

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 4th OF NOVEMBER, 2025

WRIT PETITION No. 43121 of 2025

DR. ROMA MOOLCHANDANI AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Anshuman Singh and Shri Vishal Baghel - Advocates for the petitioners.

Ms. Janhavi Pandit - Additional Advocate General for respondents/State.
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ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

Petitioners who are qualified MBBS Doctors serving under the Government of Madhya Pradesh impugn the action of the respondent No.4 - Directorate of Public Health & Medical Education whereby 20% incentive marks have been given to the petitioners for NEET PG-2025 Counselling. The contention of the petitioners is that they are eligible to 30% incentive marks and not 20% incentive marks. As per the petitioners, they have completed three years continuous service in rural/remote/difficult areas and as such are eligible to 30% incentive marks. Reliance is placed on Madhya Pradesh Niji Vyavsayik Shikshan Sansthan Pravesh Adhiniyam Evam Shulk Ka Nirdharan Adhiniyam, 2007. It is contended that as per the said Rules, all In-service MBBS Doctors who are serving in rural/remote and difficult

areas are entitled to 10% additional incentive marks for completing one year service, 20% for completing two years service and maximum 30% for completing three years or more than three years of service. All the petitioners are MBBS Doctors serving in rural/remote/difficult areas. Respondents have awarded 20% incentive marks to each of the petitioner. The prayer of the petitioners is that they are entitled to 30% incentive marks as they have completed three years of service as on the date of calling of the information for the said examination.

2 . *Per contra*, learned Additional Advocate General submits that as per the Government order dated 28.02.2019, the cut off date for determining the period of service rendered is 31st March of the year of the examination. Learned Additional Advocate General appearing for the respondents/State further submits that keeping in view the result of the period of internship, the date is extended from time to time. She submits that in the year 2023, the date was extended from 31st March to 11th August, 2023 and in the present case, it has been extended to 31st July, 2025.

3. Reference may be had to Clause 3.2 of the Government order dated 28.02.2019 which reads as under:

"(3.2) भारतीय चिकित्सा परिषद अधिनियम, 2000 (संशोधित मई 2018 तक) के नियम 9 (08) के अनुसार स्नातकोत्तर डिप्लोमा पाठ्यक्रमों में 50 प्रतिशत सीटें सरकारी सेवा में उन चिकित्सा अधिकारियों के लिए आरक्षित होंगी, जिन्होंने ग्रामीण / दूरस्थ एवं कठिन क्षेत्र में कम से कम 3 वर्ष तक की सेवा की है एवं निम्नलिखित अर्हता पूर्ण करते हैं: -

जो अभ्यर्थी स्नातकोत्तर पाठ्यक्रम प्रवेश वर्ष के 31 मार्च को चिकित्सा अधिकारी के रूप में मध्यप्रदेश शासन के लोक स्वास्थ्य एवं परिवार कल्याण विभाग अथवा किसी विभाग अथवा राज्य / जिला स्वास्थ्य समिति के अंतर्गत नियमित अथवा संविदा में अनुसूची (1) एवं (2) में वर्णित नियम 2 अनुसार ग्रामीण / दूरस्थ एवं कठिन क्षेत्र में स्थित संस्थाओं में कार्यरत रहे हों एवं वर्तमान में कार्यरत हों।

इस नियम प्रयोजन के लिए अर्हकारी सेवा हेतु कालावधि की गणना नियमों में चिन्हित चिकित्सा संस्थाओं में सेवा के लिए उस स्थिति में नहीं की जायेगी जब अभ्यर्थी ऐसी संस्थाओं से भिन्न क्षेत्र में पदस्थ अथवा संलग्न रहा हो अथवा उस कार्यकाल के दौरान अनाधिकृत रूप से कर्तव्य से अनुपस्थित रहा है/कोई डायजनॉन अवधि हुई है/ कोई अवैतनिक छुट्टी पर रहा है।"

Clause 3.2 of the aforesaid order creates a reservation of 50% seats for In-service candidates which has later on been amended and extent reduced to 30%. The aforesaid clause stipulates that the candidates who have completed three years service in rural/remote/difficult areas as on 31st March of the year in which the examination is held and are still in service of the State Government are eligible for the benefit of reservation.

4. Reading of the Clause shows that the cut off date for determining the eligibility is 31st March of the year subject to the fact that the candidate is still in the service of the State Government. We find no merit in the contention of the learned counsel for the petitioner that 31st March has no relevance and the date on which the information is called for should be taken as the crucial date for determining the eligibility. Said clause cannot be interpreted in the manner in which learned counsel for the petitioner is suggesting. In case it is so read then the stipulation of the cut off date of 31st March will become otiose and said clause would have to be read as if no date has been prescribed. No doubt that respondents have enlarged the date from time to time keeping in view the date of completion of the internship period and even in this year the date has been extended from 31st March to 31st July, 2025 but that does not mean that there is no cut off date.

5. Consequently, we find no merit in the contention of learned counsel for the petitioner that the petitioners are entitled to the benefit of 30% incentive marks and also reservation. Only those candidates who have completed three years of rural/remote/difficult areas service would be entitled to get reservation as also 30% incentive marks. Since none of the

petitioners have put in qualify period in rural/remote/difficult areas of three years as of the cut off date, they would not be entitled to either reservation or 30% incentive marks. They would be entitled to incentive marks as per the period completed as on the respective cut-off date. We find no merit in this petition. Consequently, the petition is **dismissed**.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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