

कार्यालय आयुक्त, चिकित्सा शिक्षा छत्तीसगढ़

स्वास्थ्य भवन, द्वितीय तल, नार्थ-ब्लॉक, सेक्टर-19, नवा रायपुर, अटल नगर, छ.ग. 492002

क्रमांक / 2275 / छात्र / काउंसिलिंग / संचिशि / 2025

रायपुर, दिनांक 06.03.2025

— / / आवश्यक सूचना / / —

छत्तीसगढ़ राज्य के चिकित्सा स्नातकोत्तर (MD/MS) पाठ्यक्रम प्रवेश वर्ष 2024 – सेवारत अभ्यर्थियों के प्रवेश निरस्तीकरण करने संबंधी सूचना

माननीय छत्तीसगढ़ उच्च न्यायालय द्वारा WPC No. 923/2025 Dr. P. Rajshekhhar S/o. P. Laxmi Narayan and other Vs State Of Chhattisgarh and others में पारित आदेश, दिनांक 27/02/2025 के परिपालन में परीक्षण उपरांत निम्नांकित सेवारत अभ्यर्थियों द्वारा दिये गये सेवा प्रमाण-पत्र संचालनालय स्वास्थ्य सेवायें द्वारा अमान्य किये जाने के फलस्वरूप इनका प्रवेश तत्काल प्रभाव से निरस्त किया जाता है :-

स. क्र.	अभ्यर्थी का नाम	नीट रोल नं.	प्रवेशित विषय	प्रवेशित संस्था
1	भावेश पटेल	24661048762	M.D . SKIN & V.D.	CIMS, BILASPUR
2	राकेश कुमार साहू	24661052212	M.D. PAEDIATRICS	RIMS, RAIPUR

नोट:-

1. प्रवेश निरस्त होने के उपरांत उक्त अभ्यर्थी अपनी वरीयता के अनुसार नवीन प्रावीण्य सूची में बने रहेंगे एवं काउंसिलिंग के आगामी चरणों हेतु पात्र होंगे।
2. प्रवेशित संस्थान को निर्देशित किया जाता है कि अभ्यर्थी द्वारा जमा की गई फीस एवं सुरक्षा निधि को पूर्ण रूप से लौटाते हुए इस कार्यालय को सूचित करें।

- संलग्न:-
1. माननीय छत्तीसगढ़ उच्च न्यायालय द्वारा WPC No. 923/2025 Dr. P. Rajshekhhar S/o. P. Laxmi Narayan and others Vs State Of Chhattisgarh and others में पारित आदेश, दिनांक 27/02/2025 की प्रति।
 2. संचालनालय स्वास्थ्य सेवायें द्वारा प्राप्त पत्र क्रमांक/एफ 08-22/2025 विज्ञप्त/263 नवा रायपुर, दिनांक 05.03.2025 की छायाप्रति।

(आयुक्त चिकित्सा शिक्षा द्वारा अनुमोदित)

Rmb/06/03/25
अध्यक्ष,

काउंसिलिंग समिति,
संचालनालय चिकित्सा शिक्षा, छ.ग

//2//

पृ. क्रमांक/2276/छात्र/काउंसिलिंग/संचिशि/2025 रायपुर, दिनांक 06.03.2025

प्रतिलिपि :- 1. अधिष्ठाता, छत्तीसगढ़ आयुर्विज्ञान संस्थान, बिलासपुर की ओर उपरोक्तानुसार आवश्यक कार्यवाही हेतु ई-मेल से प्रेषित।

2. अधिष्ठाता, रायपुर इंस्टीट्यूट ऑफ मेडिकल साईंसेस, (रिम्स) की ओर उपरोक्तानुसार आवश्यक कार्यवाही हेतु ई-मेल से प्रेषित।

R. K. S. S.
06/03/25

अध्यक्ष,

काउंसिलिंग समिति,

संचालनालय चिकित्सा शिक्षा, छ.ग.

