NEET-PG counselling on reduction of eligibility criteria. However, this harsh condition has not been revoked and withdrawn by any competent authority, nor set aside by any competent court till date. In spite of this discriminatory nature, the respondent No. 4 has consciously taken admission in PG course in Radiodiagnosis in JNIMS sponsored quota under Para (i) of the notification dated 21.10.2022. Subsequently, when the NEET-PG eligibility criteria is reduced to 5th percentile, the petitioner becomes eligible for admission in PG course against the seat of Radiodiagnosis allotted to the respondent No.4 and the same is liable to be vacated by him in terms of Para (iii) of the notification dated 21.10.2022.

[72] If strict interpretation of rules is adopted, the respondent No. 4 has to vacate the seat in terms of Para (iii) of the notification dated 21.10.2022. In the previous year, the JNIMS issued orders cancelling the admission of persons like the respondent No. 4 herein on the basis of Para (iii) of the notification dated 21.10.2022, when teachers such as Senior Resident/Tutor/Demonstrator/Lady Medical Officer are eligible in subsequent round of counselling upon reduction of NEET-PG eligibility criteria.

[73] In the present case, the JNIMS authority has not exercised such power on the assumption that the judgment dated 29.01.2025 of the Hon'ble Supreme Court in **Dr. Tanvi Behl case (supra)** has abrogated the

notifications dated 16.02.2022 and 21.10.2022 issued by the JNIMS reserving 4 seats for JNIMS employees in PG medical course.

Principle of Approbate And Reprobate:

[74] In the case of **Workmen v. Food Corpn. of India: (2023) 8 SCC 116**, Hon'ble Supreme Court held that a person cannot accept and reject the same thing in the same transaction. Para 16 is reproduced below:

"16. In Union of India v. N. Murugesan: (2022) 2 SCC 25, this Court pointed out that the phrases "approbate" and "reprobate" mean that no party can be allowed to accept and reject the same thing, as the principle behind the doctrine of election is in-built in the concept of approbate and reprobate, that is, a person cannot be allowed to have the benefit of an instrument while questioning the same. It was noted that an element of fair play is in-built in this principle and it is a species of estoppel dealing with the conduct of a party."

[75] The decision of the Hon'ble Apex Court in the case of **Tajvir Singh Sodhi & Ors. v. State of Jammu & Kashmir & ors (2023 SCC Online SC344)** has clearly explained on the concept of the approbate and reprobate and the relevant portions are reproduced as follows:-

"29. It was averred that persons who participated in the selection process and interview cannot challenge the same upon being unsuccessful since they do not have a cause to challenge the same and a writ petition filed by them is not maintainable, vide Madan Lal; Anupal Singh v. State of Uttar Pradesh, (2020) 2 SCC 173; Sadananda Halo and Mohd. Mustafa. Reliance was also placed on D. Sarojakumari v. R. Helen Thilakom, (2017) 9 SCC 478. That in the present case, none of the writ petitioners was selected on merit and they were not even on the waiting list, therefore, the writ petitions filed by them were not maintainable on the ground of the same being devoid of any locus.

"67. Thus, Courts while exercising the power of judicial review cannot step into the shoes of the Selection Committee or assume an appellate role to examine whether the marks awarded by the Selection Committee in the viva-voce are excessive and not corresponding to their performance in such test. The assessment and evaluation of the performance of candidates appearing before the Selection Committee/Interview Board should

be best left to the members of the committee. In light of the position that a Court cannot sit in appeal against the decision taken pursuant to a reasonably sound selection process, the following grounds raised by the writ petitioners, which are based on an attack of subjective criteria employed by the selection board/interview panel in assessing the sustainability of candidates, namely, (i) that the candidates who had done their post-graduation had been awarded 10 marks and in the viva-voce, such PG candidates had been granted either 18 marks or 20 marks out of 20. (ii) that although the writ petitioners had performed exceptionally well in the interview, the authorities had acted in an arbitrary manner while carrying out the selection process, would not hold any water.

*“69. It is therefore trite that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. **The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate, he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a Court of law, the rationale behind recasting the selection criteria, as they willingly took part in the selection process even after the criteria had been so recast. Their candidature was not withdrawn in light of the amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence.***

[76] In the case of **Bhagwat Sharan v. Purushottam: (2020) 6 SCC 387**, Hon'ble Supreme Court considered the concept of approbate and reprobate and held that a person who has taken benefit of a portion of a will cannot challenge the remaining portion of the will. This is based on the principles of equity, election, acquiesces and estoppel. Relevant para are reproduced below for ready reference:

