



2024:CGHC:41589-DB

**AFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 5316 of 2024**

- 1** - Rishi Tiwari S/o Rajesh Kumar Tiwari Aged About 22 Years R/o Nehru Nagar, Bhilai, Durg Chhattisgarh.
- 2** - Akriti Tiwari D/o Mr. Rajnish Tiwari Aged About 19 Years R/o B - 464, Samta Colony, Raipur Chhattisgarh.
- 3** - Sinmoy Goutam Padhi S/o Mr. Subrat Kumar Padhi Aged About 18 Years R/o D-45, Chouhan Town, Bhilai, Durg Chhattisgarh.
- 4** - Lakshya Jain S/o Amolak Jain Aged About 20 Years R/o Jai Tulsi Multi Speciality Hospital, Rajnandgaon Chhattisgarh.
- 5** - Jemini Chandrakar D/o Mr. Jayandra Kumar Chandrakar Aged About 20 Years R/o Panchshil Sector, Borsi Bhilai, Durg Chhattisgarh.
- 6** - Peeyush Kumar Chandrakar S/o Shravan Chandrakar Aged About 23 Years R/o Sanjay Nagar, Sikshak Colony, Kurud, Dhamtari Chhattisgarh.

**---- Petitioners**

**versus**

- 1** - State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare Mantralaya, Mahanadi Bhawan, Nava Raipur Atal Nagar, Raipur Chhattisgarh.
- 2** - The Director Of Medical Education Old Nurses Campus, DKS Bhawan, Raipur Chhattisgarh.
- 3** - The Commissioner Medical Education Swasth Bhawan, North Block, Sector 19, Nava Raipur Atal Nagar, Raipur Chhattisgarh.
- 4** - Abhishek Memorial Medical College And Research Junwani, Bhilai Durg Chhattisgarh.

**---- Respondents**

**WPC No. 5318 of 2024**

Geetika Chandrakar D/o Shri Dilip Chandrakar Aged About 20 Years R/o Bajrang Chowk, Village Doner, District Dhamtari Chhattisgarh

----**Petitioner**

**Versus**

- 1 - State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
- 2 - Secretary Medical Education Department Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
- 3 - Director Medical Education, Raipur, District Raipur Chhattisgarh
- 4 - Commissioner Medical Education Chhattisgarh Raipur, Swastha Bhawan, Second Floor, North Block, Sector No. 19, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh
- 5 - Abhishek Mishra Memorial Medical College And Research Smriti Nagar Bhilai, District Durg, Chhattisgarh

---- **Respondents**

**WPC No. 5322 of 2024**

- 1 - Antas Tiwari S/o Shri Aproov Tiwari Aged About 19 Years R/o Bodhkunj, Juna Bilaspur Karbala Road, Bilaspur, Distt.- Bilaspur.
- 2 - Anwita Singh D/o Shri S. K. Singh Aged About 19 Years R/o Kharoon Railvihar Raipur, Distt.- Raipur, C.G.
- 3 - Aditya Tiwari S/o Dr. Sandeep Tiwari Aged About 19 Years R/o Shrikant Verma Marg Near Sony Showroom, Bilaspur, Distt.- Bilaspur, C.G.
- 4 - Nikhita Mishra D/o Shri Pankaj Mishra Aged About 19 Years R/o House No. 23, Dolphin Plaza, Mowa, Raipur, Distt.- Raipur, C.G.
- 5 - Vinamra Dubey S/o Shri Sanjay Dubey Aged About 19 Years R/o Thana Road, Akaltara Distt- Bilaspur, C.G.
- 6 - Nitya Kedia S/o Shri Sachin Kedia Aged About 18 Years R/o Agrasen Nagar, Baloda Nagar, Akaltara, Distt.- Janjgir-Champa, C.G.

----**Petitioners**

**Versus**

- 1 - State Of Chhattisgarh Through The Secretary To The Govt. Of Chhattisgarh Department Of Medical Education Mahanadi Bhawan, Atal Nagar, P S - Rakhi, Raipur, C.G.

2 - The Director Directorate Of Medical Education, Swasthya Bhawan, North Block, Second Floor, Nawa Raipur, Atal Nagar, Raipur, C.G.

3 - The Commissioner Directorate Of Medical Education, Swasthya Bhawan, North Block, Sector- 19, Nawa Raipur, Atal Nagar, Raipur, C.G.

4 - The Chairman Counselling Committee Directorate Of Medical Education, Swasthya Bhawan, North Block, Second Floor, Nawa Raipur, Atal Nagar, Raipur, C.G.

5 - Shri Shankaracharya Institute Of Medical Science, Junvani Road, Bhilai Through The Director Shri Shankaracharya Institute Of Medical Science, Junvani Road, Bhilai

6 - Shri Balaji Institute Of Medical Science, Mowa, Raipur Through The Director Shri Balaji Institute Of Medical Science, Mowa, Raipur

---- Respondents

**WPC No. 5335 of 2024**

Akshaya Tripathi D/o Ashutosh Tripathi, Aged About 19 Years R/o Nehru Nagar (East), Bhilai, District-Durg (C.G.)

----Petitioner

**Versus**

1 - State Of Chhattisgarh Through- Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District-Raipur (C.G.)

2 - Secretary, Medical Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District-Raipur (C.G.)

3 - Director, Medical Education, Raipur, District-Raipur (C.G.)

4 - Commissioner, Medical Education, Chhattisgarh Raipur, Swasthya Bhawan, Second Floor, North Block, Sector No. 19, Nawa Raipur, Atal Nagar, District-Raipur (C.G.)

5 - Shri Shankaracharya Institute Of Medical Science, Junwani, Bhilai, Through Its Deen, Shri Shankaracharya Institute Of Medical Science, Junwani Bhilai, District-Durg (C.G.)

6 - Chairman Of The Counseling Committee, Directorate Medical Education, Chhattisgarh.

