

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**CWP No. 11479/2024 a/w connected matters
Decided on: 15.07.2026**

1. CWP No. 11479/2024

Satuti & Ors. Petitioners

Versus

State of H.P. & Ors. Respondents

2. CWP No. 11213/2024

Priyansha Petitioner

Versus

State of H.P. & Ors. Respondents

3. CWP No. 11724/2024

Swastik Petitioner

Versus

State of H.P. & Ors. Respondents

4. CWP No. 11771/2024

Janesha Sharma Petitioner

Versus

State of H.P. & Ors. Respondents

5. CWP No. 11774/2024

Aishika Verma Petitioner

Versus

State of H.P. & Ors. Respondents

6. CWP No. 11775/2024

Edha Mehra Petitioner

Versus

State of H.P. & Ors. Respondents

7. **CWP No. 11988/2024**

Shradha Thakur Petitioner

Versus

State of H.P. & Ors. Respondents

8. **CWP No. 12228/2024**

Priya Verma & Anr. Petitioners

Versus

State of H.P. & Ors. Respondents

9. **CWP No. 12229/2024**

Hardik Tank Petitioner

Versus

State of H.P. & Ors. Respondents

10. **CWP No. 14286/2024**

Suchi Thakur Petitioner

Versus

State of H.P. & Ors. Respondents

11. **CWP No.14366/2024**

Akhilesh Thakur Petitioner

Versus

State of H.P. & Ors. Respondents

.....
Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

¹ *Whether reporters of the local papers may be allowed to see the judgment?*

For the petitioners:	Mr. Vinay Sharma & Mr. Pawan K. Sharma, Advocates, for the petitioners in the respective petitions.
For the respondents:	Mr. Anup Rattan, Advocate General with Ms. Seema Sharma, Deputy Advocate General, for the respondents-State in all the petitions. Mr. Bhuvish Sharma, Sr. Advocate with Mr. Rupesh Kumar, Mr. Shekhar Badola, Mr. Parav Sharma Mr. Rahul Mahajan, Mr. Arhant Mahajan, Mr. Pankaj Choudhri, Mr. Shashi Bhushan and Mr. Sandeep K. Pandey, Advocates, for the respective respondents in the respective petitions.

Jyotsna Rewal Dua, J.

These writ petitions involve common questions of law and overlapping facts, hence, for the said reason, they were connected. With the consent of the learned counsel for the parties, the matters have been taken up together for the purpose of their adjudication.

(i) For convenience, reference hereinafter is made to the facts of **CWP No. 11479 of 2024 (*Satuti & Ors. v. State of H.P. & Ors.*)**. The said petition has been filed for the grant of the following substantive reliefs: -

“A. That the Annexure P-7 may be quashed in the interest of justice.

B. The respondents may kindly be directed to initiate fresh counseling of MBBS seats after identifying the candidates who have

more than one State Domicile and further respondents be directed to cancel the seats allotted to these candidates.

C. That the petitioners may kindly be consider for State Quota of 85% in MBBS course as per result dated 26.7.2024 by allowing them participate in the selection process.

D. That the respondents may be directed to form Special Investigation Team (SIT) for the purpose of scrutinizing and verifying the credentials of the selected candidates in MBBS seats throughout the Medical Colleges in the State of Himachal Pradesh.”

(ii) Somewhat similar reliefs have been prayed for in **CWP**

No. 11213/2024 (Priyansha Vs. State of H.P. & Ors.) : -

“i) That the respondents may kindly be directed to identify the candidates who have more than one domicile and have applied for admission under State quota in different States using different domiciles.

(ii) That the respondents may kindly be directed to register FIR against the candidates who have filed false affidavit before them claiming that they have not applied in other States under State quota of that State.

(iii) That the respondents may kindly be directed to cancel the seats allotted to the candidates who have applied for State quota in different States and the cancel seat may kindly be offered to the petitioner.

(iv) That SIT may kindly be constituted to identify the candidates who have sought double benefits of domicile certificate in State of Himachal Pradesh and in other States in the interest of justice and fair play.