“26. It is also not disputed that the plaintiff and Defendants 1 to 3 herein filed suit for eviction of an occupant in which he claimed that

the property had been bequeathed to him by Hari Ram. According to the defendants, the plaintiff having accepted the will of Hariram and having taken benefit of the same, cannot turn around and urge that the will is not valid and that the entire property is a joint family property. The plaintiff and Defendants 1 to 3 by accepting the bequest under the will elected to accept the will. It is trite law that a party cannot be permitted to approbate and reprobate at the same time. This principle is based on the principle of doctrine of election. In respect of wills, this doctrine has been held to mean that a person who takes benefit of a portion of the will cannot challenge the remaining portion of the will. In Rajasthan State Industrial Development & Investment Corpn. v. Diamond & Gem Development Corpn. Ltd.¹¹, this Court made an observation that a party cannot be permitted to “blow hot and cold”, “fast and loose” or “approbate and reprobate”. Where one party knowingly accepts the benefits of a contract or conveyance or an order, it is estopped to deny the validity or binding effect on him of such contract or conveyance or order.

27. The doctrine of election is a facet of law of estoppel. A party cannot blow hot and blow cold at the same time. Any party which takes advantage of any instrument must accept all that is mentioned in the said document. It would be apposite to refer to the treatise Equity—A Course of Lectures by F.W. Maitland, Cambridge University, 1947, wherein the learned author succinctly described principle of election in the following terms:

“The doctrine of election may be thus stated : that he who accepts a benefit under a deed or will or other instrument must adopt the whole contents of that instrument, must conform to all its provisions and renounce all rights that are inconsistent with it....”

This view has been accepted to be the correct view in Karam Kapahi v. Lal Chand Public Charitable Trust¹². The plaintiff having elected to accept the will of Hari Ram, by filing a suit for eviction of the tenant by claiming that the property had been bequeathed to him by Hari Ram, cannot now turn around and say that the averments made by Hari Ram that the property was his personal property, is incorrect.”

11 (2013) 5 SCC 470 : (2013) 3 SCC (Civ) 153 : AIR 2013 SC 1241

12 (2010) 4 SCC 753 : (2010) 2 SCC (Civ) 262

[77] This Court is of the opinion that the respondent No. 4 will have an independent right of challenging Para (iii) of the notification dated 21.10.2022 on the ground that the same is discriminatory against the Senior Casualty Medical Officer/Casualty Medical Officer like him. In the peculiar facts of the case, once he has taken admission in PG course against the seat reserved for Senior Resident/Tutor/Demonstrator/Lady Medical Officer under Para (i) of the notification dated 21.10.2022, it may not be proper for him to challenge Para (iii) of the same notification on the ground that the condition for surrendering the seat by Senior Casualty Medical Officer/Casualty Medical Officer is arbitrary, discriminatory, harsh and without any basis. The same will be barred by the principle of approbate and reprobate.

[78] Accordingly, this Court is not considering WP(C) No. 295 of 2024 in the present form and the same is left to be considered later on confined to the general ground of arbitrariness and irrationality in violation of the principle of equality as enshrined in the Article 14 of the Constitution of India and not to the particular ground that the condition requiring the respondent No. 4 to vacate the seat allotted to him is arbitrary. The petitioner herein who is a Senior Resident, claims her right of admission in the PG course in Radiodiagnosis as per Para (iii) of the notification dated 21.10.2022 against the seat adjusted in favour of respondent No. 4 in terms of Para (i) of the notification dated 21.10.2022. The petitioner has also a legitimate right of expectation for admission as per the prevailing rules. Her right has also to be considered vis-à-vis the interest of the respondent No.4.

[79] As observed above, the reservation under the notifications dated 16.02.2022 and 21.10.2022 providing 4 seats for JNIMS teachers has not been set aside by any competent Court nor repealed by the authority and such institutional-based reservation has been upheld by the Hon'ble Supreme Court in Para 33 of **Dr. Tanvi Behl Case (supra)**. By strict and literal interpretation of the statutory rules, the respondent No. 4 is likely to lose his seat in PG course in Radiodiagnosis course in JNIMS in which he has been

admitted in terms of Para (i) of the notification dated 21.10.2022 in the 3rd round of counselling. By Para (iii) of the same notification, the petitioner is to be considered against the seat to be vacated by respondent No. 4.

[80] If the writ petition is allowed, it will cause immense hardship, inconvenience and loss of academic year to the respondent No. 4. If the writ petition is dismissed, it will also cause injustice to the petitioner as she has a right to be considered for admission in PG course in Radiodiagnosis in terms of the notification dated 16.02.2022, especially in view of Para (iii) of the notification dated 21.10.2022. In the present case, this Court is dealing with the conflicting rights of two persons claiming under the same rules. While deciding this case, the Court has to find a mid-way where both parties can have something. Deciding the issues involved herein on merit may not be a good option, where there is a likelihood of the contesting parties becoming a victim in the process of adjudication.

