



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 295 of 2025

State Of U.P. Thru. Its Prin. Secy. Deptt. Of
Medical Educational And Training Lko. And
Another

.....Appellant(s)

Versus

Sabra Ahmad

.....Respondent(s)

Counsel for Appellant(s)	: Syed Mohammad Haider Rizv
Counsel for Respondent(s)	: Moti Lal Yadav

Court No. - 1

Orders Reserved on 02.09.2025
Orders Pronounced on 04.09.2025

**HON'BLE RAJAN ROY, J.
HON'BLE MANJIVE SHUKLA, J.**

1. This special appeal has been filed under Chapter VIII Rule 5 of the Allahabad High Court Rules by the State challenging the judgment and order dated 25.08.2025 passed by the writ Court in Writ C No. 7820 of 2025 by which the said writ petition has been allowed with certain observations and directions.

2. A copy of the writ petition is on record. The relief clause of the writ petition which has been allowed reads as under:

"Wherefore your lordship may kindly be pleased to issue:

*i issue a writ in the nature of certiorari thereby quash the Unlawful Reservation of 73%, 6% and 13% to SC, ST and OBC Categories published in SEAT NATRIX on 31-7-25 by opposite party No. 2 as against 21%, 2% provided for the SC ST and 27% provided for other back ward classes respectively in the Act. Which is content act **Annexure No-3** with this writ petition.*

ii. Issue writ order or direction in the nature of mandamus directing the opposite party NO. 2 to make allotment of MBBS Seats as per the "The Uttar Pradesh Admission to Educational Institutions Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes Act,

2006 (Act 23 of 2006) with immediately effect.

iii. any other writ order or direction which this Hon'ble Court deem fit and proper may also be passed in favor of the petitioner."

3. The facts of the case, in brief, are that on 18.06.2025 NEET undergraduate counselling process for the academic year 2025-26 was formally initiated in pursuance to a Government Order dated 18.06.2025. On 24.06.2025 a detailed Brochure pertaining to the counselling process was published. The aforesaid Government Order and Brochure contained the reservation status in respect of four State run Medical Colleges situated at Ambedkar Nagar, Kannauj, Jalaun and Saharanpur. These Medical Colleges were established under a Special Component Plan for Scheduled Castes sometime in 2011 or thereafter.

4. While the admission process was on, the respondent-petitioner appeared in NEET-2025 bearing application no. 250411839816 and admit card roll no. 4408406042 secured 523 marks with an all India rank of 29061. She registered for counselling on 22.07.2025. She represented against the alleged illegal reservation of seats contrary to the provision of the Uttar Pradesh Admission to Educational Institutions, Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes, Act, 2006 (hereinafter referred to as the 'Act, 2006'), however, she locked her choice on 04.08.2025. Thereafter, it appears apprehending that she may not get admission on account of excessive reservation for Scheduled Castes, filed a writ petition on 07.08.2025 before a learned Single Judge Bench of this Court which was listed on 14.08.2025 and taken up on the same day i.e., 14.08.2025. The petition was ordered to be listed on 18.08.2025 and the standing counsel was ordered to seek instructions. Based on the instructions received by the standing counsel, the matter was heard and at the admission stage itself the said petition was allowed, without calling for a counter affidavit from the appellants.

5. In the interregnum the respondent-petitioner was offered admission in a State run Medical College at Lakhimpur Kheri on 14.08.2025.

6. Mr. J.N. Mathur, learned Senior Counsel appearing for the State submitted as under:

(i) None of the Government orders which have been quashed were under challenge in the writ petition.

(ii) None of the affected persons belonging to reserved category of Scheduled Castes were impleaded as opposite parties in the writ petition.

(iii) The relief which was not prayed for has been granted.

(iv) It was also pointed out that the time frame for completing the 1st round of counselling is already over and out of 13093 seats 12888 allotments have been made against which 10251 candidates have taken admission.

(v) Only 2842 seats are available for further counselling out of which 540 are for BDS course and 2302 are for MBBS. Out of 2302 seats for MBBS 1927 are in private Institutions where reservation does not apply and 372 seats are in Government Medical Colleges. Out of these 372 seats 82 are reserved for SC, 11 for ST, 57 for OBS and 15 for EWS.

(vi) Most of the good/Government college seats are filled up after the 1st round of counselling. Therefore, whosoever is displaced as a consequence of implementation of the judgment will not be able to take admission in the current academic year. Respondent-petitioner has been allotted a seat in an Autonomous State Medical College at Lakhimpur Kheri.

(vii) It was also his submission that only one candidate has challenged the process of selection and there is nobody else who has come to Court challenging the same rather they have all participated in the counselling process.

