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## Reservation to In-service Doctors in PG: SC

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### Why in News

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Recently, the **Supreme Court** has allowed **states to grant the benefit of reservation of seats** to in-service doctors in the **National Eligibility cum Entrance Test (NEET)** postgraduate degree courses.

The five-judge Constitution Bench of the apex court also held that the **Medical Council of India (MCI)** has **no power to provide or not provide reservation** for in-service doctors in admission to PG courses.

MCI is a **creation of a statute under Entry 66 of List-I of the Constitution** and its role is to **coordinate and determine the standards of medical education.**

**Entry 66 of List-I:** Coordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

### Key Points

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- The Bench held that **MCI regulations barring such reservations are unconstitutional and arbitrary** and that the state legislature has the authority to provide reservation for in-service doctors.
  - It held that a State has the legislative competence and authority to provide for a separate source of entry for in-service candidates seeking admission to postgraduate degree/diploma courses in the exercise of powers under **Entry 25 of List-III**.
    - **Entry 25 of List-III:** Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.
    - The Constitution provides for a **three-fold distribution of legislative subjects between the Union and the states**, which are **List-I** (the Union List), **List-II** (the State List) and **List-III** (the Concurrent List), described in the **seventh schedule**.
- It has asked **states to formulate a scheme for rural/remote service by in-service doctors** after completing PG degree and the **doctors must sign a bond for five years in service in such areas**.
- **Background:**
  - Doctors from Kerala, Maharashtra, and Haryana **filed a petition challenging the validity of the Postgraduate Medical Education Regulations 2000**, framed by the MCI.
    - 50% seats in PG diploma courses are reserved for medical officers in the government service but the MCI regulations barred it in PG degree courses.
    - All the admission to PG degree courses are conducted through the NEET and 50% seats are filled through all India quota and the remaining 50% from state quota.
  - Doctors held that **granting reservation benefits would encourage** those working in government hospitals and rural areas.
    - The in-service candidates, due to their work, hardly find time to study and it becomes tough for them to compete with the general merit candidates.
  - The **Central government and the MCI opposed the plea** contending that granting reservations or a separate source of entry for in-service candidates would **directly impinge on the authority of MCI** and its regulations.

**Source: TH**