

IN THE HIGH COURT OF MADHYA PRADESH  
PRINCIPAL SEAT AT JABALPUR

WRIT PETITION NO. 4662/2015

PETITIONER:

30.3.15  
Dr. Ravindra Gupta, son of Shri V. K. Gupta,  
aged about 32 years, working in Community Health  
Centre, Patan, Tehsil Patan, District Jabalpur, M.P.

Presentation  
Dr. Gupta

Versus

RESPONDENTS:

- 30/3/15
1. State of Madhya Pradesh  
Through the Secretary, Medical Education  
Department, Vallabh Bhawan, Bhopal (M.P.)
  2. Director, Medical Education, Satpura  
Bhawan, Bhopal, M.P.

WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA

To,  
The Hon'ble Chief Justice of this Hon'ble Court  
And his companion Hon'ble Judges.

The Petitioner Above Named-

MOST RESPECTFULLY SHOWETH :-

I. PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH  
THE PETITION IS MADE:

- (i) Date of Notification: 26.03.2015  
Rule 9 (4) (i) (a) & (b) of "Madhya  
Pradesh Medical and Dental Post  
Graduate Courses (Degree/Diploma)  
Admission Rules, 2015
- (ii) Issued in : Notifying the Pre-PG Rules 2015  
namely "Madhya Pradesh Medical and  
Dental Post Graduate Courses  
(Degree/Diploma) Admission Rules,  
2015
- (iii) Issued by : Respondent No.1





DATE OF THE  
ORDER

ORDER

W.P. No.4662/2015, W.P. No.4726/2015, W.P.  
No.4858/2015 & W.P. No.5459/2015

25/05/2015

Shri Aditya Saughi, learned counsel for the petitioner.

Shri Samdarshi Tiwari, learned Dy. Advocate General for the respondents State.

They are heard on I.A. NO.5299/2015 an application filed by the State Government for vacation of the stay granted by this Court on 16.5.2015.

Having heard learned counsel for the parties, we find that stay was granted by this Court only on account of the fact that the petitioners were seeking admission to the Post Graduate course for the academic session 2015-2016. The examination was held in accordance to the M.P. Medical and Dental Post Graduate Course (Degree/Diploma) Admission Rules, 2014 but by a notification issued vide Annexure P/2 the Pre PG Rules of 2015 were brought into force w.e.f. 26.3.2015 and it was the case of the petitioners that the Rules of 2015 changes the criteria for selection of in service candidate as was notified under the Rules of 2014. On the ground that the criteria for Selection cannot be changed mid way this Court finding a prima facie case, granted the interim relief. However, now from the return filed by the respondents it transpires that the petitioners did not appear in the selection process in accordance to the Pre PG Rules of 2014, instead they appeared in the Selection process conducted by the National Board of Examination for admission to the Post Graduate Courses under the All India PG Entrance Examination 2015 and under Clause 9(b) of the said Rules, the allocation of seats to the State concerned has to be in the following manner :-



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"9B. ADMISSION TO MEDICAL SEATS OTHER THAN ALL INDIA 50% QUOTA SEATS IN VARIOUS STATES:

....NBE shall be providing only the data of candidates and their results without applying the reservation prevalent in these particular States. The merit list/ category wise lists for the State/ University concerned shall be generated by the State itself as per their qualifying criteria applicable guidelines and state reservation policies."

(Emphasis Supplied)

After the allocation of seats was done from the State quota, before holding the counseling, the Pre PG Rules of 2015 were notified on 26.3.2015 and the counseling is now being held in accordance to this Rule which was notified on 26.3.2015. The first round of counseling was held from 2.4.2015 to 5.4.2015 and the second from 29.4.2015 to 2.5.2015. It is therefore, clear that the counseling were held after the Rules of 2015 were notified and contention of the petitioner that the Rules of 2014 was applicable, or that criteria for selection was changed before holding the counseling or that Rules of 2015 have retrospective effect which is not permissible in law, is not correct. These facts were not brought to the notice of this Court, as is apparent from the return, therefore, no Prima facie case is in existence now as the counseling is being conducted in accordance to the law. That apart, the judgment cited by Shri Aditya Sanghi in the case of Satyabrata Sahoo and others Vs. State of Orissa and others - (2012)8 SCC 203; K.





# HIGH COURT OF MADHYA

ORDER SHEET

CASE No. .... 201 .....

Vs. ....

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Manjusree etc. Vs. State of A.P. & Anr. - AIR 2008 SC 1470 and State of M.P. And others Vs. Gopal D. Tirthani and others - (2003)7 SCC 83 is wholly misconceived and will not apply in the facts and circumstances of the present case.

Accordingly, we allow LA. NO.5299/2015 respondents are permitted to conduct counseling in accordance to the Pules of 2015 subject to final decision of this petition.

List after vacation.

C.C. today

(Rajendra Menon)  
V. Judge

(Alok Aradhe)  
V. Judge

TRUE COPY  
3/15  
High Court of Madhya Pradesh  
Jabalpur