

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

AND

THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

Writ Petition No.28320 of 2026

Date of Order : 01.09.2026

BETWEEN :

Chatla Susheel Kumar, S/o.Sri Chatla Madhu

...petitioner

Vs.

The State of Telangana, rep. by its
Principal Secretary, Health, Medical
and Family Welfare (C1) Department,
Secretariat, Hyderabad and 4 others

... Respondents

ORDER: *(per Hon'ble Sri Justice P.SAM KOSHY)*

The instant Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India praying the Court to issue an appropriate Writ, order or direction, more particularly one in the nature of a *Writ of Mandamus* by declaring Clause (iii)(a) of Rule 4 of the Telangana Medical and Dental Colleges Admission (Admission into MBBS & BDS Courses) Rules, 2017 vide G.O.Ms.No.75, Health, Medical and Family Welfare (C1) Department, dated 04.07.2023, insofar as it omits and excludes altogether the holders of NCC Certificate "A"

from the graded scheme of grace marks introduced, as arbitrary, discriminatory, manifestly unreasonable and contrary to object and policy of the National Cadet Corps Act, 1948 and also violative of Articles 14, 15(4) and 21 read with Article 46 of the Constitution of India.

2. Heard Mr. B.Mayur Reddy, learned Senior Counsel representing Mr. Mahesh Mamindla; the learned Government Pleader for Medical and Health for respondent No.1; Mr. T. Sharath, learned counsel for respondent No.2; and Mr. N. Bhujanga Rao, learned Deputy Solicitor General of India, for respondent No.3

3. The petitioner herein is a minor and he is represented through his natural guardian, i.e., his father.

4. Respondent No.1 is the Administrative Department of the State of Telangana which governs the admissions into Medical and Dental Courses in the State of Telangana.

5. Respondent No.2 is the University which conducts admission into MBBS and BDS Course under the competent authority quota. On 04.08.2026, the respondent No.2-University issued Notification for conducting admissions into MBBS and BDS Courses for the Academic Year 2026-27.

6. Respondent No.1 issued G.O.Ms.No.75, dated 04.07.2023, amending the Telangana Medical and Dental Colleges Admission (Admission into MBBS & BDS Courses) Rules, 2017, whereby certain amendments were brought to eligibility criteria for admission into MBBS and BDS courses for the Academic Session 2026-27.

7. Till the Academic Session 2024-25, the Government had reserved 1% horizontal reservation for NCC cadets by a graded scheme of grace marks. However, for the Academic Session 2025-26, the Government issued G.O.Ms.No.75, dated 04.07.2023 whereby the reservation of 1% of seats for NCC cadets was done away with and, instead NCC cadets were ordered to be provided with extra grace marks.

8. The relevant portion of the amendment brought in by way of the aforesaid G.O.Ms.No.75, dated 04.07.2023, is reproduced hereunder for ready reference, viz.,

“(2) In Rule 4, after clause (iii) and the paragraph thereunder, the following clause shall be inserted namely,

(iii)(a) Grace marks for NCC cadets:

NCC cadets who have obtained NCC certificates prior to qualifying exam i.e., Intermediate or its equivalent who have qualified NEET UG and who have applied for admission, shall be provided with grace marks to be added to NEET score as follows,

S.No.	Category	% of Grade Marks
i.	Participation in Republic Day Camp (R.D.C.)	7%
ii.	Participation in Thal Sainik Camp (T.S.C.) / Vayu	5%
iii.	NCC 'B' Certificate	3%

The Director NCC, Telangana State shall depute officers to the verification centre as per the requisition from Registrar, KNRUHS, Warangal. The verification officers shall submit candidate wise verified certificates list to Registrar, KNRUHS. The decision of verification officers is final with respect to verification of above certificates. KNRUHS will prepare merit list after addition of grace marks as per the verified data submitted by the Directorate of NCC.”

9. The grievance of petitioner is not insofar as the change of policy or doing away with 1% of the reservation rather it is a case where the petitioner is aggrieved of only so far as by virtue of the amendment there is an omission of granting grace marks to the holders of NCC Certificate 'A'. Therefore, the main grievance of petitioner is that by virtue of above amendment, the Government through its policy has decided to grant grace marks to the holders of NCC Certificate 'B' thereby specifically excluding holders of certificate 'A' amounting to a manifest arbitrariness and also violative of Article 14 insofar as it being discriminative and also in violation of the fundamental rights in the Constitution of India.

10. According to learned counsel for the petitioner, there is absolutely no reason available with the respondents to keep away the holders of

certificate 'A' from being granted grace marks, more particularly when category 'B' holders are being provided with grace marks. He therefore contended that this amounts to unreasonable classification and violates Article 14 of the Constitution of India.

