

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No 2975 of 2022
(Arising out of SLP (C) No 6189 of 2022)

Dr Rajni Shende

Appellant

Versus

State of Madhya Pradesh and Others

Respondents

ORDER

- 1 Leave granted.
- 2 The appeal has arisen from a judgment dated 16 March 2022 of a Division Bench of the High Court of Madhya Pradesh in Writ Petition No 3138 of 2022.
- 3 The appellant has been working as a Medical Officer with the State of Madhya Pradesh on a regular basis for over eleven years. The appellant has stated that out of the eleven years of service, she has served for six years in District Betul which is a notified tribal district and that the remaining period has been spent while serving in a Community Health Centre at Katangi in the District of Balaghat.

- 4 Under the Madhya Pradesh Medical Education Admission Rules 2018, as amended, an in-service reservation is provided for serving candidates, defined as any candidate who is serving in a department of the Government of Madhya Pradesh who has registered on the portal after obtaining a No Objection Certificate from the employer.
- 5 The appellant appeared in the NEET-PG entrance examination and secured 317 marks. In-service candidates are entitled to the allocation of certain preference marks. In the present case, the eligibility of the appellant as an in-service candidate is not in issue. The dispute pertains to whether there was compliance with procedural requirements.
- 6 By the order of this Court dated 11 April 2022, one seat was directed to be kept vacant in the MS Obstetrics and Gynecology in GMC, Bhopal. In pursuance of the return of notice, we have heard Mr Saurabh Mishra, Additional Advocate General for the State of Madhya Pradesh, besides learned counsel for the appellant.
- 7 As an in-service candidate, the appellant would be entitled to the award of incentive marks in accordance with the applicable rules. Upon the grant of incentive marks to which the appellant is entitled, the appellant would be entitled to the allotment of the vacant seat which has been set apart in view of the interim order of this Court noted above.

- 8 Hence, in the exercise of the jurisdiction of this Court under Article 142 of the Constitution, we direct that the State of Madhya Pradesh shall now process the application of the appellant as an in-service candidate and award her incentive marks in accordance with law. On that basis, the appellant shall be allotted the seat which has been directed to be kept vacant, namely, a post graduate seat in Obstetrics and Gynecology at GMC, Bhopal. The above direction is passed in the circumstances noted above, without expressing any opinion on any broader aspects of law which are kept open to be resolved in an appropriate case.
- 9 The appeal is accordingly allowed in the above terms and the judgment of the High Court is set aside.
- 10 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Surya Kant]

New Delhi;
April 18, 2022
CKB

ITEM NO.43

COURT NO.4

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.6189/2022

(Arising out of impugned final judgment and order dated 16-03-2022 in WP No.3138/2022 passed by the High Court of M.P. Principal Seat at Jabalpur)

RAJNI SHENDE

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

(With I.R. and IA No.51147/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.51149/2022-EXEMPTION FROM FILING O.T. and IA No.51644/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Siddharth R Gupta, Adv.
Mr. Abhikalp Pratap Singh, AOR
Mr. Shivam Baghel, Adv.
Ms. Sunita Gupta, Adv.
Mr. Pranjal Agarwal, Adv.

For Respondent(s) Mr. Saurabh Mishra, AAG
Mrs. Mrinal Elker Mazumdar, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Leave granted.
- 2 The appeal is disposed of in terms of the signed order.
- 3 Pending orders, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master
(Signed order is placed on the file)