



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 9943 of 2026

Sachin Singh And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Medical Education
And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Harsh Vardhan Kediya, Gursimran Kaur, Inam Uddin Ahmed
Counsel for Respondent(s)	:	C.S.C., Gyanendra Kumar Srivastava, Ritika Singh, Syed Mohammad Haider Rizvi

Court No. - 5

**HON'BLE ALOK MATHUR, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. Heard Shri Amrendra Nath Tripathi, learned Senior Advocate assisted by Shri Harsh Vardhan Kedia, learned counsel for the petitioners, Shri Anuj Kudesia, learned Senior Advocate assisted by Sri Prakhar Mishra, learned Standing Counsel for the State-respondents; Shri S. M. Haider Rizvi, learned counsel for respondent nos.2 and 3 and Shri Gyanendra Kumar Srivastava, learned counsel for respondent no.4.

2. The petitioners in the present writ petition are students who appeared in the National Eligibility-cum-Entrance Test (UG) 2026 ("NEET-UG 2026") conducted by the National Testing Agency on 21.06.2026 and secured high ranks in the General Category as well as the EWS Category. It is submitted that the petitioners are desirous of obtaining admission to the MBBS course through the State counselling process and are eligible to compete for seats available in the Open Merit/Unreserved Category on the strength of their merit.

3. The grievance raised by the petitioners in the present writ petition pertains to the Government Order dated 01.09.2026 passed by the State of Uttar Pradesh, whereby, in respect of the four medical institutions situated at Ambedkar Nagar, Kannauj, Jalaun and Saharanpur, special reservation has been prescribed for the said colleges. Out of 85 seats in each of the aforesaid four institutions, 62 seats have been reserved for Scheduled Caste candidates, 5 seats for Scheduled Tribe candidates, 11 seats for Other Backward

Classes candidates, and only 7 seats have been kept for Unreserved candidates. It was submitted that by means of the impugned order not only has the orders passed by this Court being violated with impunity, but the statutory prescription of the percentage of the reservation as provided for in the U.P. Admission to Educational Institutions (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 2006(*hereinafter referred to as 'the Act of 2006'*) has been breached, and accordingly the order on the face of it, is illegal, arbitrary and suffers from the vice of malice.

4. In the impugned Government Order, due cognizance has been taken of the judgment passed by the learned Single Judge in **Writ-C No. 7820 of 2025, *Sabra Ahmad v. State of U.P. and Others*, dated 25.08.2025**, as well as the **order dated 04.09.2025** passed by the Division Bench of this Court in **Special Appeal No. 295 of 2025, *State of U.P. and Another v. Sabra Ahmad***. Unfortunately, instead of complying with the directions of this court, as well blatantly ignoring the undertaking given The State has yet again decided not to follow the statutory prescription of reservation and continued with the enhanced reservation of more than 60% in favour of schedule caste candidates.

5. It is submitted that the issue pertaining to the excessive/inflated reservation made in favour of Scheduled Caste and Scheduled Tribe candidates in respect of the Government Medical Colleges at Ambedkar Nagar, Kannauj, Jalaun and Saharanpur was the subject matter of consideration in Writ-C No. 7820 of 2025.

6. The said judgment was rendered in the context of NEET-UG 2025, wherein a similar reservation had been prescribed by the State of Uttar Pradesh for the academic session 2025–26. In that case also, the reservation in favour of Scheduled Caste candidates had exceeded 79%. And it was urged on behalf of the petitioners therein that such reservation was violative of the Act, 2006, under which maximum of 21% reservation can be made in favour of Scheduled Caste candidates. It was further urged that the reservation was also violative of the ceiling of 50% prescribed for total reservation.

7. This Court considered the arguments advanced by the petitioners as well as the stand taken by the State Government. On behalf of the State Government, it was urged that the aforesaid four State Medical Colleges had been constituted under a Special Component Plan, the

principal object whereof was to provide special upliftment and promote the educational advancement of students belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes. It was, therefore, contended that the limits of reservation prescribed under the Act of 2006 would not apply in the special circumstances governing institutions established under the Special Component Plan.

8. The learned Single Judge, after noticing the rival contentions, allowed the Writ-C No. 7820 of 2025 by means of judgment and order dated 25.08.2025. The relevant observations of the learned Single Judge are reproduced hereinbelow :

"26. Thus, the Government Orders fixing reservation are clearly contrary to the mandate of Section 4 of the Act, 2006 or any other law Otherwise, also are founded on misreading and misinterpretation of the policy guidelines issued by the Central Government. The reservation has clearly violated the reasonably well settled rule of not exceeding 50% that too without any authority of law and as such, the same cannot be justified.

27. All the four Government Orders being Government Order No.41/26-बंप्प्रं-2010-जी-87/2006 dated 20.01.2010, Government Order No.115/26-बंप्प्रं-2011-जी 136/2007 dated 21.02.2011, Government Order No.1493/71-1-2011-जी-264/2011 dated 13.07.2011, Government Order No. 1764/71-1-2012-जी-284/20 dated 19.07.2012, Government Order No. 1846/71-1-2013-जी -264/201 dated 17.07.2013 and Government Order No.1243/71-1-2015-जी-264/2011 dated 13.06.2015 which mandate fixing of quotas for reservation in excess of the extent of reservation prescribed in the 2006 Act of the State Government are quashed. The State of U.P. is directed to fill the seats in the said four colleges afresh strictly based upon the reservation as prescribed under the Reservation Act of 2006 along with the reservation for the Central Government seats and the State Government seats.