11. Learned counsel for the petitioner further contended that the nature of training undertaken by the NCC cadets is more or less the same insofar as pattern, training, camps and other examinations are concerned, and the only difference is the stage of education at which each candidate had attained. He further submitted that Certificate 'A' is given to the students in the junior division, i.e., students studying in schools uptill Class X, whereas Certificate 'B' is provided to students studying in school in the second level, i.e., students who are pursuing their studies beyond Class X. According to learned counsel for the petitioner, the scheme framed by the State Government has to be judicially sustainable more particularly when it comes to grant of benefits to a certain category of students who have got enrolled in NCC. Once having got enrolled in NCC, irrespective of whether they have obtained Certificate 'A' or Certificate 'B', and when incentives have to be provided there should be no differentia which could be made in between the candidates who have got different certificates. Only because Certificate 'A' is given to students of

the last rung, it does not mean that they should be excluded from grant of incentive when it comes to providing grace marks in the NEET score.

12. In support of his contention, learned counsel for the petitioner relied on the decision of the Hon'ble Apex Court in the case of **Deepak Sibal vs. Punjab University and another**¹.

13. *Per contra*, learned counsel appearing on behalf of the respondent No.1 contended that the writ petition itself is not sustainable for the reason that, when a similar issue had come up for consideration before this Court for the same Academic Session, in the case of **Silamkoti Yanjeena vs. The State of Telangana**², the learned Division Bench headed by Hon'ble The Chief Justice, after hearing the learned counsel for the petitioners at length, where the same policy and same amendment was put to challenge, had dismissed the writ petitions. He further contended that the learned Division Bench had in very categorical terms held that there does not seem to be any legal infirmity or any constitutional infirmity in the course of issuance of G.O.Ms.No.75, dated 04.07.2023.

¹ (1989) 2 SCC 145

² Writ Petition Nos.22049&22854 of 2025, dated 17.11.2025

14. Learned counsel for respondent No.1 submitted that even otherwise it is pure policy decision of the State Government insofar as providing of either incentives for NCC candidate or reservation as was being done in the past and since it is a policy decision of the State Government the scope of interference is too minimal; and therefore, contended that there are no merits in the writ petition and the same is liable to be dismissed.

15. Having heard the contentions put forth on either side and on a perusal of the record so far as the first objection raised by the learned counsel for respondent No.1, it is necessary to look into whether the ground raised by the learned counsel for petitioner herein was in fact a ground raised in the course of deciding those two writ petitions (referred supra) in the previous Academic Session. It would be relevant at this juncture to refer to the analysis and reasoning given by the learned Division Bench in the case of **Silamkoti Yanjleena (2 supra)**, where the same provision of law and its constitutional validity was under challenge. The relevant portion of the order passed by the learned Division Bench is reproduced hereunder, viz.,

“13. We have carefully considered the pleadings, arguments advanced and the relevant G.Os.

14. *The fundamental and foremost principle that guides our decision is the limited scope of judicial review in matters of policy formulation. It is well settled that the Court does not sit in appeal to examine the wisdom or efficacy of a policy formulated by the State. The choice between providing a reservation quota or awarding grace marks is a matter of legislative and executive policy, in which the interference of this Court is very limited and restrictive.*

15. *The petitioners have failed to demonstrate that the policy of awarding grace marks is manifestly arbitrary or violative of any constitutional or legal provision, and in the absence of the same, this Court must exercise restraint.*

16. *The petitioners' claim of violation of Article 14 of Constitution on the grounds of arbitrariness on the ground of substitution of policy of 1% reservation with award of grace marks is untenable.*

17. *The respondents in its counter-affidavit have provided cogent and convincing reasons for shifting the policy from 1% reservation to the award of grace marks. The objective was to extend the benefit of incentive to a broader base of NCC cadets who qualify in the NEET rather than confining it to small number of students, who might secure the few seats under 1% quota. This objective is apparently legitimate and the method of awarding grace marks appears to be directly and rationally connected to achieving the object of incentivising larger number of students to join NCC. The argument of the petitioners that the award of grace marks is not beneficial, is the matter of subjective perception of the petitioners and by itself, does not render the policy made by the State either arbitrary or illegal.*

18. *The doctrine of legitimate expectation cannot be invoked to compel the State or its instrumentality to either create or continue in perpetuity the policy which in the subjective perception of individual(s) is beneficial. The petitioners have no vested legal right to seek the*

continuation of 1% reservation for NCC cadets in the admission to MBBS/BDS. The State is well with its rights to alter its policies in public interest. The plea of legitimate expectation of the petitioners, is therefore, without any basis and is rejected.