संचालनालय स्वास्थ्य सेवायें

छत्तीसगढ़

सेक्टर-19 नार्थ ब्लॉक नवा रायपुर अटल नगर रायपुर

क्रमांक/एफ 08-22/2025/विज्ञप्त/263

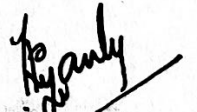
नवा रायपुर, दिनांक: 05/03/2025

//आदेश//

संचालनालय के पत्र क्रमांक : एफ 8-81/2024/विज्ञप्त/1935, दिनांक 08.11.2024 द्वारा डॉ. धनेश्वरी, चिकित्सा अधिकारी, जिला चिकित्सालय बैकुण्ठपुर, जिला-कोरिया, पत्र क्रमांक : एफ 8-89/2024/विज्ञप्त/1971, दिनांक 11.11.2024 द्वारा डॉ. भावेश पटेल, चिकित्सा अधिकारी, प्राथमिक स्वास्थ्य केन्द्र, खडमा, जिला-गरियाबंद, पत्र क्रमांक : एफ 8-89/2024/विज्ञप्त/1978, दिनांक 11.11.2024 द्वारा डॉ. राकेश कुमार साहू, चिकित्सा अधिकारी, जिला चिकित्सालय सूरजपुर तथा पत्र क्रमांक : एफ 8-100/2024 /विज्ञप्त/1986, दिनांक 12.11.2024 द्वारा डॉ. चन्द्रशेखर वर्मा, चिकित्सा अधिकारी, सामुदायिक स्वास्थ्य केन्द्र, छुरिया, जिला-राजनांदगांव को सेवा प्रमाण-पत्र जारी कर बोनस अंक प्रदाय किये गये थे।

माननीय छत्तीसगढ़ उच्च न्यायालय में दायर याचिका क्रमांक WPC No. 923/2025 Dr. P. Rajshekhar vs State of chhattisgarh and other में पारित निर्णय, दिनांक 27.02.2025 के परिपालन में संचालनालय द्वारा जारी उक्त अभ्यर्थियों के सेवा प्रमाण पत्र को पुनः परीक्षण कर माननीय उच्च न्यायालय, बिलासपुर में पारित निर्णय के परिपालन में उक्त सेवा-प्रमाण पत्रों को तत्काल प्रभाव से निरस्त किया जाता है।

यह आदेश तत्काल प्रभाव से लागू होगा।


संचालक
स्वास्थ्य सेवायें
छत्तीसगढ़

पृ.क्रमांक एफ 08-22/2025/विज्ञप्त/264

नवा रायपुर, दिनांक: 05/03/2025

प्रतिलिपि :- सूचनार्थ एवं आवश्यक कार्यवाही हेतु -

1. महाधिवक्ता कार्यालय, माननीय उच्च न्यायालय बिलासपुर छ.ग.।
2. विशेष सहायक, मान. मंत्री जी छ.ग. शासन लोक स्वास्थ्य एवं परिवार कल्याण विभाग।
3. सचिव, छत्तीसगढ़ शासन, लोक स्वास्थ्य एवं परिवार कल्याण विभाग, मंत्रालय, महानदी भवन, नवा रायपुर अटल नगर जिला रायपुर।
4. आयुक्त, चिकित्सा शिक्षा, छत्तीसगढ़ की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु।


निरंतर.....02



मास्क पहनें, 2-गज की दूरी अपनाएं, साबुन से हाथ धोएं



5. रजिस्ट्रार, छत्तीसगढ़ मेडिकल कौंसिल रायपुर छत्तीसगढ़।
6. अधिष्ठाता, शासकीय चिकित्सा महाविद्यालय.....छत्तीसगढ़।
7. संबंधित मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी / सिविल सर्जन सह मु.अस्प.अधी.....
.....छत्तीसगढ़
8. संबंधित डॉ.....की ओर सूचनार्थ।


संचालिका
स्वास्थ्य सेवाये,
छत्तीसगढ़





2025:CGHC:9780-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 923 of 2025**

1 - Dr. P. Rajshekhar S/o. P. Laxmi Narayan Aged About 28 Years R/o. Govt. Medical College, Dimrapal, Jagdalpur, Dist. Bastar (C.G.)