---- Respondents

**WPC No. 5338 of 2024**

- 1** - Aniruddha Ajay Kasulkar S/o Ajay Aged About 19 Years R/o Plot No. 35 Swapna Rameshwari Ring Road, Behind Shyam Beer Bar, Abhay Nagar, Parvati Nagar, Nagpur Maharashtra
- 2** - Devesh Patel S/o Gopal Prasad Patel Aged About 20 Years R/o Mundha, Mahasamund, District Mahasamund Chhattisgarh
- 3** - Yogesh Patel S/o Upendra Kumar Patel Aged About 21 Years R/o Ward No. 14, Koylari, Umariya, Koliyaridih, District Mahasamund Chhattisgarh
- 4** - Surabhi Milind Kakade D/o Milind Kakade Aged About 19 Years R/o Near Hanuman Mandir, Plot No. 14, Bhole Nagar, Near Shriram Nagar, VTC Besa, District Nagpur (Maharashtra)
- 5** - Anuj Shivkumar Jaiswal S/o Shivkumar Aged About 18 Years R/o 22, Near Sai Mangal Hall, Shikshak Sahakari Society, Ward No. 6, Bori, Nagpur Maharashtra
- 6** - Tushar Dewangan S/o Lalit Kumar Dewangan Aged About 21 Years R/o C/o Lalit Kumar Dewangan, 146/1 Ward No. 07, Kirandul, Dakshin Bastar, Dantewada Chhattisgarh
- 7** - Manmohan Gour S/o Amit Gour Aged About 19 Years R/o 82, Sunder Nagar, VTC Raipur, Post Sunder Nagar, Raipur, District Raipur Chhattisgarh
- 8** - Shrishti Sharma D/o Satyaprakash Sharma Aged About 19 Years R/o Raipur Road, Dhamtari, District Dhamtari Chhattisgarh

----**Petitioners**

**Versus**

- 1** - State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
- 2** - Secretary Medical Education Department Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
- 3** - Director Medical Education, Raipur, District Raipur Chhattisgarh
- 4** - Commissioner Medical Education Chhattisgarh Raipur, Swasthya Bhawan, Second Floor, North Block, Sector No. 19, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh
- 5** - Shri Rawatpura Sarkar Institute Of Medical Sciences And Research (SRIMSR) Through Its Deen, Shri Rawatpura Sarkar Institute Of Medical Sciences And Research (SRIMSR), Village Pacehda, Post Kurru, Tehsil

Abhanpur, District Raipur Chhattisgarh

6 - Chairman Of The Counseling Committee Directorate Of Medical Education Chhattisgarh

---- Respondents

**WPC No. 5339 of 2024**

1 - Anchal Das D/o Arvind Das Aged About 20 Years R/o Ganeshpur, Post Vishrampur, District Baloda Bazar- Bhatapara, C.G.

2 - Sweta Rani Birtia D/o Prakash Chandra Birtia Aged About 17 Years Through Her Natural Guardian Father Namely Prakash Chandra Birtia, S/o Bidyadhar Birtia, Aged About 55 Years, R/o Bargarh, Orissa

3 - Adya Sambhavi D/o Dr. Sanjeev Kumar Aged About 17 Years Through Her Natural Guardian Father Namely Dr. Sanjeev Kumar, S/o K. M. P. Verma, Aged About 84 Years, R/o Flat No. 707, Agrasar Pride, Avanti Vihar, Near Shrishti Plaza, Telibandha, Raipur, District Raipur, C.G.

4 - Anuj Verma S/o Neeraj Verma Aged About 20 Years R/o Madhya Nagri Chowk, Bilaspur, District Bilaspur, C.G.

5 - Prashansa Chandravanshi D/o Mahendra Kumar Chandravanshi Aged About 19 Years R/o Akash Nagar, Near Vijay Nagar Chowk, Raipur, District Raipur, C.G.

6 - Unmuni Goswani D/o Bhanu Pratap Goswami Aged About 19 Years R/o Prakash Kunj, Near Netaji Chowk, Raipur, District Raipur, C.G.

7 - Nikhil Nakade S/o Dudharam Aged About 19 Years R/o Prakash Kunj, Katora Talab, Near Fairshita Hospital, Raipur, District Raipur, C.G.

8 - Shreyas Dighraskar S/o Vivek Dighraskar Aged About 19 Years R/o Tilak Nagar, Chantapara, Bilaspur, District Bilaspur, C.G.

9 - Harsh Govind Bepari S/o Govind Chandra Bepari Aged About 19 Years R/o Bande Colony, Pankhajur, District- Pankhajur, District Kanker, C.G.

----Petitioners

**Versus**

1 - State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur, C.G.

2 - Secretary Medical Education Department Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur, C.G.

3 - Director Medical Education, Raipur, District Raipur, C.G.

4 - Commissioner Medical Education Chhattisgarh Raipur, Swasthya Bhawan, Second Floor, North Block, Sector No. 19, Nawa Raipur, Atal Nagar, District Raipur, C.G.

5 - Raipur Institute Of Medical Sciences, Raipur Through Its Deen, Raipur Institute Of Medical Sciences, Raipur, District Raipur, C.G.

6 - Chairman Of The Counseling Committee Directorate Medical Education Chhattisgarh

---- Respondents

**WPC No. 5340 of 2024**

1 - Khushbu Didwania D/o Ashish Didwania Aged About 19 Years R/o House No. 1, CAE Choubey Colony, Raipur, District Raipur (C.G.)

2 - Kanchan Poptani D/o Dr. Manoj Poptani Aged About 19 Years R/o E-00125, Street No. A-23, Shyam Nagar, Telibandha, Opposite Gurudwara, Raipur, District Raipur (C.G.)

3 - Lakshya Patel S/o Bharat Patel Aged About 19 Years R/o Plot No. 1, SBI Colony, Lane No. 4, Fafadih, Raipur, District Raipur (C.G.)

----Petitioners

**Versus**

1 - State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

2 - Secretary Medical Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

3 - Director Medical Education, Raipur, District Raipur (C.G.)

4 - Commissioner Medical Education Chhattisgarh Raipur, Swasthya Bhawan, Second Floor, North Block, Sector No. 19, Nawa Raipur, Atal Nagar, District Raipur (C.G.)

5 - Shri Balaji Institute Of Medical Science Mova, Raipur, Through Its Deen, Shri Balaji Institute Of Medical Science, Mova, Raipur, District Raipur (C.G.)