(viii) The adversity faced by the students is that to opt one seat, a student has to relinquish all other allotted seats (in any/all States) allotted under the All India Quota/State seats on the basis of his/her merit.

(ix) In compliance of the order of learned Single Judge the entire 1st round of counselling would have to be cancelled, the admitted students across the State as well as those who have secured seats under the All India Quota, shall be adversely impacted as the entire seat matrix based on merit cum choice allocation would be disturbed. The opportunity lost in giving up the seats elsewhere to take up the seat in UP cannot be revoked/reverted.

(x) In case the judgment dated 25.08.2025 passed by learned Single Judge is implemented in the four Institutions herein, a fresh seat matrix will have to be issued, cancelling the earlier issued seat matrix. For applying

reservation, all the Colleges, including the four Colleges herein have to be merged under the same roster and be alphabetically arranged and reservation roster has to be applied and, thus, the fate of all the 10251 students who have already secured their admission on the basis of their merit would be impacted adversely.

(xi) However, on being confronted with the legal issues discussed in the impugned judgment with respect to 70% quota reservation provided to the Scheduled Castes candidates for admission to the MBBS Course in the aforesaid four Medical Colleges which are Government run colleges, especially in view of the fact that there is an enactment, namely, Uttar Pradesh Admission to Educational Institutions, Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes, Act, 2006, according to which, only 21% reservation could be provided to Scheduled Castes in the matter of admission to professional courses such as the one at hand, although he referred to the Special Component Plan, some policy guidelines of the Central Government and the contents of the Government Orders dated 20.01.2010, 21.02.2011, 13.07.2011, 19.07.2012, 17.07.2013 and 13.06.2015 to contend that the Colleges were set up especially for taking care of the rights and interests of the Scheduled Castes persons and this is how reservation has been applied in terms of the said Government Orders since 2011, but, ultimately he submitted that he does not join issue nor does he point out any illegality in the impugned judgment, but, the Government is faced with a piquant situation where if the judgment is complied for the current academic year, it would throw the entire admission process haywire and create chaos.

(xii) His submission was that the first round of counselling was already over and the children have been offered admission in these four Medical Colleges apart from other Medical Colleges which were part of the counselling, as already mentioned earlier. If the judgment is implement, firstly about 200 Scheduled Castes candidates who have been granted admission in these four Medical Colleges would be thrown out at this stage and will have no other choice available to take admission in any other college of their choice whether in this State or outside it nor in the All India Quota as the counselling period for the 1st round was only from 18.07.2025 till 26.08.2025 which is already over. Apart from jeopardizing the educational prospects of these candidates who belong to downtrodden strata of society, this would be too much for these candidates and their family to bear the shock of cancellation of their candidature at this stage. Even otherwise, if the judgment impugned is to be complied, the State will

have to cancel the entire process of counselling throughout the State of U.P., as, there may be many who may have got admission in other colleges, Government or private, who could have otherwise opted for unreserved seats in these four Medical Colleges against which reserved candidates have been offered admission.

(xiii) He further submitted that the Government has no qualms in implementing the judgment from the next academic year and he does not intend to join issue on the legal points decided by the learned Single Judge, but, wants to prevent absolute chaos in the admission process for the current academic session which may not only affect counselling in the State of Uttar Pradesh but may also have a cascading effect on counselling in other States as many of the students who may now be ousted may have otherwise been eligible for admission against the seats under the All India Quota in other States or even in the State Quota in other States and vice versa. If the judgment is implemented for the current year academic year it will result in lot of confusion, uncertainty and chaos which is not in anybody's interest, therefore, he submitted that the admission/counselling process which has been undertaken may be allowed to be taken to its logical conclusion as it is for the current academic year subject to undertaking of the State Government that for the next academic year i.e. 2026-27 reservation shall be provided strictly in terms of the Act, 2006 in the Medical Colleges in question.

7. *Per contra*, Mr. Moti Lal Yadav, learned counsel appearing for the respondent-petitioner submitted that his client had informed the Director General concerned on 03.08.2025 about the illegality in the admission process but the said application was not taken heed of. Although his client has been admitted to another autonomous college in Lakhimpur Kheri, she was entitled to be considered for a seat in any of the aforesaid four Colleges but for the illegal process adopted by the State authorities. He further submitted that she should be considered for admission in the college situated at Ambedkar Nagar. According to him, otherwise there is no infirmity in the judgment of the Writ Court.

8. We have been informed, during course of hearing, that the Government Orders which have been quashed by the learned Single Judge, which, in fact, were not under challenge before him, are the subject matter of challenge in another writ petition bearing Writ C No. 19686 of 2020 and other connected petitions which are pending consideration before a Division Bench of this Court at Allahabad.

