



2026:AHC:17330-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 176 of 2026

Abhinav Gaur

.....Petitioner(s)

Versus

Union of India and 3 others

.....Respondent(s)

Counsel for Petitioner(s) : Achlesh Chandra Mishra, Ankit Shukla, Vibhu Rai

Counsel for Respondent(s) : A.S.G.I., Anurag Sharma

Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.**

1. This petition, purportedly in public interest, has been filed by an Advocate, seeking declaration that decision of respondent No. 2-National Board of Examination in Medical Sciences ('NBEMS') dated 13.01.2026 is *ultra vires* to Article 16 of the Constitution of India and that any admissions undertaken on the basis of the said decision to be null and void.

2. By the notice dated 13.01.2026, the NBEMS has revised the cutoff scores of NEET-PG 2025 after lowering of qualifying percentiles, wherein the percentiles for different categories from 50th percentile, 45th percentile, 40th percentile have been reduced to 7th percentile, 5th percentile and 0 percentile, respectively.

3. Submissions have been made that the exercise has been undertaken to benefit private medical colleges as the Post Graduate seats in all the Government Colleges have already been filled up. Further submissions have been made that the lowering down of percentile for different categories at different level is not justified and the 0 percentile, which has been prescribed for SC/ST/OBC (including PwBD of SC/ST/OBC) should be applicable to all categories. Further attempts were made seeking to question the action as compromising the merit in granting admissions for Post Graduate Courses in medical.

4. Learned counsel for the respondents made submissions that the plea

sought to be raised by the petitioner is similar to the plea as was raised in **Sanchit Seth Vs. National Board of Examination in Medical Sciences and others** : WP (C) No. 848 of 2026 before the Delhi High Court, wherein the Division Bench, by its order dated 21.01.2026, has dismissed the writ petition.

5. We have considered the submissions made and have perused the material available on record.

6. The petitioner, except for annexing the notice dated 13.01.2026, has not produced any material seeking to substantiate the allegations, which have been made in the petition.

7. The petition, apparently, is only academic in nature having been filed by an Advocate, who apparently otherwise has no concern with the medical education. However, the nature of plea, which has been raised seeking lowering down the percentile for all categories, etc, reflects a contradiction in the submissions made, wherein, on the one hand, providing for 0 percentile for SC/ST/OBC is sought to be opposed, on the other hand, the same has been sought for all categories.

8. Be that as it may, the petition lacks in relevant material and particulars i.e. the basis on which, the challenge is sought to be laid.

9. The Delhi High Court, in the case of **Sanchit Seth** (supra), *inter alia*, observed as under:

"16. We have heard the learned Counsel for the Parties.

17. The main grievance of the Petitioner is that the decision to lower the

cut-off percentile to include additional candidates for participation in Round - 3 of counselling for NEET-PG 2025 after conclusion of Round - 2 of counselling will have irreversible health risk to public at large, pose grave threat to patients' safety and quality of healthcare, which is against public policy. Further, the reduction in eligibility criteria vide Impugned Notice is abdication of statutory duty by the Respondents and is in violation of Article 47 of the Constitution of India, 1950 as the reduction in eligibility criteria promotes mediocrity and not meritocracy.

18. The above apprehension of the Petitioner is unfounded and not based on any empirical study regarding the availability of candidates against the vacancy for Post Graduate courses. The submissions of the Petitioner that the lowering the eligibility criteria will reduce the meritocracy and can be a threat to safety of the patients and quality of healthcare cannot be accepted as expanding the pool of candidates will enhance the possibility of seat occupancy in Round - 3 of counselling and Stray Vacancy Round, if conducted. It will result in ensuring optimal utilisation of the PostGraduate medical seats and avoiding potential vacancies. Permitting more candidates to participate in the counselling round by lowering the eligibility criteria will, in fact, ensure that all the vacant seats are utilised. Merely by lowering the eligibility criteria for counselling will not reduce the merit as the actual admission will be based on the merit and ultimately the selected candidates will have to undergo the Post Graduate medical course to qualify for the Post Graduate Degree / Diploma. Hence, it will be in public interest to have all the vacant seats duly filled up to enable the candidates to specialise and make them more skilled in the chosen area of specialisation.

19. The decision to reduce the eligibility criteria was taken at the meeting held at the highest level of Respondent Nos. 2 and 3 and after due deliberations and consideration of data provided by Respondent No. 1, the eligibility criteria was recalibrated to ensure the optimal utilisation of the vacant seats. It is a trite law that the judicial review of administrative action and policy decision taken by the Executive is permissible only on the ground of arbitrariness and perversity.

20. The Petitioner has not been able to demonstrate any arbitrariness in deciding to reduce the eligibility criteria by Respondent Nos. 1 to 3. Due process of deliberation and decision making was followed, which is evident from the Minutes of the meeting dated 30.12.2025 held by the highest officials of Respondent Nos. 2 and 3.

21. Accordingly, we do not find any ground to interfere with the ongoing process of Round - 3 of the counselling for NEET-PG 2025 in absence of any perversity in the decision to reduce the eligibility criteria as notified by the Impugned Notice. In view of the same, the present Petition is

hereby dismissed. There shall be no order as to cost."

10. Once another High Court having considered similar nature plea in relation to merit, has taken a view, based on the contents of the present petition and the submissions made we do not find any reason to differ with the same.

11. Consequently, there is no substance in the petition, the same is, therefore, dismissed.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

January 27, 2026

Mukesh Pal/Jyotsana