2 - Dr. Yashwant Rao Gurla S/o. Mr. Murli Manohar Rao Aged About 30 Years R/o. Near CHC Hospital, Bahramgad, Bijapur, District - Bijapur (C.G.)

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)

2 - Directorate Of Medical Education Through Director, Old Nurses Hostel, DKS Bhawan Parisar, Raipur (C.G.)

3 - Directorate Of Health Services Through Director, Indrawati Bhawan, Capital Complex, New Raipur, Dist. Raipur (C.G.)

4 - Bhavesh Patel S/o. Paleshwar Patel R/o Permanent- Village - Kauhakuda, Dist. Mahasamund (C.G.), Temporary - CIMS, Boys Hostel, Bilaspur, Dist. Bilaspur (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Pankaj Singh, Advocate.

For Respondent No. 1 to 3 /State : Mr. Shashank Thakur, Deputy Advocate General.

For Respondent No. 4 : Ms. Sameeksha Gupta, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

27/02/2025

1. Heard Mr. Pankaj Singh, learned counsel for the petitioners, Mr. Shashank Thakur, learned Deputy Advocate General for the State/respondents No. 1 to 3 as well as Ms. Sameeksha Gupta, learned counsel for the respondent No. 4.
2. By this petition under Article 226 of the Constitution of India, the petitioners have prayed for the following relief(s):

“a. Direct the Respondent State to place before this Hon'ble Court the record concerning the present subject; and

b. Issue a writ of an appropriate nature directing the Respondent State to strictly adhere to and enforce the Chhattisgarh Post Graduate Medical Admission Rules, 2021, particularly Rule 2(1) while determining/ascertaining the qualification of 'in-service' candidates; and

c. Declare that the Respondent State's action of computing service tenure beyond the cut-off date of 31.01.2024 for the purpose of examination year 2024 while determining the eligible 'in service candidate' is illegal, arbitrary, and unconstitutional; and

d. Issue a writ of an appropriate nature quashing the admission granted to such candidates including that of private respondent who have secured admission/consideration on the strength of their respective status as 'in service' candidates despite not fulfilling the eligibility criterion of having served for 3 years as on 31.01.2024; and

e. Issue a writ of an appropriate nature and direct Respondent State to reconsider the candidature of Petitioner for the purpose of allotment of Post Graduate seats;

f. Pass any other order(s) or direction(s) as deemed fit in the interest of justice.”

- 3.** The facts, in brief, as projected by the petitioners are that the petitioners are the MBBS Doctors who participated in the examination conducted by the concerned authority for the purpose of admission to Post Graduate Medical Courses in the year 2024 and secured respectable ranks therein. The petitioners aspire to secure Post Graduate seats under the quota secured for the 'MBBS pass-out candidate from Chhattisgarh'. During the course of counselling, it was revealed that candidates who fail to satisfy the stipulations provided for the 'in service' candidates under the Chhattisgarh Postgraduate Medical Admission Rules, 2021 (*for short, the Rules of 2021*), have been able to secure the benefit thereof thereby vitiating the counselling process and the sanctity of the procedure. Rule 2(1) of the Rules of 2021 defines 'in service' candidates and states that such candidates who are employed with the State of Chhattisgarh either in regular capacity or contractual or *ad hoc* and have completed three years of service as on 31st January of the examination year shall be considered as 'in service' candidate. As is evident, to be eligible as an 'in service' candidate in the on-going counselling, as the examination was conducted in the year 2024, one must have had three years of service with State as on 31.01.2024. According to the petitioners, the respondent authorities have adopted malpractices and under-handed tactics to favor the chosen few at the expense of bonafide and deserving candidates like that of petitioners and undeserving candidates have been granted admission in PG course.