6 - Chairman Of The Counseling Committee Directorate Medical Education Chhattisgarh

---- Respondents

**WPC No. 5344 of 2024**

- 1 - Himani Agrawal D/o Shri Kuber Narayan Agrawal Aged About 19 Years R/o Pt. Deen Dayal Puram, New Khursipar, Bhilai, Durg Chhattisgarh
- 2 - Shrishti Agrawal D/o Shri Kamal Agrawal Aged About 19 Years R/o Lalpur Road, Bagbahra, Mahasamund Chhattisgarh
- 3 - Pauravi Bhardwaj D/o Shri Ashish Bhardwaj Aged About 18 Years R/o Nehru Nagar (West), Bhilai Durg Chhattisgarh
- 4 - Anany Pandey S/o Shri Sanjay Kumar Pandey Aged About 20 Years R/o 332 (Gh), Sanskar School, Gaurav Path, Balodabazar Chhattisgarh
- 5 - Anusha Gupta D/o Shri Mukul Chandra Gupta Aged About 23 Years R/o Nehru Nagar, Bhilai Durg Chhattisgarh
- 6 - Aayush Singh Baghel S/o Shri Balraj Singh Aged About 21 Years R/o Main Road, Mungeli Chhattisgarh
- 7 - Sadiksha Dubey D/o Shri Rajendra Kumar Dubey Aged About 21 Years R/o Pt. Deen Dayal Upadhyay Nagar, Sector-iii, Raipur, Chhattisgarh
- 8 - Neeral Jain D/o Shri Vinay Kumar Jain Aged About 18 Years R/o Model Complex, Moti Nagar Chowk, Raipur Chhattisgarh
- 9 - Ishanvi Chauhan D/o Shri Amit Kumar Aged About 19 Years R/o Ranibag Colony, Alhaypur, Bijnaur Uttar Pradesh

----**Petitioners**

**Versus**

- 1 - State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mantralaya, Mahanadi Bhawan, Nava Raipur Atal Nagar, Raipur Chhattisgarh
- 2 - The Director Of Medical Education Old Nurses Campus, DKS Bhawan, Raipur Chhattisgarh
- 3 - The Commissioner Medical Education Swasth Bhawan, North Block, Sector 19, Nava Raipur Atal Nagar, Raipur Chhattisgarh
- 4 - Shri Shankaracharya Institute Of Medical Sciences Junwani , Bhilai, Distt. Durg Chhattisgarh

---- **Respondents**

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For Petitioners : Mr. Abhishek Sinha, Senior Advocate, assisted by Mr. Anurag Dayal Shrivastava, alongwith Mr. Manoj Paranjpe, Advocate, Mr. Chandresh Shrivastava, Mr. Anand Shukla, Mr. Atul Kumar Kesharwani and Ms. Sangeeta Mishra, Advocates.

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For Respondent/State : Mr. Prafull N Bharat, Advocate General assisted  
by Mr. Sangharsh Pandey, Government Advocate.

For Private Respondents : Mr. Kshitij Sharma, Advocate.

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**Hon'ble Mr. Ramesh Sinha, Chief Justice**

**Hon'ble Mr. Bibhu Datta Guru, Judge**

**Judgment on Board**

**Per Ramesh Sinha, Chief Justice**

**22/10/2024**

1. These petitions are listed today on admission, however, with the consent of learned counsel appearing for the parties, they are being heard finally.
2. Since common facts and issues are involved in all these petitions and challenge made to the orders is one and the same in these petitions, they are being heard and considered together.
3. WPC No. 5322 of 2024 is taken as the lead case and the parties and proceedings are referred to as given therein, except where it is separately referred to.
4. The petitioner(s) in WPC No. 5316/2024, has prayed for the following relief(s):

*“10.1 That the Hon'ble Court may be pleased to issue appropriate writ / order / direction, commanding the Respondent authorities to produce the entire records necessary for adjudication of the instant petition.*

*10.2 That the Hon'ble Court may kindly be pleased to issue appropriate writ / order / direction, quashing the impugned notification dated 18.10.2024 & the communication dated 18.10.2024 (Annexure P-1 Colly.)*



*10.3 That the Hon'ble Court may kindly be pleased to issue appropriate writ / order / direction, restraining the respondent authorities from taking any adverse action or passing any consequential order, prejudicially affecting the admission of the petitioners under the NRI quota for the MBBS Course.*

*10.4 That the Hon'ble Court may kindly be pleased to issue appropriate writ / order / direction, quashing any consequential order passed by the respondent authorities pursuant to the impugned notification and communication and/or restrain the respondents from initiating any action against the petitioners.*

*10.5 That the Hon'ble Court may kindly be pleased to issue appropriate writ / order / direction, of appropriate the nature allowing the petitioners to pursue their MBBS Course in the Respondent no.4 College.*

*10.6 Any other relief(s), direction(s), which Hon'ble the Court deems fit, and proper, in the circumstances of the case.”*

5. The petitioner(s) in WPC No. 5318/2024, has prayed for the following relief(s):

*“1] That the Hon'ble Court may be pleased to issue appropriate writ/order/direction, commanding the Respondent authorities to produce the entire records necessary for adjudication of the instant petition.*

*2] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, the impugned notification/order dated 18.10.2024 issued by the State Government (AnnexP/2) and the communication dated 18.10.2024 (Annex. P/2) issued by the Commissioner may kindly be quashed.*

*3] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, restraining the respondent authorities from taking any adverse action or passing any consequential order prejudicially affecting the admission of the petitioner under the NRI quota for the MBBS Course.*

*4] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, quashing any consequential order passed by the respondent authorities pursuant to the impugned*

*notification and communication and/or restrain the respondents from initiating any action against the petitioner.*

*5] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, of appropriate the nature allowing the petitioners to pursue their MBBS Course in the Respondent no.5 College.”*

6. The petitioner(s) in WPC No. 5322/2024, has prayed for the following relief(s):

*“(1) to quash the order F-17-37/2024/55 dated 18-10-2024 issued by Respondent-1 and the notice dated 18-10-2024 issued by the Respondent-4.*

