



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 5344/2026

Dr. Parnika Sharma D/o Shri Vinay Sharma, aged about 26 years, Resident of 587/k, Jain Mandir Road, Bhimganj Mandi, Kota, Allotted PG Seat in M.D. (Anesthesiology) Course (Neet - Pg 2025) at Dr. SN Medical College, Jodhpur, Raj.

----Petitioner

Versus

1. State of Rajasthan through its Principal Secretary, Medical Education Department, Government Secretariat, Jaipur (Raj.).
2. Union of Indiathrough its Director General, Directorate General of Health Services, DGHS, Ministry of Health And Family Welfare, Medical Counselling Committee, Nirman Bhawan, New Delhi 110011.
3. The Medical Counselling Committee through its Director General, DGHS, Ministry of Health And Family Welfare, Goi, Neet Pg Medical Counselling 2025, Nirman Bhawan, New Delhi 110011.
4. National Medical Commission through its Secretary (Undergraduate Medical Education Board), Sector 8, Pocket 14, Phase 1, Dwarka, New Delhi 110077.
5. Principal And Controller, Dr. Sn Medical College, Jodhpur.
6. The Chhattisgarh Medical Councilthrough its Registrar, Raipur (Chhattisgarh).
7. The Director, Health Services, Sector 19, Swasthya Bhawan, Nava, Raipur (Chhattisgarh).
8. The Civil Surgeon Cum Chief Hospital Superintendent, District Bastar (Chhattisgarh).

----Respondents

For Petitioner(s)	:	Mr. Y.P. Khileree.
For Respondent(s)	:	Mr. Bhutid Gehlot for Mr. Siddharth Tatia. Ms. Kanchan Jodha for Mr. N.S. Rajpurohit, AAG. Mr. T.C. Sharma.

**HON'BLE DR. JUSTICE NUPUR BHATI****Order****24/03/2026**

1. The present writ petition has been filed with the following prayers:-

- a) The impugned letter dated 28.02.2026 Annex. 16 issued by the respondent Dr. SN Medical College, Jodhpur may kindly be declared illegal & arbitrary and same may kindly be quashed and set aside;
- b) The respondent no.5 may be directed to accept the reporting and joining of the petitioner in the M.D. (Anesthesiology) at respondent medical college pursuant to the allotment letter dated 23.02.2026 Annex.11 under the NEET PG-2025;
- c) The respondents may be directed not to cancel the allotment of PG seat i.e. M.D. (Anesthesiology) pursuant to NEET PG 2025 at Dr. SN Medical College, Jodhpur due to not having Permanent Registration Certificate at present;
- d) The respondent no.6, the Chhattisgarh Medical Council, Raipur as well as respondent no.7 may kindly be directed to issue Permanent Registration Certificate to the petitioner forthwith upon taking necessary bond/ undertaking from the petitioner as per law;
- e) any other appropriate order, which is deemed just and proper in the facts and circumstances of the case may kindly be also passed; and
- f) the petitioner may kindly be allowed the cost of writ petition.

2. Brief facts of the case, as stated in the writ petition, are that the petitioner completed her MBBS from Pt. Deendayal Upadhyay Memorial Health Sciences and Ayush University of Chhattisgarh on 13.03.2023 and thereafter obtained Provisional Registration from the Chhattisgarh Medical Council on 25.08.2023. She successfully completed her one-year compulsory rotating internship on 26.03.2024. Subsequently, she applied for Permanent Registration with the said Council and submitted her original provisional certificate. However, as per the Chhattisgarh UG Admission Rules, 2018, issuance of Permanent Registration is subject to completion



of two years' bonded State Service or furnishing a bank guarantee/undertaking. In compliance thereof, the petitioner joined as a Medical Officer at Maharani Hospital, Jagdalpur, District Bastar (Chhattisgarh) on 24.08.2024 and has been serving there since then. Meanwhile, the petitioner appeared in NEET-PG 2025 conducted by the National Board of Examinations and secured 472 out of 800 marks with an All India Rank of 33498. She participated in the counselling process and was allotted an M.D. (Anesthesiology) seat at Dr. SN Medical College in the stray vacancy round, pursuant to which a provisional allotment letter dated 23.02.2026 was issued by the Medical Counselling Committee. The petitioner duly reported to the allotted college and submitted all requisite documents; however, she was denied admission solely on the ground that she did not possess the original Permanent Registration Certificate issued by the Chhattisgarh Medical Council and being aggrieved of the said action, the petitioner preferred the present writ petition.

3. Learned counsel for the petitioner submits that in compliance of the order dated 18.03.2026, additional documents have been placed on record i.e. the NEET-PG 2025 Information Bulletin and the Medical Council of India Postgraduate Medical Education Regulations, 2000 ('hereinafter referred as Regulation of 2000') as amended up to May 2018.