(v) That the respondents may kindly be directed to decide the representations (Annexure P-4 and Annexure P-6) and directed to take action on these representations in the interest of justice and fair play.”

2. Heard learned counsel for the parties & considered the case file.

2(i) Respondent No.4-Atal Medical & Research University, H.P. issued a Common/Centralized Counselling Prospectus for admission to MBBS & BDS Courses on the basis of merit in NEET-UG-2022 (Session 2022-23). Clause 2 of Chapter (IV) of the prospectus provided specific criteria for eligibility of candidates for the State quota seats. One of the conditions prescribed therein was that the children of Bonafide Himachalis, who had passed at least two examinations (out of Middle or equivalent/Matric or equivalent/10+1 or equivalent/10+2 or equivalent) from recognized schools or colleges situated in the State and affiliated to Boards/Universities established by law in India, would be eligible. For the session 2024-25, the above criteria was changed by respondent No.4-University. In terms of the prospectus issued for session 2024-25, bonafide Himachali students/children of Bonafide Himachalis, irrespective of their place of schooling, were eligible for the State quota seats for admission to MBBS/BDS courses on the basis of merit in NEET-UG-2024.

These petitions are mainly concerned with admissions for session 2024-25. Petitioners' grievance is that they qualified the NEET examination but were not able to secure seats under the 85% State quota, whereas private candidates in all these petitions, from outside the State, who have domicile of more than one State, have been able

to secure State quota seats in the State of Himachal Pradesh on account of their being bonafide Himachalis.

2(ii) Learned counsel for the petitioners have submitted that, in terms of Clause VI(xii) of Chapter IV of the Prospectus for session 2024-25, the candidates were required to furnish affidavits (format at Appendix-15 of the prospectus) to the effect that the advantage of the domicile State was being availed by them only in the State of Himachal Pradesh and nowhere else; That the affidavits furnished by the private respondents in terms of Appendix-15 read with Clause VI(xii) were false, as the private respondents had availed the benefit of the Domicile State in more than one State, including the State of Himachal Pradesh; That respondent No.4-University has not been vigilant enough in identifying such candidates like the private respondents, who, on the basis of their false affidavits, have been permitted to secure admission against the State quota in the State of Himachal Pradesh.

During hearing of the case, learned counsel for the petitioners in CWP No. 11479 of 2024 further submitted that respondent No. 4-University, in the prospectus issued for the session 2025–26 onwards, has again incorporated the eligibility condition requiring the candidate to have passed at least two examinations out of Middle, Matric, 10+1 or 10+2 from recognized schools/colleges situated in the State of Himachal Pradesh. In view thereof, learned

counsel submitted that the prayers made in the aforesaid petition in relief clauses A, B and C have been rendered infructuous and that prayer in this writ petition is now confined only to seek direction to the respondents to constitute a Special Investigation Team (SIT) for scrutinizing and verifying the credentials of the candidates selected to MBBS seats in the Medical Colleges in the State of Himachal Pradesh.

Learned counsel for the petitioners in CWP No. 11213 of 2024, however, insisted upon all the reliefs claimed in their petition.

2(iii) The defence of the private respondents is almost similar in all the petitions. For the sake of convenience, the stand taken by respondent No. 5 in CWP No. 11479 of 2024 is referred to hereinafter.

Baba Farid University of Health Sciences (BFUHS), Faridkot, Punjab, issued a prospectus on 09.08.2024 for admission to the MBBS course in the State of Punjab for the academic session 2024-25. Respondent No. 5, being a bona fide Himachali and also holding the domicile of the State of Punjab, after passing 10+2 examination, got himself registered with BFUHS on 11.08.2024 for admission in the State of Punjab. Four days later, i.e. on 15.08.2024, respondent No. 4-University issued its prospectus for admission to the MBBS course for session 2024-25. As per the eligibility criterion laid down therein, respondent No. 5, being a bonafide Himachali, was eligible for State quota seat in terms of the prospectus. Accordingly, he registered himself with respondent No. 4-University on 18.08.2024.