*(2) to direct the Respondents to maintain the admission of the Petitioners in accordance the criteria as prescribed under Admission Rules 2018 and declare them eligible for admission to the MBBS UG course for the academic session 2024-2025 under the NRI quota.*

*(3) any other relief, which the Hon'ble Court considers proper, may kindly be awarded.”*

7. The petitioner(s) in WPC No. 5335/2024, has prayed for the following relief(s):

*“1] That the Hon'ble Court may be pleased to issue appropriate writ/order/direction, commanding the Respondent authorities to produce the entire records necessary for adjudication of the instant petition.*

*2] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, the impugned notification/order dated 18.10.2024 issued by the State Government (Annex. P/1) and the communication dated 18.10.2024 (Annex. P/2) issued by the Commissioner may kindly be quashed.*

*3] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, restraining the respondent authorities from taking any adverse action or passing any consequential order prejudicially affecting the admission of the petitioner under the NRI quota for the MBBS Course.*

4] *That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, quashing any consequential order passed by the respondent authorities pursuant to the impugned notification and communication and/or restrain the respondents from initiating any action against the petitioner.*

5] *That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, of appropriate the nature allowing the petitioners to pursue their MBBS Course in the Respondent no.5 College."*

8. The petitioner(s) in WPC No. 5338/2024, has prayed for the following relief(s):

*"1] That the Hon'ble Court may be pleased to issue appropriate writ/order/direction, commanding the Respondent authorities to produce the entire records necessary for adjudication of the instant petition.*

*2] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, the impugned notification/order dated 18.10.2024 issued by the State Government (Annex. P/1) and the communication dated 18.10.2024 (Annex. P/2) issued by the Commissioner may kindly be quashed.*

*3] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, restraining the respondent authorities from taking any adverse action or passing any consequential order prejudicially affecting the admission of the petitioners under the NRI quota for the MBBS Course.*

*4] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, quashing any consequential order passed by the respondent authorities pursuant to the impugned notification and communication and/or restrain the respondents from initiating any action against the petitioners.*

*5] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, of appropriate the nature allowing the petitioners to pursue their MBBS Course in the Respondent no.5 College."*

9. The petitioner(s) in WPC No. 5339/2024, has prayed for the following

relief(s):

*“1] That the Hon'ble Court may be pleased to issue appropriate writ/order/direction, commanding the Respondent authorities to produce the entire records necessary for adjudication of the instant petition.*

*2] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, the impugned notification/order dated 18.10.2024 issued by the State Government (Annex. P/1) and the communication dated 18.10.2024 (Annex. P/2) issued by the Commissioner may kindly be quashed.*

*3] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, restraining the respondent authorities from taking any adverse action or passing any consequential order prejudicially affecting the admission of the petitioners under the NRI quota for the MBBS Course.*

*4] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, quashing any consequential order passed by the respondent authorities pursuant to the impugned notification and communication and/or restrain the respondents from initiating any action against the petitioners.*

*5] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, of appropriate the nature allowing the petitioners to pursue their MBBS Course in the Respondent no.5 College.”*

**10.**The petitioner(s) in WPC No. 5340/2024, has prayed for the following

relief(s):

*“1] That the Hon'ble Court may be pleased to issue appropriate writ/order/direction, commanding the Respondent authorities to produce the entire records necessary for adjudication of the instant petition.*

*2] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, the impugned notification/order dated 18.10.2024 issued by the State Government (Annex. P/1) and the communication dated 18.10.2024 (Annex. P/2) issued by the Commissioner may kindly be quashed.*

*3] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, restraining the respondent authorities from taking any*

*adverse action or passing any consequential order prejudicially affecting the admission of the petitioners under the NRI quota for the MBBS Course.*

*4] That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, quashing any consequential order passed by the respondent authorities pursuant to the impugned notification and communication and/or restrain the respondents from initiating any action against the petitioners.*

*5. That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, of appropriate the nature allowing the petitioners to pursue their MBBS Course in the Respondent no.5 College.”*

**11.**The petitioner(s) in WPC No. 5344/2024, has prayed for the following relief(s):

*“10.1 That the Hon'ble Court may be pleased to issue appropriate writ / order / direction, commanding the Respondent authorities to produce the entire records necessary for adjudication of the instant petition.*

*10.2 That the Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, quashing the impugned notification dated 18.10.2024 & the communication dated 18.10.2024 (Annexure P-1 Colly.)*

*10.3 That the Hon'ble Court may kindly be pleased to issue appropriate writ / order/ direction, restraining the respondent authorities from taking any adverse action or passing any consequential order, prejudicially affecting the admission of the petitioners under the NRI quota for the MBBS Course.*

*10.4 That the Hon'ble Court may kindly be pleased to issue appropriate writ / order/direction, quashing any consequential order passed by the respondent authorities pursuant to the impugned notification and communication and/or restrain the respondents from initiating any action against the petitioners.*

*10.5 That the Hon'ble Court may kindly be pleased to issue appropriate writ / order/direction, of appropriate the nature allowing the petitioners to pursue their MBBS Course in the Respondent no.4 College.*

*10.6 Any other relief(s), direction(s), which Hon'ble the Court deems fit, and proper, in the circumstances of the case.”*