4. Mr. Pankaj Singh, learned counsel for the petitioners submit that the certificate issued by the respondent-State (Director, Directorate of Health services) to the private respondent on 11.11.2024, it has been certified that the tenure of private respondent is of more than 3 years and thereby has certified him to be an 'in service' candidate. A close scrutiny of the said certificate reveals that while computing the length of service of respondent No. 4, the State/respondent has travelled way beyond the cut off period as stipulated under the Rules of 2021 i.e. 31st January, 2024 and, as is evident, if cutoff date would have been adhered to, the private respondent could not have been qualified as an 'in service' candidate having the length of service below three years. The aforesaid discrepancies were presented before the respondent State too and the said authorities were urged to undo the wrong and undertake course correction but to no avail which compelled the petitioners to approach this Hon'ble Court.
5. It is further submitted by Mr. Singh that the respondent/State, by extending the benefit of the 'in-service' category to ineligible candidates has acted in an arbitrary and discriminatory manner, violating Article 14 of the Constitution of India. Rule 2(1) of the Rules of 2021 clearly mandates that an 'in-service' candidate must have completed three years of service as on 31.01.2024. However, the private respondent as also such other person(s) have been wrongfully considered under this category despite failing to meet the cut-off date. This action of the respondent State is in direct contravention of its own rules. The computation of service tenure for certain private respondents beyond the prescribed cut-off date demonstrates clear favoritism and *mala fide* intent on the part of the respondent State. Such acts not only jeopardize the sanctity of the admission process but also violate the legitimate expectations of meritorious candidates like the petitioners. The

petitioners, having secured respectable ranks in the examination, are entitled to a fair chance at securing seats under the reserved quota. The illegal allocation of seats to undeserving candidates has deprived them of their fundamental rights under Article 14 and Article 21 of the Constitution of India. Further, despite representation made by the petitioners highlighting the discrepancies and requesting corrective measures, the respondent State has failed to take any action. This refusal to rectify the injustice violates the principles of natural justice has compelled the petitioners to seek judicial intervention. In the present case, the respondent State has failed to do justice to the spirit of Article 14 of the Constitution of India which requires that the State/Executive action must be right and reasoned and that the State/Executive must strive to secure justice and must conform to the mandate of equality clause enshrined in the said Article 14 of the Constitution.

6. Lastly, Mr. Singh submits that total 39 candidates have been wrongly issued certificate as has been granted to the respondent No. 4, stating that they have completed three years of services with the State Government, beyond the cut off date and in case such candidates have been granted admission to the PG course on the basis of said certificate, their admission also has to go.
7. Relying on the return filed, Mr. Shashank Thakur, learned counsel for the State/respondent No. 1 to 3 submits that to regulate the admission in Post Graduate courses, Rules of 2021 have been framed by the State Government through the Department of Medical Education. Rule 2 of the Rules 2021 provides the definition and sub-rule 2(k) defines the 'in-service' candidate and states that such candidates who are employed with the State of Chhattisgarh either in regular capacity or contractual or *ad-hoc* and have completed three years of service as on 31st January of