28. As it is informed that the seats have already been filled, respondent No.2 will have to undergo into the fresh exercise to fill the seats in terms of the prescriptions contained for reservation in the Act, 2006 afresh.

29. Learned Counsel for respondent No.2 lays emphasis and reads the directions contained in the judgement of Indra Sawhney (supra) to argue that the bar of 50% reservation is not sacrosanct and can be breached. However, he does not dispute that the same can be breached only in accordance with law. He could not place any Act/prescriptions under law justifying the breach.

30. The petition is allowed in the abovesaid terms."

9. The State Government, being aggrieved by the judgment dated 25.08.2025 passed in Writ-C No. 7820 of 2025, preferred a Special Appeal before the Division Bench of this Court, being Special Appeal No. 295 of 2025. The arguments/stand of the State Government are contained in paragraph 6 of the order dated 04.09.2025 passed in the said special appeal, which reads as under:

"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."

10. From a perusal of the order passed by the Division Bench in the aforesaid Special Appeal, it is apparent that the only aspect urged by the State Government while assailing the judgment of the learned Single Judge was that if the judgment were implemented for the then current academic year, it would result in considerable confusion, uncertainty and chaos, which would not be in the interest of anyone. It was, therefore, prayed before the Division Bench that the admission process already undertaken be permitted to be taken to its logical conclusion for the current academic year, subject to an undertaking

by the State Government that, for the next academic year, i.e. 2026-27, reservation would be provided strictly in accordance with the Act of 2006 in the medical colleges-in-question.

11. The Division Bench was also of the view that reservation could be provided only in accordance with the Act of 2006, namely, 21%, 2% and 27% reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes, respectively, in admissions to professional colleges and educational institutions, which would include the institutions offering the MBBS course in question. The Court further observed that such reservation was also within the permissible ceiling of 50% prescribed by the Hon'ble Supreme Court of India.

12. Accordingly, in the aforesaid circumstances, the State Government was directed to submit an undertaking to implement the said reservation from the next academic session, i.e. 2026-27, as recorded in paragraph 11, which is quoted hereinbelow:

"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. "

13. In paragraph 13 of the order dated 04.09.2025, the Division Bench further recorded that although an oral undertaking had been given regarding the next academic year, as noticed earlier in paragraph 6(xiii), a written undertaking in this regard, in the form of an affidavit, was required to be filed by the appellants within one week from the date of the order, failing which the order would cease to operate.

14. It is noticed that despite clear directions of the learned Single Judge as well as the order of the Division Bench and also the oral undertaking given on behalf of the State, unfortunately, the State, by passing the impugned order, has renege on the undertaking before given before this Court and passed the impugned order totally contrary to the provisions of the Act of 2006 and have thereby enhanced reservation beyond the what has been prescribed in the aforesaid Act of 2006, which is clearly contrary to the judgment of the learned Single Judge, Division Bench as well as the undertaking given by them before this Court.

15. This Court is of the considered view that the impugned Government Order is clearly in the teeth of the directions issued by the learned Single Judge and the Division Bench as well as the undertaking furnished by the State Government before this Court and clearly amounts to contempt of court. Once the law had been clearly laid down by the learned Single Judge and the Division Bench in special appeal had interfered only to the limited extent of protecting the existing admission process for the then current academic year while further specifically directing that the provisions of the Act of 2006 was to be followed from the next academic session, i.e. 2026-27 and an oral undertaking had also been given before this Court, then there appears to be no justification for the State Government to have passed an order contrary to the directions of this Court and its own undertaking.

16. In the aforesaid circumstances, Sri Anuj Kudesia, learned Additional Advocate General could not advance any argument which could justify the passing of the impugned order contrary to the directions issued by this Court or the undertaking furnished before this Court. The only attempt made was to rely upon the Special Component Plan under which the aforesaid four medical colleges had been constituted. However, the said argument had already been considered and rejected in the previous round of litigation.

17. In view of the above, Clause 6(क)(ii) of the impugned Government Order dated 01.09.2026 (annexed as Annexure No.1 to the writ petition) shall remain stayed until further orders of this Court. Liberty is granted to the respondents to proceed with the admissions, if they choose, strictly in terms of the reservation provided for in the Act of 2006.

18. In the aforesaid circumstances, let a personal affidavit be filed by the Additional Chief Secretary, Medical Education, Government of Uttar Pradesh, explaining as to how the impugned order came to be passed in clear violation of the directions issued by the learned Single Judge vide judgment dated 25.08.2025 passed in Writ-C No. 7820 of 2025, as well as the order dated 04.09.2025 passed by the Division Bench in Special Appeal No. 295 of 2025. The aspect of initiation of contempt proceedings shall be considered after the said affidavit is filed. Let the affidavit be filed within ten days. In the meantime, the respondents may file their counter-affidavits.

19. List this case on 12.10.2026.

20. Sri Rakesh Kumar Chaudhary, learned Senior Advocate, assisted by Sri Ajay Verma, learned counsel, has filed an impleadment application, which is taken on record.

21. In the meantime, learned counsel for the petitioners may file objections to the impleadment application filed today as well as impleadment application being IA/3 of 2026, filed by Ms. Ritika Singh, learned counsel and the intervention application filed by Sri Tushar Mittal, learned counsel.

September 16, 2026
Ashish Dewal

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)