On the basis of his registration with BFUHS, name of respondent No. 5 was included in the merit list of BFUHS published on 23.08.2024. The said University sought the choice of respondent No. 5 to proceed further with the admission process. Respondent No. 5 did not exercise the said choice, as he had already registered himself with respondent No. 4-University on 18.08.2024. Respondent No. 4-University released its merit list on 23.08.2024. Respondent No. 5 exercised his choice for admission in the State of Himachal Pradesh on 29.08.2024 and, consequently, participated in different rounds of counselling, pursuant to which he was finally allocated a seat in Shri Lal Bahadur Shastri Government Medical College & Hospital (SLBSGMCH), Ner Chowk, Mandi, Himachal Pradesh, on 27.09.2024.

3. The reply filed by respondent No.4-Atal Medical & Research University, H.P. clearly indicates that, in terms of the eligibility criteria prescribed in the Prospectus for the session 2024-25, bonafide Himachali students, irrespective of their place of schooling, were eligible for the State quota seats in the State of Himachal Pradesh. In view of this eligibility condition, it was not incumbent upon the respondents to ascertain whether the candidates, having more than one domicile, had applied for admission under the State quota in the respondent-State. No clause in the Prospectus prohibited the bonafide Himachali candidates, also possessing the domicile of any other State from registering for admission in other State. In terms of

the Prospectus for the session 2024-25, the Government of Himachal Pradesh had decided to allow all bonafide Himachali candidates to participate in the admission process in Himachal Pradesh under the State quota, irrespective of place of their schooling. The only eligibility criterion being the requirement that they should be bonafide Himachalis. Respondent No.4-University has also gone on to submit that, in view of the main eligibility conditions prescribed in Clause 2(i) of Chapter IV of the Prospectus for the session 2024-25, the procedural condition imposed in Clause VI(xii) of the Prospectus, requiring affidavit from the candidates that the advantage of the domicile State had been taken only in the State of Himachal Pradesh and nowhere else, was redundant. The said clause was an oversight and irrelevant, as it was not supported by any clause relating to the eligibility and qualification criteria published in the Prospectus. In terms of Clause 2(i) of Chapter IV of the Prospectus, bonafide Himachali candidates were eligible for admission to the Medical & Dental courses. It has also been pleaded in the reply that registration alone in any other State neither guaranteed admission nor prohibited the candidate from admission in respondent-State under the Prospectus issued by respondent No.4 for the session 2024-25. The registration of the private respondents in BFUHS was only an indication that such candidates were eligible to participate in the counselling process for securing a seat. The candidates were further required to participate in

the choice-filling and seat allocation process. It is only thereafter that admission could be secured by them in the said university. It will be in place to extract the stand of respondent No.4-University: -

3. *That it is respectfully submitted that the petitioners had claimed that the respondents have to identify the candidates who have more than one domicile and applied for admission under state quota in different states but there is no reason for counseling committee to do so. No clause in prospectus prohibits candidate to possess domicile of other state or to apply for counseling in other states. The Govt. of Himachal Pradesh had decided to allow all Bonafide Himachali candidates to participate in the counselling of Himachal Pradesh under state quota irrespective of their schooling. There is no direction that if a candidate is in possession of domicile of any other state, or if a candidate has registered for the counseling of any other state, then he/she becomes ineligible for admission in Himachal Pradesh. It is also reiterated that the eligibility for seat allocation in Himachal Pradesh is on the basis of Bonafide Himachali status irrespective of the domicile status of the candidate.*

4. *That it is respectfully submitted that there is a provision in the clause VI and sub clause (xii) of the prospectus that "Affidavit on plain paper indicating that the advantage of Domicile State is being taken in Himachal Pradesh only and nowhere else as per specimen attached at Appendix-15". The point (iii) appendix-15 reads as "that the advantage of Domicile State is being taken in Himachal Pradesh only and nowhere else". Copy of Appendix 15 (Specimen of Affidavit) is being annexed herewith as Annexure R-4/B for the kind perusal of this Hon'ble Court. This clause is an oversight and may be considered unintentional and irrelevant because this clause is not supported by any clause in the "Eligibility and Qualifications" criterion published in the prospectus. As described in point no.2 only Bonafide Himachali are eligible for admission in medical and dental courses and not the candidates who possess a Domicile Certificate of Himachal Pradesh, so a candidate cannot take advantage of domicile state of Himachal Pradesh for admission in Himachal Pradesh. It is*

