



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 442 of 2025

Date of Decision: 07.04.2026

Miss Tanuska Chakraborty,
D/o Shri Tapan Chakraborty,
R/o Lower Jail Road, Shillong-1,
District East Khasi Hills,
Meghalaya, Pin-793001

... Petitioner(s)

Versus

1. State of Meghalaya represented by
The Chief Secretary of the
Government of Meghalaya, Civil Secretariat,
M.G. Road, Shillong-1.
2. Principal Secretary to the Government of Meghalaya,
Health & Family Welfare Department, Shillong
Meghalaya, Civil Secretariat, M.G. Road, Shillong-1
3. The Commissioner & Secretary, Government of Meghalaya,
Health & Family Welfare, Shillong, Meghalaya,
Civil Secretariat, M.G. Road, Shillong-1
4. The Director of Health Service, Medical Education & Research (DME)
Meghalaya, Pasture, Lawmali, Shillong.

... Respondent(s)

5. Rikor Nongkynrih, Serial No. 1 of the Khasi & Jaintia
Reserved category already in the list of selection candidate for
admission in MBBS course (since the address of the Sl. No.-1
is not known to the petitioner) **... Proforma Respondent(s)**
-



Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Ms. G. Purkayastha, Adv.

For the Respondent(s) : Mr. A. Kumar, AG with
Mr. A.H. Kharwanlang, Addl. Sr. GA
Ms. S. Laloo, GA
Ms. I. Syiemlieh, Adv.

- | | | |
|-----|--|--------|
| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
-

JUDGMENT AND ORDER

1. The writ petitioner is before this Court assailing a revised selection list in the matter of preparation of selection of candidates to MBBS Course for the academic year 2025-26, from the State quota, wherein her name through originally selected has been removed and the respondent No. 5, put in her place for allocation of a seat. The petitioner's case is that though she had initially secured a seat based on her NEET merit score, the same has been denied by the State respondents by allowing migration of a candidate from the Reserved category to the General Unreserved category, thereby displacing the petitioner, which she contends is



a violation of the established Standard Operating Procedure (SOP) and the principles of equality in the admission process.

2. Ms. G. Purkayastha, learned counsel for the petitioner has submitted that the State's action of migrating a candidate from the Reserved category is arbitrary and contrary to the SOP dated 08.09.2025, for MBBS admission. She submits that as per the original selection list published on 30.09.2025, the petitioner was allocated a seat under the Open category based on her NEET merit score of 442, but because of the migration which was allowed by a subsequent amendment dated 07.10.2025, the petitioner has been deprived of the medical seat. The learned counsel has laid emphasis on the seats reservation breakdown contained in the SOP, to advance her case that as per the original list, her name had figured at No. 14, from the 14 seats that had been earmarked for Open category/Un-reserved, which she contends that by allowing the migration of a candidate from the Reserved category has resulted in her being placed in the waiting list.

3. The learned counsel has further submitted that an ST candidate and an Un-reserved candidate stand at a different footing as regards eligibility, and also on the amount of fees paid to sit for the NEET examination, whereby a General category candidate has to pay Rs. 1700/-, a Reserved candidate has only to pay Rs. 1000/-. She thus submits a



Reserved candidate having availed the benefit of relaxation for admission into the MBBS Course, the respondent No. 5, merely due to a higher NEET score surpassing the petitioner, cannot fall within the General category. In support of her case, the learned counsel has relied upon the following two judgments: -

i) Union of India vs. G. Kiran & Ors. 2026 SCC OnLine SC 22

ii) Union of India & Ors. vs. Sajib Roy 2025 SCC OnLine SC 1943

4. In reply the learned Advocate General on behalf of the State respondents, has submitted that the petitioner has no locus standi to challenge the recruitment process, inasmuch as, objections have been raised by her, only after being found non-meritorious, and as such having accepted the terms of the advertisement dated 09.09.2025, and the application of the State Reservation Policy, she cannot at this stage challenge the result or claim a legitimate seat under the General Un-reserved category. It is further submitted that according to the SOP dated 08.09.2025, the same has never explicitly stated that the 14 Un-reserved seats are exclusively for the General community instead, the Un-reserved category includes all candidates who qualify on the basis of merit regardless of their specific community or category.