9. We have perused the memo of the writ petition and do not find any of the students who would be affected by the relief granted by learned Single Judge as having been impleaded or having been given any opportunity of hearing before passing the impugned judgment, apart from the fact that no counter affidavit was called and the petition was decided veritably on the 1st day or second day at the admission stage.

10. As far as the legal position is concerned, the Act, 2006 prescribes 21%, 2% and 23% reservation for SC, ST and OBC in admission to professional courses in Educational Institutions, which includes the Institutions and the MBBS courses in question. This is also within the permissible limit of 50% reservation prescribed by Hon'ble the Supreme Court of India but since 2011 the appellants have been applying 70% reservation for SC candidates vide Government Orders dated 20.01.2010, 21.02.2011, 13.07.2011, 19.07.2012, 17.07.2013 and 13.06.2015 in the four Medical Colleges which were set up especially to further the interest of Scheduled Castes students.

11. According to appellants, chaos and uncertainty will result if the judgment is implemented for the current academic session. They undertake to implement it from the next academic session i.e. 2026-27.

12. Having given our thoughtful consideration to the entire facts and circumstances before us, especially in view of the undertaking given on behalf of the State Government by learned Senior Counsel, Mr. J.N. Mathur that from the next academic year the judgment of the writ Court would be complied strictly and reservation for Schedule Castes shall not exceed 21% as prescribed by the Act, 2006 in the aforesaid four Medical Colleges which are situated at Ambedkar Nagar, Kannauj, Jalaun and Saharanpur, and only to prevent chaos in admission to MBBS for the academic year 2025-26, as, none other than the respondent-petitioner, whether of OBC or Unreserved category, has challenged the said process, the respondent has already got admission in a Government run/funded Medical College at Lakhimpur Kheri, the time schedule fixed for completing the 1st round of counselling is already over and it is said that out of 13093 seats, 12888 have been allotted and 10251 candidates have taken admission, only 82 seats are still vacant for Scheduled Castes in Government Medical Colleges, many of the Scheduled Castes candidates (about 190-200) who have been admitted in the aforesaid four colleges may have left their all India or State seats whether in this State or other States and may have chosen to opt for the seats in these four Medical

Colleges which are Government owned requiring them to pay lesser fee than what other colleges may charge and they will not have a fair opportunity to seek admission elsewhere as very few reserved seats are left in Government colleges and they may not be in a position to pay fee of private colleges and, as, otherwise, the entire counselling process at least in the State of U.P., if not in other States, may be adversely affected and a fresh counselling would have to be held, as a one time measure, we provide as under: -

(a) The students belonging to the reserved category who have been admitted against the sanctioned seats in the aforesaid four Government Medical Colleges in excess of the reservation quota for Scheduled Castes shall, as far as possible, be adjusted against reserved seats in any other Government Medical College without affecting the right, if any, of any other Scheduled Castes candidate having higher merit. The candidates having lower merit shall be adjusted first. Consequently, the fee deposited by such candidates would also be adjusted in the other College.

(b) The resultant vacancy, if any, in these four Medical Colleges shall be offered for admission in the next round of counselling to candidates of other categories i.e. OBC and Unreserved.

(c) Such Scheduled Castes candidates who cannot be adjusted as aforesaid, they shall be allowed to pursue their MBBS course for which they have been admitted in these four Medical Colleges, subject to further orders.

(d) The respondent-petitioner who belongs to the OBC category, as claimed, shall be adjusted against one seat in the Medical College at Ambedkar Nagar, if she expresses her choice in writing to be so adjusted. This arrangement has been acceded to by the appellants' counsel on the basis of instructions received from the Officers who are present in Court. We may also point out that we had suggested this as a possible course of action to the counsel for the respondent-petitioner during hearing whereupon he submitted that without prejudice to his stand on the legal issues involved, such a direction or order would protect the rights of his client if she is adjusted at Ambedkar Nagar.

(e) To facilitate the aforesaid, directions contained in the impugned judgment for holding fresh counselling for the current academic year shall remain in abeyance, subject, however, to the observations and directions contained in this order.

13. Although oral undertaking has been given regarding the next academic year as noticed earlier in Para 6 (xiii), a written undertaking in this regard in the form of an affidavit shall be filed by the appellants within one week from today, failing which this order shall cease to operate.

14. List this case in the 2nd week of October, 2025 when the appellants shall file an affidavit as to how this order has been implemented.

15. A copy of this order shall be served on all affected Scheduled Castes candidates in the four Medical Colleges and affidavit of service shall be filed.

16. Pleadings be exchanged between the parties.

(Manjive Shukla,J.) (Rajan Roy,J.)

September 4, 2025

Santosh/-