12. The facts, in brief, as projected by the petitioners {in WPC No. 5322/2024} are that they are students and they had appeared in the entrance examination of National Eligibility cum Entrance Test (Undergraduate) 2024 for admission to the course of MBBS/BDS. The admission to the said course is governed by the provisions of the Rules, called as 'NEET UG (MBBS/BDS) CG Admission Rules 2018 (छत्तीसगढ़ चिकित्सा, दंत चिकित्सा एवं भौतिक चिकित्सा (फिजियोथेरेपी) स्नातक प्रवेश नियम, 2018) (for short, the Admission Rules 2018). The petitioners successfully cleared the examination and secured their position under the qualified candidates. The State had published a notice dated 14.08.2024 inviting online applications from qualified candidates for registration for admission in UG (MBBS/BDS) course for academic year of 2024. On the basis of the said registration, after first round of counseling, the first list of allotment of Colleges to the concerned candidates was issued vide notice dated 30.08.2024. After completion of first round of counseling, notice was issued for second round of counseling and the time period between 09.09.2024 to 18.09.2024 for choice filling/locking was prescribed. The said time for choice filling of colleges was extended upto to 21.09.2024 vide notice dated 17.09.2024
13. In the second round of counseling, the list of allotment, on the basis of the choice filled by the candidates was published on 27.09.2024. The petitioners have been allotted the respective Colleges on the basis of the choice made by them at the time of registration. The petitioners had submitted their candidature under NRI quota and have been allotted the seat in the second round of counseling under the said NRI quota. The petitioners have undertaken the admission after completing the



formalities on the basis of said allotment within the time prescribed in the notice dated 27.09.2024. Their classes have already commenced and the petitioners are attending their classes regularly. Surprisingly, the notice dated 18.10.2024 has been published by the Commissioner, Directorate of Medical Education, making reference of letter dated 18.10.2024 addressed by the Government of Chhattisgarh, Department of Medical Education to the Director, Directorate of Medical Education, by which instructions have been issued therein for admission to the course of NEET UG 2024 regarding NRI quota. It is contended *inter alia* that admission to the said course under NRI quota which has been taken prior to 24.09.2024 should be kept intact, whereas the admission which have been taken after the said date i.e. after 24.09.2024, it should be scrutinized in view of the order passed by the Hon'ble Supreme Court in Civil Writ Petition No. 20788 of 2024 and if the candidates are found ineligible, their admission should be cancelled.

14. Mr. Abhishek Sinha, learned Senior Advocate, assisted by Mr. Anurag Dayal Shrivastava, learned counsel appearing for the petitioners {in WPC No. 5322/2024}, submits that the admission to NEET UG 2024 have been made strictly in accordance with the procedure and the criteria as prescribed under the Admission Rules 2018. The criteria of NRI quota has been prescribed under Rule 13 of the Admission Rule 2018. The petitioners fulfill the criteria as prescribed under Rule 13 of the said Admission Rules of 2018 and after being satisfied and proper scrutiny, the respondents have permitted their admission in the respective Colleges of their choice. In the notice dated 18.10.2024, it has been mentioned that the candidates who have taken admission after 24.09.2024 and who are real NRI as per the definition given by the Hon'ble Supreme Court, then they should get their documents

scrutinized. It has been further mentioned that if the candidates who have secured their admission under the NRI quota do not appear for verification of document or is not a real NRI as per the definition of the Hon'ble Supreme Court, their admission will stand cancelled. The direction issued by the respondent No. 1 vide its letter dated 18.10.2024 and in consequence thereof, the notice dated 18.10.2024 (Annexure P/1 collectively) both are arbitrary and non-est in the eye of law. The order dated 24.09.2024 passed by the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No. 22174 (arising out of final judgment and order dated 10.09.2024 in CWP No. 20788/2024 passed by the Punjab & Haryana High Court) has been completely misread by the respondents. No such definition of NRI as has been mentioned in the letter and notice dated 18.10.2024 has been given by the Hon'ble Supreme Court. By the said order, an SLP was preferred by the State of Punjab which has been dismissed vide order dated 24.09.2024 against the judgment dated 10.09.2024 passed by the Punjab & Haryana High Court. The controversy therein was the inclusion of certain category of relationship under the existing definition of NRI which was made after the deadline for submitting admission form. Such action of the State was turned down by the Punjab & Haryana High Court and the appeal preferred by the State before the Hon'ble Supreme Court was also dismissed.

15. Mr. Sinha further submits that the admission to the NEET UG 2024 in the State of Chhattisgarh is governed by the Admission Rule 2018 which is a statutory Rules and having force of law. The admission of the petitioners are also governed by the said rules. The definition of the NRI has been prescribed under Rule 13 of the Admission Rules 2018 and the petitioners fulfill the requisite criteria. Neither there has been any



violation nor any deviation of the said Rules while granting the admission to the petitioners and, as such, after completion of the entire admission process, any change which is alien to the existing rules cannot be allowed to prevail. So far as the provision regarding NRI quota as provided under the Admission Rules 2018 is concerned, it has been prescribed strictly in accordance with observation made by the the Hon'ble Supreme Court in the matter of ***P.A. Inamdar & others v. State of Maharashtra & Others*** {(2005) 6 SCC 537}. Even otherwise, no such definition as has been mentioned in the notice dated 18.10.2024 has been prescribed in the order dated 24.09.2024 by the Hon'ble Supreme Court.

16. It is next submitted by Mr. Sinha that it is settled law that the rules of a game can not be changed after its commencement. The petitioners had appeared in the NEET UG 2024 examination and secured their position as qualified candidates. At the time of their admission, the Admission Rule 2018 was in force which as of now remains intact and, therefore, the admission of the petitioners are governed by the criteria as prescribed therein and any deviation or violation of it makes the procedure/action as void and illegal. After the notice dated 18.10.2024, their admissions are at stake and as hence, they have approached this Hon'ble Court. When the confirmation letter has been issued by the respondent-Institute in favour of the petitioner (page 78 of WPC No. 5322/2024), after fully being satisfied, then there is no reason as to why the petitioners should not be treated as a candidate under the NRI quota.
17. Mr. Sinha draws attention of this Court to Rule 13(स)(1) of the Admission Rules, 2018 which reads as under:

“1. अप्रवासी भारतीय प्रायोजक का अभ्यर्थी से अभ्यर्थी की पीढ़ी अथवा दो पीढ़ी पहले तक में माता या पिता पक्ष से रक्त संबंध की पुष्टि करता हो (जैसे : संबंध पिता, माता, भाई, बहन, भाई बहन की संतान, चाचा, चाचा की संतान, मामा, मामा की संतान, मौसी, मौसी की संतान, बुआ, बुआ की संतान, नाना, नानी, दादा, दादा से रिश्ता) इस हेतु वंशावली वृक्ष प्रमाण पत्र जो कि तहसीलदार या उससे उच्च अधिकारी कार्यालय द्वारा जारी किया गया हो।”

18. A specific query was made to the learned Advocate General as to whether any certificate of being NRI is issued by any authority, Mr. Bharat fairly submits that no such certificate is issued to any candidate by any authority. It is submitted by Mr. Bharat that similar provisions were prevalent with regard to the admission under the NRI quota in the State of Punjab and therefore, the Punjab & Haryana High Court, in **Devbir Singh v. State of Punjab & Others** {CWP No. 20041 of 2024 (O&M) decided on 10.09.2024} and other connected cases observed that in essence, the original intent behind NRI quota to provide access for children of genuine NRI's, has been stretched beyond reasonable limits and this would compromise the integrity and fairness of admission process and the State of Punjab was directed to complete the process of MBBS admission under NRI category in the State quota as per the original and unamended prospectus.

