



2026:AHC-LKO:75110-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 479 of 2026

Ashok Bahar

.....Appellant(s)

Versus

U.O.I. Thru. Secy. Ministry Of Education Higher
Education New Delhi And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	: Gibran Akhtar Khan, Jyoti Singh Rana, Pankaj Dheer Singh Rana
Counsel for Respondent(s)	: A.S.G.I., Shashank Bhasin

Court No. - 1

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

1. Heard learned counsel for the appellant and Shri S.B. Pandey, learned Deputy Solicitor General of India and Senior Advocate assisted by Shri Varun Pandey, learned counsel for Union of India.

2. This intra-court appeal has been filed by the appellant under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952, challenging the judgment and order dated 24.08.2026 passed in Writ-C No. 7539 of 2026 (**Ashok Bahar versus Union of India and others**).

3. The appellant-petitioner has filed the aforesaid writ petition seeking the following reliefs:-

"(I) A writ, order or direction in the nature of Mandamus commanding the opposite parties to consider and take an appropriate policy decision on the representation submitted by the petitioner regarding providing 1% reservation/special quota for eligible senior citizens in admissions to MBBS and other medical courses through NEET, in accordance with law and within a stipulated period by this Hon'ble Court, in the interest of justice.

(II) A writ, order or direction, in the nature of Mandamus

commanding the opposite parties, more particularly opposite party no. 2 to decide the pending representation of the petitioner dated 23.06.2026 by passing a reasoned and speaking order within a time-bound period. (Annexure No.1)

(III) Any other writ, order or direction which this Hon'ble Court may deem just, fit and proper under the facts and circumstances of the case may also be passed in favour of the petitioner.

(IV) Allow the writ petition with cost in favour of the petitioner."

4. Learned Single Judge has dismissed the writ petition on the ground that these are policy matters and has declined to issue a writ of mandamus as prayed for.

5. The contention of the appellant's counsel is that the judgment relied upon by the learned Single Judge, as reported in **(2015) 2 SCC 796 (Census Commissioner v. R. Krishnamurthy)**, has no application to the facts of the case as in the said matter, the Madras High Court had issued a direction to the State Government for framing a particular policy, which is not the case here. Here the appellant had only sought consideration of his representation.

6. The appellant is permitted to delete the name of National Medical Commission through its Secretary, New Delhi in the array of parties at serial no. 3.

7. Learned counsel for the National Testing Agency says that his client is only the examining body and is governed by the laws and policy prevalent with regard to admissions to M.B.B.S. Courses. The petitioner wants 1% reservation quota for eligible senior citizens and admissions to M.B.B.S. and other medical courses. Obviously, as of now, there is no such provision. These are matters to be considered either by the competent legislature or the concerned government, as the case may be. The representation, disposal of which has been sought by the appellant, is not a statutory representation but was submitted only to fulfill the prerequisites for maintaining a writ of mandamus. A writ of

mandamus would lie if there is an enforceable right or a mandatory obligation upon the opposite parties, which is not being adhered. The representation seeking reservation for eligible senior citizens in the matter of admissions to M.B.B.S. and other medical courses is not based on any such right per se.

8. We are, therefore, of the opinion that the appellant can pursue the matter with the executive or the legislature, as the case may be but there is no question of issuing a mandamus as prayed for in the facts and circumstances of the case.

9. We also asked the counsel for the appellant, as to whether, there is any age limit for admission to M.B.B.S. and other medical courses, learned counsel for the opposite parties could not inform us about any such age limit. It is a matter to be considered by the executive or the legislature as the case may be, that whether there should be an age limit for such admission, unless it has already been prescribed.

10. We do not find any error in the judgment of the writ court.

11. In view of aforesaid, the writ petition is **disposed of**.

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

October 15, 2026

Satish