IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13820 of 2026

CNR No. BRHC010899462026

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Shruti Singh D/o Navin Kumar Singh, R/o Raja Ram Tola, P.O. Mahthi, P.s. Bibhutipur, Distt. - Samastipur, Bihar - 848211.

... ... Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Health Department, Government of Bihar, Patna, Bihar.
2. The Bihar Combined Competitive Examination Board (BCECEB), Through its Chairman, Patna, Bihar.
3. The National Testing Agency, Through its Chairman, New Delhi.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manu Tripurari, Advocate
		Mr. Apurv Harsh, Advocate
For the State	:	Mr. Kamlendra Prasad Singh, Advocate
For the NTA	:	Mrs. Chhaya Kirti, Advocate
For the BCECE	:	Mr. Prasoon Sinha, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 29-10-2026

Heard Mr. Manu Tripurari, learned Advocate for the petitioner and Mr. Kamlendra Prasad Singh, learned Advocate for the State. The Bihar Combined Entrance Competitive Examination Board is represented through Mr. Prasoon Sinha, learned Senior Advocate, whereas Mrs. Chhaya Kirti, learned Advocate appears for the National Testing Agency.

2. The petitioner, an aspiring medical student who appeared in the National Eligibility-cum-Entrance Test (Undergraduate) 2026 conducted for admission to undergraduate medical courses, upon declaration of the result and securing 439

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marks out of 720 marks, was assigned NEET All India Rank 1,88,791 and Category Rank 22,781.

3. It is submitted that the petitioner is the maternal granddaughter of late Shashi Bhushan Prasad Thakur @ Ram Hilish Thakur, a duly recognized freedom fighter for his contribution to the freedom struggle and was sanctioned freedom fighter pension by the Central Government. Referring to the notification duly published in the Bihar Extraordinary Gazette dated 03.09.2015, it is argued by learned Advocate for the petitioner that surprisingly, once the Government has taken a decision to extend 2% horizontal reservation for the grandchildren/dependents of freedom fighters whose pension is sanctioned by the Central Government, and the policy was thereafter acted upon through subsequent departmental instructions and has continued to inform reservation arrangements in Bihar, the petitioner, who is admittedly the maternal granddaughter of a freedom fighter, has been deprived of 2% horizontal reservation. In the aforesaid premise, the petitioner has invoked the extraordinary jurisdiction of this Court seeking a direction upon the concerned respondents to consider her candidature and extend the benefits of horizontal reservation admissible in favour of the wards of freedom fighters in NEET 2026 counselling in the State of Bihar.

4. Learned Advocate for the petitioner further

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argued that the State of Bihar, in reference to the notification of 2015, extending 2% horizontal reservation to the dependents of freedom fighters in the matter of admission in other academic institutions and courses, however, till date no decision has been taken to extend such reservation in the matter of admission to MBBS courses. In order to pursue this Court, reliance has also been placed on a decision of the Hon'ble Supreme Court rendered in the case of ***All Kerala Parents' Assn. of Hearing Impaired v. State of Kerala, (2018) 2 SCC 410***. Referring thereto, it is further submitted that once the learned Division Bench of Kerala High Court failed to extend the benefit of horizontal reservation in favour of the persons with disabilities under the Act of 1995, the same was turned down and the Court held that Section 39 of the Act of 1995 deals with the reservation of seats for persons with disabilities in Government educational institutions as well as educational institutions receiving aid from the Government, and necessarily therefore, the provision thereof must be complied with.

5. Controverting the aforesaid submissions, Mr. Prasoon Sinha, learned Senior Advocate appearing for the Board, submitted that the reliance of the petitioner on the 2015 notification appears to be wholly misconceived for the simple reason that, on a bare perusal thereof, it is evident that the provision of 2% horizontal reservation to the dependents of

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freedom fighters has been made for appointment in the State Government and not for admission in educational institutions. Even prior to the issuance of the 2015 notification, the notification of 2003 which was prevalent and applicable in the matter of admission in educational institutions, i.e. notification dated 09.09.2003, does not provide 2% horizontal reservation to the dependents of freedom fighters for admission in educational institutions. It is also submitted that the Controller of Examination is the executive head of the Board who has not even been arrayed as a party respondent, and in absence thereof, the writ petition is bad for non-joinder of necessary party.

6. At this juncture, learned Advocate for the petitioner submits that he seeks permission to implead the Controller of Examination, Bihar Combined Entrance Competitive Examination Board as party respondent no. 4 in course of the day.

7. The permission is accorded.

8. Learned Advocate for the State, on the other hand, submits that since the petitioner has been unable to place any notification or statute in support of her claim whereby a right has been extended in favour of the dependents/wards of freedom fighters to extend the benefit of horizontal reservation in the matter of admission in MBBS courses, the present writ petition is devoid of any merit.

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9. Considered the submissions advanced by learned Advocate for the respective parties and perused the notification, especially notification of 2003 which prima facie appears that it doesn't provide 2% horizontal reservation to the dependents of freedom fighters for admission in educational institutions, though subsequently the State has taken a conscious decision to extend such benefit with respect to some educational courses, but admittedly not with respect to medical courses. Similarly, the notification dated 03.09.2015 also talks about horizontal reservation to the dependents of freedom fighters in relation to appointment/recruitment/selection in the State Government and not for admission in educational institutions. This Court also finds that the petitioner is unable to bring any notification or statute extending benefit of horizontal reservation to the dependents of freedom fighters in the matter of admission in MBBS courses. In absence thereof, this Court is unable to pass any positive order in favour of the petitioner.

10. So far the reliance placed by the petitioner in the case of ***All Kerala Parents' Assn. of Hearing Impaired v. State of Kerala (Supra)*** is concerned, the order of the Hon'ble Supreme Court has been passed in the light of the prescriptions provided under Section 39 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which is a Central Act directing the

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authorities to implement the same and extend the benefits to persons suffering with disabilities.

11. However, till date no such policy decision has been taken to extend the benefit of horizontal reservation in favour of the dependents of freedom fighters. In view thereof, this Court doesn't find any reason or occasion to interfere in the present writ petition. Accordingly, the same stands dismissed.

12. However, dismissal of the writ petition would not come in the way of the petitioner to take appropriate recourse available in law.

(Harish Kumar, J)

Siddharth Kr.
Shaw/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2026
Transmission Date	NA

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