4. Learned counsel for the petitioner draws attention of the Court to Clause 4.1 of Chapter IV of the National Medical Council Notification dated 29th December, 2023, which prescribes the eligibility criteria for admission to postgraduate medical courses and provides that, until the National Exit Test (NEXT) is





implemented, admissions shall continue to be governed by NEET-PG in accordance with the Regulations of 2000.

5. Learned counsel for the petitioner submits that as per the Regulations of 2000 which are in force, the regulation 8 (3) mandates the candidate to obtain the permanent registration certificate within one month from the date of his admission, failing which, the admission of the candidate can be cancelled.

6. Learned counsel for the petitioner submits that the respondents in view of the NEET-PG 2025 Information Bulletin have rejected the candidature of the petitioner taking into consideration the guidelines laid down in the said Bulletin that the candidate is required to possess the permanent or provisional registration certificate of MBBS qualification issued by National Medical Council or the erstwhile Medical Council of India or the State Medical Council on the day of examination and at the time of counseling/admission as laid down in the condition 4.6 of the Eligibility Criteria.

7. Learned counsel for the petitioner submits that the petitioner is in possession of the provisional Registration Certificate of MBBS dated 25.08.2023 (Annex.2) duly issued by the Chattisgarh Medical Council based on which the petitioner is also discharging the duties of Medical Officer with the State of Chattisgarh. He submits that however, the petitioner was not having the permanent Registration Certificate on the date of the reporting i.e. 27.02.2026 at the respective college, the petitioner's candidature has been rejected vide order dated 28.02.2026 (Annex.16). He submits that the said rejection of the petitioner's candidature by the respondents is in violation of the Regulations of 2000. He also



submits that the petitioner has now been issued the Permanent Registration Certificate dated 09.03.2026 (Annex.24) by the Chhattisgarh Medical Council.

8. *Per contra*, learned counsel for appearing for the learned AAG submits that the candidature of the petitioner has rightly been rejected, as she was not having the Certificate of Permanent Registration at the time of reporting i.e. 27.02.2026. She also submits that the Condition laid down in the NEET-PG 2025 Information Bulletin as per which the candidate is required to have the requisite document at the time of seeking the admission or at the time of reporting to the respective college, however, the said permanent Registration Certificate was not produced at the time of reporting.

9. This Court has considered the submissions made by the learned counsel for the parties and perused the material available on record.

10. For the purpose of deciding the issue involved in the writ petition, it is important to take note of Clause 4.1 of Chapter IV of the National Medical Commission Notification dated 29.12.2023, which unequivocally stipulates that, until the National Exit Test (NEXT) is implemented, admissions to postgraduate medical courses shall continue to be governed by the Post Graduate Medical Education Regulations, 2000 (PGMER-2000) through NEET-PG. Consequently, the field governing eligibility and admission criteria is occupied by the Regulations of 2000, which has statutory force. The relevant part of the Notification is reproduced hereunder:-





"4.1 Eligibility Criteria -

Eligibility to pursue a post-graduate broad-speciality course in Medicine shall be as per "NMC, National Exit Test Regulations, 2023".

Provided that until the first batch based on National Exit Test (NEXT) becomes eligible for admission in broad-speciality courses, the existing system of admission through National Eligibility-cum-Entrance Test-Post-graduate (NEET-PG) as per Post-Graduate Medical Education Regulation, 2000 (PGMER-2000) shall continue.

Without prejudice to anything stated above the Post-Graduate Medical Education Board may determine the manner, modalities etc., of conducting the NEET-PG for broad-speciality courses by way of Notification.

Provided further that eligibility to pursue a super-speciality programme/course in Medicine shall be by securing the minimum eligible score at the National Eligibility-cum-Entrance Test-Super-Speciality (NEET-SS) conducted either by the National Medical Commission or caused to have been conducted by the National Medical Commission. The list of feeder broad Speciality qualifications required to pursue a super-speciality course of recognised super-speciality qualification is as per Annexure-7.

An all-India merit list as well as a State-wise merit list of the eligible candidates shall be prepared based on the marks obtained in NExT or NEET-PG and candidates shall be admitted to post-graduate courses from the said merit lists only."

11. Clause 4.1 of the notification provides that eligibility for admission to post graduate broad-sociality courses shall be in accordance with the National Exit Test Regulations, 2023. However, the proviso thereto expressly clarifies that, until candidates qualify through NEXT become eligible for such admissions, the existing admission framework based on NEET-PG, as regulated by PGM 2000 shall continue to operate. It further authorises the post graduate medical education board to determine the modalities for conducting NEET-PG. Additionally, eligibility for super speciality courses is to be determined through





NEET-SS and admissions are to be made on the basis of all India and State merit lists prepared from NEXT or NEET-PG/s course.

