



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 12TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT PETITION NO. 110014 OF 2025 (EDN-RES)

BETWEEN:

DR. MUDIYAVVA D. JALIHAI
D/O DODDAKAMALAPPA D. JALIHAI,
AGED ABOUT 32 YEARS,
WORKING AS GDMO AT PHC SULEBHAVI,
HUNAGUND, TQ. AND DIST. BAGALKOT,
BAGALKOT-587 201, R/O. CHALUKYA NAGAR,
7TH CROSS BADAMI, BADAMI TALUK,
DIST. BAGALKOT, BAGALKOT-587 201.

... PETITIONER

(BY SRI N. KHETTY, SENIOR ADVOCATE FOR
SMT. AKKAMAHADEVI HIEMATH AND
SMT. M.A. MAKANDAR, ADVOCATES)

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AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF HEALTH AND FAMILY WELFARE
(MEDICAL EDUCATION), VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI, BENGALURU-560 001,
R/BY ITS PRINCIPAL SECRETARY.
2. THE COMMISSIONER,
HEALTH AND FAMILY WELFARE SERVICES,
AROGYA SOUDHA, MAGADI ROAD,
BENGALURU-560 023.



3. THE DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
GOVERNMENT OF KARNATAKA, BMCRI,
1ST FLOOR, FORT, K.R. ROAD,
BENGALURU-560 002.
4. KARNATAKA EXAMINATION AUTHORITY,
18TH CROSS ROAD, SAMPIGE ROAD,
MALLESWARAM, BENGALURU-560 017,
REPRESENTED BY ITS EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI G.K. HIREGOUDAR, GOVT. ADVOCATE FOR R1 TO R3;
SMT. SURABHI KULKARNI, ADVOCATE FOR RESPONDENT
NO.4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE AN ORDER, DIRECTION OR WRIT IN THE NATURE OF A MANDAMUS, DIRECTING THE RESPONDENT NOS.1 AND 2 TO ISSUE A NO OBJECTION CERTIFICATE TO THE PETITIONER, AND RECEIVE HER APPLICATION FOR PARTICIPATING IN THE IN SERVICE QUOTA CATEGORY OF PG NEET 2025, AND THEREUPON FORWARD THE NAME OF THE PETITIONER TO THE RESPONDENT NOS.3 AND 4 TO ENABLE THE PETITIONER TO PARTICIPATE IN THE COUNSELING IN THE IN SERVICE QUOTA CATEGORY OF PG NEET 2025 AND ETC.

THIS PETITION IS COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

The petitioner had applied for a Post-Graduate seat in Medical Sciences under in-service quota and had taken part in Post-Graduate NEET-2025 examinations. The scheme of Post-Graduate NEET-2025 examination contemplates that 433 seats are reserved for in-service students and that they will be first counseled and allotted the choice of their seats in order of merit and thereafter, if any seats remain unfilled, the same shall be merged with non in-service seats and will be offered to non in-service candidates who are qualified for Post-Graduate NEET-2025.

2. In the instant case, only 62 seats out of 433 seats were filled by in-service candidates and the remaining 371 seats were merged with non in-service seats and are offered to non in-service candidates. The total number of seats offered to non in-service candidates, which included the 371 seats merged, is 4761 seats. Thereafter, the second round is completed and presently 1501 seats



remained vacant for regular PG courses and 110 seats remained vacant for Diplomat of National Board Courses, which can be offered to the Health and Family Welfare in-service candidates. At this juncture, the petitioner has preferred the instant petition contending that she should be treated as an in-service candidate and respondents committed a mistake by not treating her so.

3. The petitioner has prayed for the following reliefs in the writ petition:

"a. Issue an order, direction or writ in the nature of a mandamus, directing the respondents No.1 and 2 to issue a No Objection Certificate to the petitioner, and receive her application for participating in the in service quota category of PG NEET-2025, and thereupon forward the name of the petitioner to the respondents No.3 and 4 to enable the petitioner to participate in the counseling in the in service quota category of PG NEET-2025.

b. Such other writs or orders as this Hon'ble Court deems fit in the facts and circumstances of the case, and in the interest of justice."



4. The learned AGA appearing for respondents No.1, 2 and 3 upon instructions submits that though the petitioner was not initially treated as an in service candidate, but subsequently the State has treated persons similarly situated as that of the petitioner as in-service candidates and that the State has no objection for treating the petitioner as an in-service candidate.

5. The learned counsel appearing for respondent No.4 as well as the learned Additional Government Advocate together submit that, however, in the light of the first two rounds of counselling already completed and the successful candidate in the said counselling not being made a party to the proceedings herein, disrupting any of the seats allotted to them or redoing the counselling process for the sake of the petitioner may not be feasible.

6. The counsel for the petitioner submits that he has no objection, if any one of the 371 seats, which were unfilled by the in-service candidates, is allotted to her, she would be satisfied.



7. However, respondent No.4 has filed its objections and has stated as hereunder:

"5. It is submitted that the publishing of seat matrix, decategorisation of vacant reserved seats and publishing of seat matrix for further rounds of counseling and furnishing the list of eligible candidates under the in-service category is the function of the State Government. Once the seats reserved for in-service candidates are decategorized and converted to non-in-service seats by the State Government, the converted seats get merged with the non-in-service seats and it cannot be ascertained as to which of the decategorized seats have remained vacant."

Based on the aforementioned statement, counsel for respondent No.4 submits that, as the petitioner is presently treated as an in-service candidate, she may be permitted to choose any one of the seats in the mop-up round among the 1501 seats that is vacant for regular PG courses are 110 available for Diplomat of National Board Courses offered only to Health and Family Welfare in-service candidates.



The petitioner as well as learned Additional Government Advocate has no objection for the same.

8. Admittedly, the petitioner is presently treated as an in-service candidate by the respondents. However, initially, they did not treat her so and denied her permission to participate in the Post-Graduate counseling reserved for in-service candidates. It is not in dispute that, presently, the petitioner is entitled for participating in the Post-Graduate counselling as an in-service candidate. However, under the circumstances, it may not be appropriate to direct the respondents to undo the earlier counselling for the sake of the petitioner, when rights have already crystallized by way of two rounds of counselling in favour of third parties and they are not before this Court. Further, it is the specific stand of learned counsel for respondent No. 4 that, it is impossible now to bifurcate the seats available for in-service candidate and the general candidates, as the said seats have been merged after the



first round of counselling and offered to students in the second round of counselling and certain seats have been filled thereafter. Under the said circumstances, all the respondents have no objections for permitting the petitioner to participate in the mop-up round as an in-service candidate and they are willing to permit the petitioner to choose a seat of her choice from the available seats.

9. Hence the following:

ORDER

- (i) The petitioner shall be treated as an in-service candidate and will be offered first preference, in the order of merit along with similarly situated candidates if any, to choose from the available 1501 seats for regular Post-Graduate courses and 110 seats reserved for Diplomat of National Board Courses which are offered only to Health and Family Welfare in-service candidates.



- (ii) After allotting a seat to the petitioner, the remaining seats will be offered to the other regular PG courses candidates in mop-up round.
- (iii) Writ petition stands disposed of accordingly.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**

CKK, KMS
CT:BCK
LIST NO.: 1 SL NO.: 18