19. Mr. Bharat submits that the Hon'ble Supreme Court, way back in the year 2006 has defined as to who is an NRI in a Constitution Bench judgment in **P.A. Inamdar** (supra) at paragraph 131 which reads as under:

**“NRI seats**

131\*. Here itself we are inclined to deal with the question as to seats allocated for Non-Resident Indians ('NRI', for short) or NRI seats. It is common knowledge that some of the institutions grant admissions to certain number of students under such

*quota by charging a higher amount of fee. In fact, the term 'NRI' in relation to admissions is a misnomer. By and large, we have noticed in cases after cases coming to this Court, neither the students who get admissions under this category nor their parents are NRIs. In effect and reality, under this category, less meritorious students, but who can afford to bring more money, get admission. During the course of hearing, it was pointed out that a limited number of such seats should be made available as the money brought by such students admitted against NRI quota enables the educational institutions to strengthen its level of education and also to enlarge its educational activities. It was also pointed out that people of Indian origin, who have migrated to other countries, have a desire to bring back their children to their own country as they not only get education but also get reunited with Indian cultural ethos by virtue of being here. They also wish the money which they would be spending elsewhere on education of their children should rather reach their own motherland. A limited reservation of such seats, not exceeding 15%, in our opinion, may be made available to NRIs depending on the discretion of the management subject to two conditions. First, such seats should be utilized bona fide by the NRIs only and for their children or wards. Secondly, within this quota, the merit should not be given a complete go-by. The amount of money, in whatever form collected from such NRIs, should be utilized for benefiting students such as from economically weaker sections of the society, whom, on well defined criteria, the educational institution may admit on subsidized payment of their fee. To prevent misutilisation of such quota or any malpractice referable to NRI quota seats, suitable legislation or regulation needs to be framed. So long as the State does not do it, it will be for the Committees constituted pursuant to the direction in Islamic Academy to regulate.”*

20. It is further submitted by Mr. Bharat that these petitions deserve to be dismissed on the sole ground that there is no pleading in these petitions to the effect that the petitioners are the direct descendants or relatives of the NRIs or that their fees has been paid in foreign currency.

21. In response, it is submitted by learned counsel for the respective petitioners that the State may enquire as to whether the fees has been paid by the the petitioners in foreign currency and whether they are relatives/direct descendants as provided under Rule 13(स)(1) of the Admission Rules 2018 or not.
22. Another query has been put to the learned Advocate General as to what is the criteria or methodology adopted by the State to determine that the candidate should be given admission under the NRI quota, Mr. Bharat submits that candidate has only to inform with regard to the relative who is an NRI and further the payment of fees should be made in foreign currency.
23. In response to the above, Mr. Sinha submits that the rules that were under challenge before the Punjab & Haryana High Court are not *pari materia* with the Admission Rules, 2018. In the case before the Punjab & Haryana High Court, after conducting of the examination, there was a change of the criteria which was put to challenge and while considering that challenge, the observations came and the matter travelled upto the Apex Court. Assuming for the sake of argument, even if the rules and notification of the Punjab & Haryana High Court is set aside, that would apply only to the State of Punjab and not to the State of Chhattisgarh. The Admission Rules of 2018 is still in existence and has not been amended/set aside.
24. Mr. Bharat submits that in view of Article 141 of the Constitution of India, dismissal of the SLP amounts to affirmation of the order of the order of the Punjab & Haryana High Court and it will be a binding precedent on the entire country.
25. In this regard, Mr. Sinha submits that even the Hon'ble Apex Court has

merely dismissed the SLP of the State of Punjab, in *limine* and not on merits and even if it affirms the order of the Punjab & Haryana High Court, it cannot have a binding effect on the State of Chhattisgarh as every State has different admission rules.

26. Mr. Kshitij Sharma, learned counsel appears on behalf of the private respondents/Medical Colleges {in WPC Nos. 5316/2024, 5318/2024 and 5344/2024}.
27. We have heard learned counsel for the parties, perused the pleadings and materials appended thereto.
28. Admission to a medical college pursuant to the NEET UG 2024 in the State of Chhattisgarh is governed by the Admission Rules 2018 which is a statutory rule and having force of law. The definition of the NRI has been prescribed under Rule 2(स) of the Admission Rules, 2018. The eligibility and documents required for admission under the said NRI quota is provided under Rule 13 of Admission Rules 2018 and the petitioners fulfill the said criteria as they have been issued confirmation letter which obviously would have been issued only after checking their credentials. Neither there has been any violation nor any deviation of the said rules which is in existence while granting the admission to the petitioners and, as such, after completion of the entire admission process any change which is foreign to the existing rules can not be allowed to prevail.
29. The issue involved in this petition is as to whether the State can differentiate between the candidates who have been granted admission under the NRI quota before 24.09.2024 and after 24.09.2024 in light of the order passed by the Apex Court on 24.09.2024 in SLP(C) No. 22174/2024 which arose out of judgment dated 10.09.2024 passed by

the Punjab & Haryana High Court, in CWP No. 20788/2024 and whether the judgment passed by the Punjab & Haryana High Court can be made applicable in the State of Chhattisgarh merely on the ground that an SLP preferred against the same has been dismissed by the Apex Court?