the examination year shall be considered as in-service candidate. A service certificate has been issued by the Directorate of Health Services, Chhattisgarh in favour of the respondent No. 4 in which it has been certified that the respondent No. 4 - Dr. Bhavesh Patel has rendered his services as Medical Officer between the period from 01/05/2021 to 05/09/2024 for a period of 3 years, 4 months and 4 days at Primary Health Centre, Khadga Block Chhura District Gariyaband (Most difficult) and accordingly he is eligible for bonus marks (30%) for the aforesaid services rendered by him as in-service candidate. Admittedly the petitioners and the private respondent No. 4 appeared and participated in the Chhattisgarh NEET PG (MD/MS) Admission Examination -2024-25 for securing admission in Post Graduation Medical Courses and cleared the said examination. After declaring the result, the merit list of the candidates is being issued considering the marks obtained by the candidates in merit. It is submitted that the Rule 2 (k) of the Rules, 2021, the candidates clearly prescribes that such candidates who are employed with the State of Chhattisgarh either in regular capacity or contractual or *ad-hoc* and have completed three years of service as on 31st January of the examination year shall be considered as in-service candidate. In the instant case, as per the service certificate issued by the Directorate of Health Services, Chhattisgarh vide Annexure P/4, the private respondent No. 4 has been reported to be a Medical Officer who has completed the three years of in Primary Health Centre, Khadga Block Chhura District Gariyaband, therefore, 30 marks for the services rendered by the private respondent No. 4 being in-service candidate, has been awarded to him and accordingly the private respondent No. 4 has been placed in the Chhattisgarh NEET PG (MD/MS) Merit List Session 2024-25 at serial No. 49, which is just and proper and there is no illegality or infirmity in placing the private respondent No. 4 in said merit list. The information supplied by the Directorate of Health Services,

Chhattisgarh, Raipur with regard to the details of services rendered by the private respondent No. 4 as Medical Officer in PHC, Khadga Block Chhura and his entitlement of bonus marks as in-service candidate was duly forwarded to the National Board of Examinations in Medical Sciences and after considering the said information, the National Board of Examinations in Medical Sciences has found fit the private respondent No. 4 for awarding 30 marks as in-service candidate and accordingly the private respondent No. 4 has been placed at serial No. 49 by awarding 30 marks as in-service candidate. Thus, the selection of the private respondent No. 4 is strictly in accordance with the Rules of 2021 which does not suffer from any illegality or infirmity.

8. Ms. Sameeksha Gupta, learned counsel appearing for the respondent No. 4 submits that the petitioner has not approached this Court with clean hands as the petitioner has filed Annexure P/1 dated 19.11.2024 which was called off/cancelled and fresh merit list dated 30.11.2024 was published. The petitioners have concealed relevant information as the petitioners have mentioned in the petition that they have served the Government of Chhattisgarh, however, from perusal of Annexure P/1, serial No. 154 reflects the name of the Petitioner No.1 with roll No. 246610192 and in the category type: MBBS candidate from C.G. and not as in-service candidate. Further, to the best of the knowledge of the respondent No. 4, the petitioner No. 1 has already got the seat at Mop Up Round. The petitioner No. 1 has joined the PG - MS (General Surgery) seat at Pt. Jawaharlal Nehru Memorial Medical College, Raipur, and the information bulletin for counselling of C.G. State PG Medical (MD/MS) seat specifically mentions that the students who has been allotted the seat at mop up round would be ineligible for any further allotment. Thus, the petitioner No.1 has concealed the facts of his admission and further ineligibility makes the present petition devoid of

merits as the petitioners do not fall under the category of "aggrieved". The petitioner No.2 is placed at serial No. 684 and there is rare chances of selection. He does not fall under the category of "in-service candidate" and his rank in C.G. State rank is 684 and OBC rank is 154 which reflects bleak chance of petitioner No. 2 taking place of the respondent No.4 as his percentile is 60.12 and the percentile of respondent 4 even after subtracting bonus percentage is 78.13. The respondent No. 4's name is reflected at the merit list dated 30.11.2024 at serial No. 48 with C.G. State rank 48 under the category of "in-service category". Further, subsequent to the merit list dated 30.11.2024, petitioner No.1 has not raised any grievance, it is only after he has secured seat at the mop up round, the first representation on 07.02.2025 i.e., after about 2 months the grievance was made to the respondent authorities. It is pertinent to mention here that the advertisement for the NEET PG- 2024 was notified on 18.07.2024 and the initial date for the notification was 11.08.2024 and the counselling began from 17th Nov, 2024 onwards. For the said reasons, the petition deserves to be dismissed.