5. The learned Advocate General has contended that if a candidate from a Reserved category secures a higher merit score than a



General category candidate, they are entitled to be selected in the Open category. In the instant case he submits, the respondent No. 5, though from the Reserved category, had scored 475 marks over the petitioner who scored 442 marks, and as such the placement of the respondent No. 5, in the Open category list is valid and permissible. It was also highlighted by the learned Advocate General, that though the petitioner had opted for both Shillong Medical College and Central Pool seat (State Quota), she was not shortlisted as 12 candidates in total with higher merit scores filled all the available Un-reserved seats. It has also been submitted that in these matters Courts have a very limited role in reviewing the selection process, inasmuch as, these fall within the expert domain of a selection committees and judicial intervention is only warranted if there is a violation of the fundamental or legal rights. In support of his arguments, the learned Advocate General has relied upon the following judgments: -

- i) Jitendra Kumar Singh & Anr. vs. State of Uttar Pradesh & Ors. (2010) 3 SCC 119*
- ii) Saurav Yadav & Ors. vs. State of Uttar Pradesh & Ors. (2021) 4 SCC 542*
- iii) Ramnaresh alias Rinku Kushwah & Ors. vs. State of Madhya Pradesh & Ors. 2024 SCC OnLine SC 2058*

6. On hearing the learned counsel for the parties to the mind of the Court, the only issue in question is to decide whether the migration of



the Reserved candidate i.e. respondent No. 5, by virtue of a higher NEET score is permissible and in accordance with law. It is first noted that in the NEET examinations, the writ petitioner belonging to the Un-reserved category had scored 442 marks, whereas the respondent No. 5, though belonging the Reserved category had scored 475 marks, making her more meritorious than the petitioner. As per the SOP at Para-6 thereof, the number of seats allocated to the Un-reserved category is 14, and thus on a plain reading and understanding, would mean these seats are to be allocated strictly in terms of merit without taking any category into consideration i.e. whether a candidate belongs to a Reserved or General category.

7. It is also relevant to observe herein that there is no embargo in the migration of the respondent No. 5, to the Un-reserved open category given that the respondent No. 5, has secured the seat on merit and has scored higher than the petitioner. Clause 9.6 of the SOP at Point No. 3, in this regard has provided as follows: -

“In case the reserved category candidate who has been selected under open category (UR), those candidates will be given the choice of exercising the option of either UR or respective category during the order/process of allocation of seats”

8. The cases relied upon by the petitioner in the instant case will have no application, inasmuch as, in both the decisions the Hon’ble Supreme Court has held in the case of ***Sajib Roy*** (supra), which was



followed in the *Union of India vs. G. Kiran & Ors.* (supra) at Para 33 as follows: -

“33. Very recently in Sajib Roy (Supra), this court had the occasion to deal with a similar factual matrix as observed hereunder-

32. On an analysis of the aforecited cases, we summarise as follows: Whether a reserved candidate who has availed relaxation in fees/upper age limit to participate in open competition with general candidates may be recruited against unreserved seats would depend on the facts of each case. That is to say in the event there is no embargo in the recruitment Rules/employment notification, such reserved candidates who have scored higher than the last selected unreserved candidate shall be entitled to migrate and be recruited against unreserved seats. However, if an embargo is imposed under relevant recruitment rules, such reserved candidates shall not be permitted to migrate to general category seats.

xxx

xxx

xxx

33. Accordingly, we hold as the respondents-writ petitioners had availed concession of age for participating in the recruitment process, in the teeth of office memorandum dated 01.07.1998, the High Court was wrong in applying the ratio in Jitendra Kumar (supra) and permitting them to be considered for appointment in the unreserved category. Consequently, we set aside the common impugned judgment and order dated 12.10.2018 and order dated 26.02.2019 and allow the appeals. Pending application(s) if any, stand disposed of.”

9. In the instant case, it is to be noted that there is no embargo on Reserved candidates who have scored higher to migrate and be considered



against the Un-reserved seat. Further in the case of *Saurav Yadav vs. State of U.P* (supra), it has been observed at paragraph-22 thereof, that a candidate belonging to a vertical reservation category (such as SC, ST or OBC) who qualifies based on their own merit is entitled to be selected in the Open or General category and such selection, cannot be counted against the quota specifically reserved for that vertical reservation category. This principle which has become a well settled principle of law has also been echoed at paragraph-10 in the case of *Ramnaresh alias Rinku Kushwah & Ors.* (supra).

10. Further, another point though not pleaded in the writ petition, but argued by the counsel for the petitioner, with regard to relaxation of eligibility, is the ground of payment of examination fees by the respondent No. 5, which are lesser than the fees charged to the Un-reserved candidates. This in the considered view of the Court will not amount to a relaxation that will bar the Un-reserved candidate from being placed in the Open category on merit, inasmuch as, such relaxation, be it age or waiver of examination fee, does not amount to reservation, but is only to enable a Reserved candidate to compete with others, and if such Reserved candidates acquires a seat on the basis of his own merit, he cannot be treated to have been selected only against the Reserved quota.



11. In conclusion therefore, without dwelling on the other aspects of the case i.e. the locus of the writ petitioner and submissions that have been made which are not part of the pleadings in the writ petition, it is seen that there has been no illegality or arbitrariness in the list of selected candidates dated 07.10.2025, and accordingly the writ petition stands dismissed.

12. No order as to costs.

JUDGE

Meghalaya
07.04.2026
"V. Lyndem-PS"