[81] It may be apposite to refer a decision in the case of **Vikram Dhillon v. State of Haryana: (2007) 9 SCC 408**, where Hon'ble Supreme Court was reluctant to cancel the admission given to a less meritorious candidate in BDS course at a later stage.

[82] It may be noted that the scheme of reservation under original notification dated 16.02.2022 [Annexure-A/33] is valid for only 5 years i.e. from 2021-2025 and 4 seats are distributed amongst 11 seats under Schedule-I of the notification dated 16.02.2022. The subject of Radiodiagnosis has got only one seat in the year 2024 during the period of five years (i.e., 2021-2025), where other subjects like Medicine got 4 seats over the period of 5 years. If the petitioner is not considered this year, she will not get any chance to be considered under the scheme in the next year also. The Senior Residents are assigned to different departments and the petitioner is in the department of Radiodiagnosis since the date of her initial appointment. As per the rules, she can only to be considered for PG in Radiodiagnosis course as stipulated by Para 2(III) of the notification dated 16.02.2022 [Annexure-P/33]. On the other

hand, the respondent No. 4, a Senior Casualty Medical Officer who has not been assigned to any particular department except the Casualty, can be adjusted in any subject.

[83] Learned AG has admitted the existence of one subsequent vacant seat in PG course in General Medicine in JNIMS as surrendered by one Dr. Md. Mosmir in the 2024 session.

Moulding of Relief:

[84] In a recent judgment of **J. Ganapatha and Ors. vs. N. Selvarajalou Chetty Trust and Ors.: MANU/SC/0387/2025: 2025 INSC 395**, Hon'ble Supreme Court discussed the concept of moulding of relief as an exception in a proceeding based on the facts and circumstances of the case, even if the relief granted was not actually prayed for. While applying the rule, utmost care ought to be taken so as not to cause injustice and prejudice to any party. Relevant para is reproduced below:

“20. The concept of moulding of relief refers to the ability of a court to modify or shape a relief sought by a party in a legal proceeding based on the circumstances of the case and the facts established after a full-fledged trial. The principle enables the court to grant appropriate remedies even if the relief requested in the pleading is not exact or could not be considered by the court or changed circumstances have rendered the relief obsolete. The court aims that justice is served while taking into account the evolving nature of a case. The above road map is pursued by a court based on the notion of flexibility in relief, equitable jurisdiction, and is tempered by judicial discretion. When moulding the relief, the court considers the issues and circumstances established during the full-fledged trial, looks at shortening the litigation, and then in its perspective, renders complete justice to the issue at hand. The converse of the above is that the moulded relief should not take the aggrieved party by surprise or cause prejudice. The relief is moulded as an exception and not as a matter of course.”

[85] In the case of **Shivanna and Ors. v. B.S. Puttamadaiah (Dead) through L.Rs.: MANU/SC/1462/2023**, Hon'ble Supreme Court reiterated the

principles of moulding of relief as an exception to do complete justice to the parties. Relevant para are quoted below for easy understanding:

*“11. The submission made by Mr. Sharanagowda Patil, learned Counsel appearing for the Appellants and Mr. Ashwin v. Kotemath, learned Counsel appearing for the Respondents are considered. What is important to note here is that the First Appellate Court declared title in favour of the Defendant although the Defendant never put forth any such claim in the Civil Suit. The suit was filed by the Plaintiff seeking declaration and injunction and the Appellate Court after dismissing the suit could not have then issued the declaration of title and possession, in favour of the Defendant, particularly when the Defendant never claimed any such relief from the Civil Court. It is well-settled in law that the principle of moulding of reliefs could at best be applied as an exception. This Court in **Om Prakash Gupta v. Ranbir B. Goyal, MANU/SC/0035/2002 : 2002 INSC 35 : (2002) 2 SCC 256** laid down the following conditions where the relief could be moulded:*

11. The ordinary Rule of civil law is that the rights of the parties stand crystallised on the date of the institution of the suit and, therefore, the decree in a suit should accord with the rights of the parties as they stood at the commencement of the lis. However, the Court has power to take note of subsequent events and mould the relief accordingly subject to the following conditions being satisfied:

- (i) that the relief, as claimed originally has, by reason of subsequent events, become inappropriate or cannot be granted;*
- (ii) that taking note of such subsequent event or changed circumstances would shorten litigation and enable complete justice being done to the parties; and*
- (iii) that such subsequent event is brought to the notice of the court promptly and in accordance with the Rules of procedural law so that the opposite party is not taken by surprise.”*