19. The petitioners' reliance on G.O.Ms.No.44 of the neighbouring State of Andhra Pradesh is completely misplaced. The fact that the neighbouring State has chosen a different policy model of combining grace marks with mixed quota of reservation does not create any obligation on the State of Telangana to emulate the same. The State is free to make and/or adopt policies suited to its specific needs and circumstances.

20. It is not the case of the petitioners that the State has withdrawn all incentives for NCC cadets. The State has merely altered the form of incentive from a reserved percentage of seats to a marks-based alternative by award of grace marks to various categories of students who participated in the NCC. The grace marks system recognises and rewards the achievements of NCC cadets by improving the rank of the NCC cadets in the highly competitive NEET exam of admission to MBBS/BDS. The award of grace marks is a substantial benefit and cannot be termed as illusory or less beneficial.

21. The revised policy of award of grace marks aligns with the well recognised principle of selecting candidates for professional medical courses, primarily on the basis of merit. The award of grace marks rightly incentivizes extra-curricular contributions by students who are members of the NCC by enhancing the candidates within the merit list, across all categories, ensuring that the final selection is based on the merit list.

22. For the foregoing reasons, we find no constitutional or legal infirmity in the replacement of G.O.Ms.No.114, dated 05.07.2017 with [G.O.Ms. No.75](#), dated 04.07.2023. The policy decision of the State to

replace the 1% NCC quota with a system of grace marks is neither arbitrary nor unreasonable or illegal. It is a valid exercise of the executive power and aimed at achieving a broader and more equitable distribution of the benefits amount to all eligible NCC cadets.

23. Accordingly, the Writ Petitions are dismissed. There shall be no order as to costs.”

16. Though this Bench finds that the issue as such raised in the instant writ petition insofar as exclusion of holders of Certificate ‘A’ from getting an incentive under G.O.Ms.No.75, dated 04.07.2023, the learned Division Bench headed by the Hon’ble The Chief Justice had in the course of deciding the above two writ petitions had, in fact, gone into the very scope of judicial review in matters involving policy decision made by the State Government, and in the process, had reached to the conclusion that the choice of providing reservation quota or awarding grace marks is a matter of Legislative and Executive policy. The learned Division Bench therefore found it to be apparently legitimate so far as the decision of awarding grace marks is concerned as it was directly and rationally connected to achieving the object of incentivizing larger number of students from the NCC.

17. Insofar as exclusion of Certificate ‘A’ holders from being awarded grace marks, what is prima facie appearing is that Certificate ‘A’ is (as held earlier) provided to students below Class X, and Certificate ‘B’ is

awarded to students who have done Class X + 2. Therefore, Class X + 2 is the minimum qualification required for participating in the NEET examination and therefore the Government decided to provide grace marks for students having Certificate 'B' which, in other words, would mean that there would be no incentive to students who have discontinued themselves from NCC beyond Class X or, in other words it would mean to provide incentive to only those candidates who have pursued NCC up till their 12th Standard which enables them to obtain Certificate 'B' . This, in the opinion of this Bench, is in itself a reasonable classification which can be drawn by the policy-makers.

18. It would be relevant at this juncture to take note of the observations made by the Hon'ble Apex Court in the case of **Deepak Sibal (1 supra)**, wherein it was held at paragraph No.9 as under, viz.,

“9. It is now well settled that Article 14 forbids class legislation, but does not forbid reasonable classification. Whether a classification is a permissible classification under Article 14 or not, two conditions must be satisfied, namely, (1) that the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group, and (2) that the differentia must have a rational nexus to the object sought to be achieved by the statute in question.”

19. From the aforesaid facts, circumstances and the judicial precedents referred supra and discussed in the preceding paragraphs, this Bench is of

the considered opinion that as has been held by the learned Division Bench in **Silamkoti Yanjeena (2 supra)**, there does not seem to be any constitutional or legal infirmity insofar as the reasonable classification that had been drawn by respondent No.1 in the course of issuance of G.O.Ms.No.75, dated 04.07.2023, insofar as excluding Certificate 'A' holders of NCC from being provided grace marks to their NEET scores.

20. The Writ Petition therefore being devoid of merit deserves to be and is accordingly dismissed. No costs.

21. As a sequel, miscellaneous petitions pending if any, shall stand closed.

P.SAM KOSHY, J

NARSING RAO NANDIKONDA, J

Date : 01.09.2026
Ndr