9. Ms. Gupta further submits that the respondent No. 4 has already started studying in the said course from 08.01.2025 onwards and cancelling his admission without any fault on his part would be detrimental to his future and against the principle of natural justice. As per the merit list dated 01.12.2024, the respondent No. 4 has been allotted seat at CIMS, Bilaspur and since then he has joined the same and attending the classes. The respondent No.4 has duly qualified the eligibility and after completing his internship he has duly given his service to the State of Chhattisgarh from 01.05.2021 to 05.09.2024, which is about 3 years 4 months and 4 days in Primary Health Center, Khadma, Block - Chura, District- Gariyaband. The impugned Rule 2(k) of the Rules of 2021 defines, "in service" candidates as a person who has served for about 3

years as on 31st January of the examination year would be qualified as in service candidate. The rationale behind the said provision is that the person who has served the State of Chhattisgarh will get adequate benefit in the higher studies. Moreover, such legislation acts as the incentive for students to serve the State. It is pertinent to mention that the date 31st January, though specifically mentions but is not reasonable and accommodative, to demonstrate the same last year schedule is worth observing:

Year	Date of Application	Date of Examination	Date of Counselling
2022	15 th January	21 st May	15 th September
2023	17 th January	5 th March	27 th July
2024	18 th July	11 th August	17 th November

10. Ms. Gupta further submits that the above table reflects that the date 31st January of the examination year for completion of 3 years, the rationale behind the said date perhaps be that at the date of examination the candidate has completed his/her 3 years' service to the Government because for the year 2022 and 2023 the application dated is January itself but for this year the entire admission process was delayed and the application form was available in the month of July and at the time of filling of form itself respondent has completed his due 3 years' service criterion in the State of Chhattisgarh. The 2024 counselling began in the month of November and is still going on in the year 2025, thereby by taking 31st January 2024 as the last date for calculating 'in service' candidature, candidate who have been serving till the counselling begins like the respondent No. 4 till the month of October i.e., 9 months more

then the required will stand at the same footing with the candidate who would be qualified for the NEET PG Exam 2025 because the value of service of about 1 years would be zero. The respondent No. 4 qualified on the date of examination as per rule to get entitlement of "in-service" candidate and it is the State authorities themselves who have issued the experience certificate and presently respondent No. 4 has already joined and studying at P.G. (Derma) Course at CIMS, Bilaspur and due to no fault of his, he will suffer irreparable loss. Most importantly, due to the admission he has also missed various opportunities of participating in counselling at National and State level. The association of Doctors called Chhattisgarh Doctors' Federation and CIDA (Chhattisgarh in-service Doctor's association) has already raised the issue that till November 2024, NEET PG 2025 Exam date was not announced due to which if date 31st January, is not extended, candidate of NEET PG 2024 candidate will lose opportunity. Hence, this petition deserves to be dismissed.

11. On first date of hearing i.e. 17.02.2025, the learned Advocate General had expressed that the grievance raised by the petitioners appear to be genuine one and having regard to the facts situation of the case, notices were directed to be issued to the private respondent No. 4 and the stray round of counselling which had started or was to be started on that day, was directed to remain stayed / kept in abeyance and further it was observed by this Court that the said order would operate in *rem* and not in *personam* and would be applicable to all the similarly situated candidates, meaning thereby that the candidates who were granted admission to the PG course who did not fulfill the criteria of 3 years service as on 31st January, would not be granted admission.
12. Rule 2(k) of the Rules of 2021 reads as under:

“(ट) सेवारत अभ्यर्थी से अभिप्रेत है छत्तीसगढ़ राज्य शासन के अधीन सेवारत ऐसे कर्मचारी जिन्होंने परीक्षा वर्ष की 31 जनवरी को नियमित सेवा अथवा तदर्थ सेवा अथवा संविदा सेवा के तीन वर्ष पूर्ण कर लिया हो।”