30. The operative portion of the impugned communication made by the State of Chhattisgarh to the Commissioner, Medical Education, dated 18.10.2024, reads as under:

“माननीय सर्वोच्च न्यायालय द्वारा Civil Writ Petition No. 20788 of 2024 में पारित आदेश दिनांक 24 सितम्बर 2024 के परिपालन में माननीय महाधिवक्ता से अभिमत मांगा गया था जिस पर महाधिवक्ता कार्यालय, बिलासपुर के पत्र क्रमांक AG/CG/BSP/2024/25389 दिनांक 16/10/2024 से प्राप्त अभिमत को दृष्टिगत रखते हुए छ0ग0 राज्य नीट यूजी 2024 की एनआरआई सीटों का काउंसलिंग प्रक्रिया के प्ररिप्रेक्ष्य में निम्नानुसार निर्देश दिये जाते हैं:—

1. दिनांक 24.09.2024 के पूर्व प्रवेशित सभी एनआरआई प्रायोजित अभ्यर्थियों का प्रवेश यथावत रखा जावे।
2. दिनांक 24.09.2024 के पश्चात प्रवेशित सभी एनआरआई प्रायोजित अभ्यर्थियों के प्रवेश की संवीक्षा की जाये एवं संवीक्षा के अंतर्गत माननीय सर्वोच्च न्यायालय द्वारा Civil Writ Petition No. 20788 of 2024 में पारित आदेश दिनांक 24 सितम्बर 2024 के अनुरूप जो अभ्यर्थी अपात्र पाए जाते हैं उनका प्रवेश निरस्त किया जावे तथा जो अभ्यर्थी संवीक्षा में पात्र पाए जाते हैं उनका प्रवेश मान्य किया जावे।
3. माननीय सर्वोच्च न्यायालय के अनुसार पात्र वास्तविक एनआरआई अभ्यर्थी न होने की दशा में रिक्त सीटों का अंतरण छत्तीसगढ चिकित्सा, दंत चिकित्सा एवं भौतिक चिकित्सा (फिजियोथेरेपी) स्नातक प्रवेश नियम-2018 के नियम-08 एवं छ.ग. राजपत्र 2017 निजि व्यवसायिक महाविद्यालयों में अप्रवासी भारतीय नियतांश नियम, 2017 की कंडिका 04 (6) के अनुसार किया जावे।”

31. For proper appreciation of the *lis*, it would be prudent to firstly understand as to what was the issue that was decided by the Punjab & Haryana High Court in CWP No. 20788/2024 and other connected matters.

32. In this regard, attention has been drawn to paragraph 1.2 of the judgment of the Punjab & Haryana High Court, which reads as under:

*“1.2 In the matter at hand, the following question has arisen for adjudication:-*

*“If in accordance with the State Government's policy, a 15% reservation for genuine NRI is provided in the prospectus for admission to a professional course, whether a subsequent decision to include non-genuine NRIs after the deadline for submitting admission forms is sustainable?”*

33. The facts in the aforesaid case have been discussed vide paragraphs 1.3 to 1.6 of the said judgment. In paragraph 1.5, the amendment that was brought in by the State of Punjab is of great importance and as such, it would be beneficial to reproduce the same which reads as under:

*“1.5 On 20.08.2024, the following corrigendum was issued substituting the relevant clause with respect to scope and ambit of students who are entitled to be considered for NRI seats:-*

*“Modified Provisions*

*1. For admission under the NRI quota/NRI category seats, preference be given according to the following order:*

*a. Actual NRIs candidates who originally belonged to the State of Punjab.*

*b. Children of NRIs who originally belonged to Punjab State.*

*c. Actual NRIs who originally belonged to an Indian State or Union Territories other than Punjab*

*d. Children of NRIs who originally belonged to an Indian State or Union Territories other than Punjab.*

*e. If in case the seats of NRI's are left vacant after considering the above preferences (a-d) then the candidates who is the Ward/Nearest relation of NRI shall also be considered under NRI quota seats:-*

*The degree of relation with NRI will be considered as per the following orders of preference mentioned as under:-*

*I. He/she shall be in the nearest relation.*

*II. In the definition of nearest relation, following relation having blood relations will be considered:-*

*a) Real Brother and sister of father i.e. real uncle and real aunt.*

*b) Real brother and sister of mother i.e. real maternal uncle and maternal aunt.*

*c) Father and mother of father i.e. grandfather and grandmother.*

*d) Father and mother or mother i.e. maternal grandfather and maternal grandmother.*

*e) First degree-paternal and maternal cousins.*

*f) Such persons should be NRI.*

*III. Such persons should ordinarily be residing abroad.*

*IV. Such person should have looked after such student as the guardian of the student and evidence to that effect must have been produced before the Committee by such person in the form of an affidavit duly verified by the competent authority.*

*Note:-*

*Any seats remaining vacant under NRI category after the second round of counselling shall go to the NEET qualified eligible foreign national. However, if the seats still remain vacant these shall be converted to general category seats in the Government/Government Aided Colleges and Management Category seats in the Private colleges.*



*The fee of the NRI candidate shall only be accepted from NRI/NRE bank account.”*

34. In nutshell, initially, the direct descendants of the NRIs were to be granted seats under the NRI quota, but after amendment, the scope of admission under the NRI seats was expanded and that too, at the stage of admission after filling up of the forms, counselling etc.
35. According to Mr. Bharat that clause II(e) of the modified provisions, as referred in the paragraph 1.5 of the judgment of the Punjab & Haryana High Court is identical to that of 13(स)(1) of the Admission Rules, 2018 (which has already been quoted above) and as such, the outcome of the said judgment will definitely have a binding effect on the State of Chhattisgarh as well as the judgment of the Punjab & Haryana High Court has been affirmed by the Apex Court by dismissing the SLP. Mr. Bharat states that by issuance of the impugned notice, the State has only attempted to grant admission to the candidates who are the actual descendants of the NRIs and not to those who were earlier granted the benefit as has been provided in 13(स)(1) of the Admission Rules, 2018.
36. Very surprisingly, merely by issuance of notice impugned herein, the admission given before 24.09.2024 are deemed to be intact whereas the admissions given after the said date *i.e.* 24.09.2024, they may be disturbed/cancelled. The State has treated the cut off date to be the date of passing of the order in the SLP by the Apex Court *i.e.* 24.09.2024. The order dated 24.09.2024 passed by the Apex Court in SLP(C) No. 22174/2024, wherein the order dated 10.09.2024 passed in CWP No. 20788/2024 by the Punjab & Haryana High Court was under challenge, is merely a dismissal in *limine*. The same reads as under:

**“O R D E R**

1. *We are not inclined to entertain the Special Leave Petition*

*under Article 136 of the Constitution of India.*

*2. The Special Leave Petition is accordingly dismissed.*

*3. Pending applications, if any, stands disposed of.”*

37. The aforesaid order has no bearing on the Admission Rules of 2018 and neither the Apex Court has laid down any ratio or defined as to who should be treated as NRI and who can be granted admission under the NRI quota in the medical colleges. The Admission Rules of 2018 still holds the field in the State of Chhattisgarh as they have neither been amended nor cancelled nor modified.
38. There is no disagreement with regard to the ratio laid down by the Apex Court in a catena of decision that rule of the game cannot be changed after its commencement. The petitioners had appeared in the NEET UG 2024 examination and secured their position as qualified candidates. At the time of their admission, the Admission Rule 2018 was in force and still remains as it is, therefore, the case of the petitioners would be governed by the Admission Rules, 2018 and there can be no deviation from that.
39. Further, the State cannot discriminate candidates fulfilling the same qualification/eligibility criteria merely on the basis of passing of a judgment by another High Court wherein another admission rules/provisions were under challenge and the Apex Court had merely dismissed the Special Leave Petition against the said judgment, in *limine* and not on merits. The same cannot be a binding precedent on the State of Chhattisgarh where altogether different rules i.e. Admission Rules of 2018 is in existence. The definition of NRI has been discriminated on the basis of cut off date i.e. 24.09.2024 when the Apex Court had dismissed the SLP against the order of the Punjab & Haryana High Court, in *limine*. The candidates who have taken admission prior to

24.09.2024 are allowed to continue with their studies whereas the candidates who have taken admission after 24.09.2024, if their admission is found in violation of the order passed in CWP No. 20788 of 2024, their admissions may be cancelled. The candidates standing on the same footing cannot be measured by two different yardstick on the basis of cut of date i.e. 24.09.2024. It is hit by the principles of *intelligible differentia*. The definition of NRI has been considered differently for the two set of candidates *i.e.* the candidates who have taken admission prior to 24.09.2024 have been considered differently from the candidates have taken admission after admission prior to 24.09.2024 and after 24.09.2024. Applying these two different yard stick is arbitrary and illegal.

40. With regard to dismissal of a case in *limine*, in ***State of Orissa & Another v. Dhirendra Sundar Das & Another***, {(2019) 6 SCC 270}, the Apex Court observed as under:

*“9.27. It is well-settled principle of law emerging from a catena of decisions of this Court, including Supreme Court Employees’ Welfare Assn. v. Union of India and State of Punjab v. Davindar Pal Singh Bhullar, that the dismissal of an SLP in limine simply implies that the case before this Court was not considered worthy of examination for a reason, which may be other than the merits of the case. Such in limine dismissal at the threshold without giving any detailed reasons, does not constitute any declaration of law or a binding precedent under Article 141 of the Constitution.”*

41. With regard to the issue of *ratio decidendi*, the Apex Court, in ***Roger Shashoua and other v. Mukesh Sharma & Others*** {(2017) 14 SCC 722}, it was observed as follows:

*“55. At this juncture, we think it necessary to dwell upon the issue whether Shashoua principle is the ratio decidendi of BALCO and*

*Enercon (India) Ltd. (supra) and we intend to do so for the sake of completeness. It is well settled in law that the ratio decidendi of each case has to be correctly understood. In Regional Manager v. Pawan Kumar Dubey, a three-Judge Bench ruled: (SCC p. 338, para 7)*

*“7. ... It is the rule deducible from the application of law to the facts and circumstances of a case which constitutes its ratio decidendi and not some conclusion based upon facts which may appear to be similar. One additional or different fact can make a world of difference between conclusions in two cases even when the same principles are applied in each case to similar facts.”*

42. It is very surprising that when the judgment of the Constitution Bench in ***P.A. Inamdar*** (supra) was passed way back in the year 2005 which clarified as to who should be treated as the NRI and who should be given the seats under the NRI quota, the State of Chhattisgarh has not bothered to take any steps to formulate any rule/policy with regard to grant of admission to the candidates under the NRI seats and in the year 2018 also, the State has come up with the Admission Rules, 2018 which also does not prohibit the relatives other than the actual real descendants of the NRI and in such a situation, taking shelter of an order which was passed by the Punjab & Haryana High Court, the admission which has already been granted to the petitioners, cannot be taken back. The judgment of the Punjab & Haryana High Court in CWP No. 20788/2024 does not have any binding effect on the State of Chhattisgarh as the dismissal of the SLP against the said order by the Apex Court, was merely a dismissal in *limine* and not on merits. Even otherwise, no law has been laid down or any order has been passed as to who should be given the admission under the NRI quota.
43. The impugned communication dated 18.10.2024 and the notice dated 18.10.2024 (Annexure P/1 collectively to WPC No. 5322/2024) is

discriminatory as, on the hand, it allows to continue with the studies to those candidates who have been admitted before 24.09.2024 and the candidates who have been admitted after 24.09.2024, their admissions have been put at stake, which amounts to playing with the future of the candidates which cannot be permitted and as such, the impugned communication as well as the impugned notice (both dated 18.10.2024) are quashed.

44. Resultantly, all the above petitions are **allowed**.
45. Needless to say that the State is at liberty to frame policy / amend the Admission Rules of 2018 for the academic sessions to come, if it so desire.

Sd/-  
(Bibhu Datta Guru)  
**JUDGE**

Sd/-  
(Ramesh Sinha)  
**CHIEF JUSTICE**

**Head Note**

In view of the settled proposition of law by the Apex Court, dismissal of a case *in limine* at the threshold without giving any detailed reasons, does not constitute any declaration of law or a binding precedent under Article 141 of the Constitution of India.