[86] Keeping in mind the principle of moulding of relief as an exceptional measure so as to do complete justice to the contesting rights of both parties and without going to the merit of the case, this Court is of the considered view that it will suffice, just and proper if respondent No. 4 is adjusted against the PG seat in Medicine vacated by one Dr. Md. Mosmir in terms of the letter dated 21.05.2025 in PG in Medicine in JNIMS and in the

seat of PG in Radiodiagnosis to be vacated by the respondent No. 4, the petitioner and similarly situated candidates, i.e., the Senior Residents and other teachers in JNIMS in Radiodiagnosis department are to be considered. It may be noted that the petitioner has also filed an affidavit dated 05.05.2025 affirming on oath that she is the only Senior Resident working in the Radiodiagnosis department of JNIMS, indirectly implying that she is the only eligible candidate under the notifications dated 16.02.2022 and 21.10.2022. This fact may be ascertained by the authority.

[87] This Court has been apprised by Mr. N. Ibotombi, learned senior counsel for the petitioner of an order dated 28.02.2025 passed by this Court in MC(WP(C) No. 136 of 2024 [Ref: WP(C) No. 740 of 2023] where one Dr. Mekhulshim Tontanga Maring, a Senior Casualty Medical Officer of JNIMS admitted under Para (i) of the notification dated 21.10.2022 [Annexure-A/34] and a person similarly situated as the respondent No.4 herein, was adjusted against the subsequent vacant seat and a Senior Resident (like the petitioner herein) was directed to be admitted in the seat vacated by the Senior Casualty Medical Officer as per Para (iii) of the notification dated 21.10.2022. The above referred order was also passed to adjust both parties in the peculiar facts of the case.

[88] This Court is conscious of the fact that respondent No. 4 may face some difficulties in shifting to another course in Medicine from the Radiodiagnosis in mid-way. However, this will be a consolation and a lesser evil against the possibility of cancellation of his seat looming over his head as Damocles' sword, if the matter is to be considered on merit.

[89] With these observations and directions, the official respondents are directed to adjust the admission of the respondent No. 4 in PG course in Radiodiagnosis subject against the subsequent vacant PG seat in Medicine in JNIMS as surrendered by one Dr. Md. Mosmir on personal ground and the petitioner and other eligible candidates, if any, as per Para (iii) of the

notification dated 21.10.2022, be considered for admission in PG seat in Radiodiagnosis. It is made clear that the respondent No.4 is not required to pay any fee for fresh admission and all payments made by him for admission in PG for Radiodiagnosis will be adjusted against the new seat. The bond submitted by him will be valid for the new subject. The respondent No.4 is liable to pay future fee and charges only.

[90] It is clarified that this is one-off exercise undertaken by this Court in exercise of its extraordinary power under Article 226 of the Constitution for doing complete justice by keeping in mind the interest of both the petitioner and respondent No. 4. While taking this decision as an exception, this Court considers the fact that the petitioner is having only one opportunity in the year 2024 over the period of 5 years for admission in Radiodiagnosis course and also the difficulty to be faced by the respondent No.4, if his admission to be cancelled. This exceptional endeavour is not to be treated as a precedent and this exercise is resorted to for doing complete justice to both parties in the peculiar facts of the present case.

[91] Since the scheme is valid for up to 2025, the JNIMS authority has the liberty to re-consider the problematic portion of Para (iii) of the notification dated 21.10.2022 [Annexure-A/34] which requires the Senior Casualty Medical Officer/ Casualty Medical Officer to surrender the seat at a later stage in favour of the teachers. This Court is not passing any direction in this regard.

[92] With the above observations and directions, WP(C) No. 218 of 2025 is disposed of. The direction for adjustment of the seat for the respondent No.4 to Medicine and the consideration of the petitioner's request for admission in PG seat in Radiodiagnosis be completed as expeditiously as possible keeping in mind the stage of the present semester.

[93] Send a copy of this order to the Director, JNIMS for necessary information and compliance.

[94] It is made clear that this Court does not express any opinion on the merit of the case about the legality or otherwise of Para (iii) of the notification dated 21.10.2022.

[95] List WP(C) No. 295 of 2025 on **09.07.2025** for consideration of the legality of Para (iii) of the notification dated 21.10.2022 as raised by the respondent No.4 herein on the general ground of arbitrariness and violation of the principle of equality as enshrined in the Article 14 of the Constitution. Respondents may file counter affidavit on or before the next date.

[96] It is also made clear that the pendency of WP(C) No. 295 of 2025 shall not be an impediment to the JNIMS authority, if it so desires, to modify Para (iii) of the notification dated 21.10.2022 to make it more balance.

JUDGE

FR/NFR

Kh. Joshua Maring

KH.
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MARING

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