- 13.** The literal meaning of the aforesaid provision is clear and unambiguous that the ending date for calculating the period of completion of three years service would be 31st January of the examination year. In the present case, the last date for calculating the period of three years service is 31st January 2024 meaning thereby that the candidates to be selected for the PG examination should have completed three years of service with the State Government either on regular, *ad hoc* or contractual basis on 31st January 2024. Here, in the case in hand, the private respondent has admittedly not completed period of three years of services so as to qualify as ‘in service’ candidate and the calculation made by the respondent authorities, is erroneous.
- 14.** It is equally important to note this fact that no where in the petition, the petitioners have stated that they have completed 3 years of service as required to be considered as ‘in service’ candidate for admission to the PG course. Surprisingly, there is no whisper about the said fact as to how many years of service the petitioners have completed. Even in the Chhattisgarh NEET PG (MD/MS) Merit List Session 2024-25 (Annexure P/1) annexed by the petitioners themselves, it transpires that the petitioner No. 1 has been treated to be merely MBBS pass out candidate from Chhattisgarh and not as an ‘in service’ candidate as he has also not completed three years service as on 31st January, 2024. Further, from the documents annexed with the return filed by the respondent No. 4, i.e. CG-NEET PG (MD/MS) 2024 Provisional Allotment List for Mop Up Round (Annexure R-4/2), it appears that the petitioner No. 1 has been allotted seat in the PG course on 10.02.2025 and the present petition has

been filed on 10.02.2025 which means that the petitioner No. 1 was aware of the fact that he has already been granted admission.

- 15.** From perusal of the return filed by the respondent/State, it is evident that the allegation of the petitioners with regard to adherence of the deadline for calculating 3 years service as 31st January of the examination year, has not been adverted to rather evasive reply has been given. There is no clear cut averment by the State as to whether on the date of 31st January of 2024, the respondent No. 4 had completed 3 years of service either in regular / contractual or ad hoc basis. Similar is the situation with regard to the return filed on behalf of the private respondent No. 4. The respondent No. 4 has tried to justify that the respondent No. 4 fulfills the eligibility criteria and has completed 3 years of service but could not controvert the submission made on behalf of the petitioners that the respondent No. 4 had not completed 3 years of service as on 31st January, 2024. However, fact of the matter remains that the petitioner No. 1 has already secured admission to the PG course as stated above, but not as an 'in service' candidate as he does not fulfill the criteria.
- 16.** Even during course of argument, learned Deputy Advocate General appearing for the respondents No. 1 to 3/State as well as Ms. Gupta, learned counsel for the respondent No. 4 could not dispute the fact that the respondent No. 4 had not completed three years of service as on 31st January, 2024. In any event, even if the petitioners herein may not be benefitted by quashing of the admission granted to the respondent No. 4 as well as other similarly situated candidates, the State has to follow the Rules prescribed for admission and it cannot interpret the rules as per its convenience.
- 17.** When the Rules of 2021 is in existence and the rules itself provides that for being eligible to secure admission in PG course an 'in service'

candidate, the candidate must have served the State for at least three years as on 31st January of the examination year, in the present case, 31st of January, 2024, which admittedly the respondent No. 4 does not fulfill, there was no reason for the respondent authorities to deviate from the said provision, as such, this Court is of the considered view that the respondent authorities have acted in an arbitrary and high handedness manner by issuing certificate stating that respondent No. 4 has completed 3 years of service with the State Government and also granted admission treating him to be an 'in service' candidate.

- 18.** Resultantly, the admission granted to the respondent No. 4 is set aside. Since the interim order passed by this Court on 17.02.2025 was directed to operate in *rem*, the similarly situated candidates who have wrongly been granted the benefit of being 'in service' candidate on the basis of wrong calculation of their period of service with the State Government, even though they may not have approached this Court and put forth their say, their admission also stands quashed.
- 19.** The respondents/State is directed to strictly adhere to the Rules of 2021 and consider the candidature for grant admission to the PG course as 'in service' candidate only to those who have completed 3 years of regular / ad hoc / contractual service with the State Government as on 31st of January, 2024, subject to fulfillment of other conditions as may be prescribed under the Rules of 2021.
- 20.** Accordingly, the writ petition stands **allowed**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Amit