12. A plain reading of Regulation 8 (3) of the Regulations of 2000 makes it evident that a candidate selected for admission to a post graduate medical course must have obtained permanent registration with the Medical Council of India for any State Medical Council, or must obtained the same within a period of one month from the date of admission, failing which the admission is liable to be cancelled. The said provision, as substituted by Notification dated 20.10.2008 published in the Gazette of India, retains this substantive requirement in its entirety and continues to grant a grace period of one month from the date of admission for securing such registration. The Regulation 8 (3) of the Regulations of 2000 is reproduced as under:

"8. General:-

(3). Every student, selected for admission to a Post Graduate medical course in any of the medical institutions on acquiring MBBS Degree or an equivalent qualification thereto shall have obtained permanent registration with the Medical Council of India, or any of the State Medical Council(s) or shall obtain the same within a period of one month from the date of his/her admission, failing which his/her admission shall stand cancelled;"

Regulation 8 (3) was thereafter substituted in terms of notification published in the Gazette of India dated 20.10.2008, the same is also reproduced as under:-

"Every student, selected for admission to a Post Graduate medical course in any of the medical institutions on acquiring MBBS Degree or an equivalent qualification thereto shall have obtained permanent registration with the Medical Council of India, or any of the State Medical Council(s) or shall obtain the same within a period of one month from the date of his/her admission, failing which his/her admission shall stand cancelled;





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The sentence "training restricted to the medical college/institution to which he is admitted for the time being exclusively for Post Graduate studies" has been substituted in terms of Notification published in the Gazette of India on 20.10.2008.

"course limited to the medical college/institution to which he/she is admitted for the time being exclusively for pursuing postgraduate studies";

13. A conjoint and harmonious reading of the Notification dated 29.12.2023 and Regulation 8 (3) of the Regulations leaves no manner of doubt that the statutory Scheme does not mandate the possession of the permanent registration certificate as an inflexible pre-condition at the time of reporting or admission. On the contrary, it expressly permits the candidate to obtain such registration within one month from the date of admission. This reflects a purposive legislative intent aimed at preventing undue hardship to the meritorious candidates, who may be in the process of obtaining permanent registration at the relevant point of time.

14. In contradiction, the reliance placed by the respondents on Clause 4.6 of the NEET-PG 2025 Information Bulletin, which mandates the production of the documentary proof of registration at the time of examination and counselling/admission, is legally untenable. It is a well settled principle of law that administrative/executive instructions, guidelines or information bulletins cannot override, supplant or be in a derogation of statutory regulations. In the event of any inconsistency, the statutory provisions must prevail. The relevant Clause 4.6 is reproduced hereunder:-

" 4.6. Registration with the NMC/ the erstwhile Medical Council of India or State Medical Council is necessary and its documentary proof should be





furnished by the candidates on the day of examination and at the time of counseling/admission."

15. In the present case, it is an undisputed position that the petitioner possessed a valid Provisional Registration Certificate, on the strength of which, she not only completed her internship but was also discharging her duties as a Medical Officer under the State of Chhattisgarh. It is further admitted that the petitioner had already applied for permanent registration and was in the process of fulfilling the requisite bond conditions imposed by the State authorities. Significantly, during the pendency of the present writ petition, the petitioner has been granted a Permanent Registration Certificate dated 09.03.2026 (Annex.24) by the Chhattisgarh Medical Council.

16. In view of the foregoing discussion, the action of the respondents in denying admission to the petitioner solely on the ground of non-production of the Permanent Registration Certificate at the time of reporting is arbitrary, and in direct contravention of Regulation 8 (3) of the Regulations of 2000, as well as the governing framework under the NMC Notification dated 29.12.2023. Once the statutory regulations expressly permit a candidate to obtain permanent registration within one month from the date of admission, the respondents could not have curtailed such right by imposing a more onerous condition through an information bulletin. Such an approach defeats the very object and purpose of the regulations and results in denial of a valuable right accrued to the petitioner on the basis of her merit in NEET-PG 2025. Accordingly, the impugned action of the respondents is unsustainable in the eyes of law.



17. In view of the above discussion, the writ petition deserves to be allowed. The impugned order dated 28.02.2026 (Annex.16) is quashed and set aside and the respondents are directed to grant admission to the petitioner in the M.D. (Anesthesiology) course at the S.N. Medical College, Jodhpur within a period of seven days from the date of receipt of certified copy of the order.

(DR. NUPUR BHATI),J

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