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Reservation in Super-speciality Medical Courses: SC

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Why in News

Recently, the **Supreme Court** (SC) has reserved its order on the **state governments providing a 50% in-service reservation** for admissions to **super-speciality medical courses** (Doctorate of Medicine/DM and Master of Chirurgiae/M. Ch.) in government colleges for the academic year 2020-21.

Key Points

- In **August 2020**, the **SC** allowed states to **grant the benefit of reservation of seats to in-service doctors** in the **National Eligibility cum Entrance Test** (NEET) postgraduate (PG) degree courses.
- The judgment held that the **state has the legislative competence and authority** to provide for a separate source of entry for in-service candidates seeking admission to PG/diploma courses in the exercise of powers under **Entry 25, 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**.

- **In November 2020, Tamil Nadu government** allowed counselling and filling of 50% of the super-speciality seats in the government medical colleges with in-service candidates in the state.
 - The seats would be filled with candidates who have cleared **NEET-Super Speciality Courses (SS)** and the **selection committee of the Directorate of Medical Education** would prepare the merit list and conduct counselling.

The state government argued that there was an **acute need for super-speciality qualified doctors** both in the medical academia and in practice.
 - After 50% of seats in DM/M. Ch. courses in government medical colleges are allocated to in-service candidates, the rest will be surrendered to the **Directorate General of Health Services (DGHS)**.

DGHS is a repository of technical knowledge concerning public health, medical education and health care. It is an **attached organisation of the Ministry of Health and Family Welfare**.
- Doctors, including PG holders qualified in NEET 2020, **challenged the decision saying that there is no concept of any reservation for admission to super-speciality medical courses.**

They referred to the verdict in *Dr Preeti Srivastava & Anr. versus State of Madhya Pradesh & Ors, 1999* which held that “**merit, and merit alone, is the basis for admission at the super-speciality level**”.
- Their appeal argued that the State order was contrary to the **Postgraduate Medical Education (Amendment) Regulations of 2019**, which mandated that the **DGHS** should be in charge of the admission process.

The regulations **empower DGHS to conduct the counselling for all super-speciality courses in medical educational institutions** of the Central and state governments, deemed universities, medical educational institutions established by municipal bodies, trusts, etc.

Source: TH