also informed that the online counselling process is designed as a multi-step process that is completed in multiple rounds. The process starts with registration of candidate, followed by the publication of the merit list. The process culminates in the seat allocation and admission of the candidate. Under no circumstances does registration alone guarantee admission, it is just an indication that the candidate is eligible to participate in the counseling process. For securing a seat the candidates must further participate in the choice filling and seat allocation processes, after which admission is granted. Thus, in a multistep process, word counseling represents the process of choice filling for allocation of seat and subsequent seat allocation. It is important to note that while a candidate may register for counselling in multiple states, it is only upon allocation of a seat and subsequent admission that the advantage of a domicile certificate is realized. The registration process, by itself, does not imply that a candidate has taken undue advantage of the domicile state unless they are granted admission in more than one state under the respective state quotas. The claim of the petitioners that the respondents have to identify the candidates who have more than one domicile and applied for admission under state quota in different states is not justified because the replying respondent No.4 does not have any mechanism to find out whether a candidate is participating in the allocation process in one or more states and there is no clause in the prospectus that prohibits a candidate from applying in other states or to remove the candidate from counselling because he/she possesses the domicile of any other state. The point no.3 of the Appendix 15 was inserted with a specific purpose to prevent blocking of the seats by the candidates in more than one state. Now this purpose is served by a National Portal developed by the MCC on the direction of Hon'ble Supreme Court that contains information about the candidates admitted in different states but point no.3 of appendix-15 was overlooked though it had become irrelevant when the National Portal became functional.

5. *That it is important to bring to the kind notice of this Hon'ble Court that now the Medical Counseling Committee/DGHS, Government of India has developed a National Portal that contains*

data of admitted candidates in different states. This information is used to eliminate the candidates who are admitted in any state, from the list of allocation for the stray round. It is humbly submitted that the replying respondent No.4 is not aware of admission of any candidate who was admitted in any other state under state quota and admitted in Himachal Pradesh also in the same round of counseling. It is further reiterated that if the candidate provides documents that makes him/her eligible for allocation under State Quota, the counselling committee cannot remove him/her from the allocation list if his/her name reflects in the merit list of other states because inclusion of name in the merit list does not prove that the candidate has participated in the seat allocation process in that state by taking advantage of the domicile as described in point no.4. It is also important to mention here that registration for counseling is a one-time process and usually there is no mechanism to delete the names from the state merit list on request and if a candidate does not want to participate in the counseling process, he/she can do so by not filling the choices for allocation. So, a candidate may be said to have taken advantage of the domicile state if he/she secures a seat in any state and he/she was eligible for admission because of the domicile certificate only. The name of candidate is removed from the allocation list only in the stray round if that candidate is also allocated seat under the All-India quota in 3rd round or if the candidate is found admitted in any state in any of the earlier rounds.”

Based upon terms & conditions in the prospectus issued for academic session 2024-25, respondent No.4 has taken a categorical stand that if a candidate was domicile of any other State or if a candidate had registered for counselling in any other State, he/she did not become ineligible for admission in State of Himachal Pradesh. Registration alone does not guarantee admission. Registration indicates eligibility of candidate to participate in the counselling

process. For securing admission, candidate must further participate in the choice filling & seat allocation process. Only upon allocation of seat & subsequent admission, advantage of domicile certificate is realized.

4. Learned counsel appearing for all private respondents are consistent in their submissions that these respondents had only registered with the Medical Universities of the other States based upon the terms & conditions of the Prospectuses issued by the other States. They had not availed the choice-filling option consequent upon registration in the different Medical Universities of the other States. After their registration with respondent No.4-University, they had participated only in the admission process carried out by respondent No.4-University. They never participated in the counselling or secured seats in any other Medical University of different States. This factual position has not been disputed by respondent No.4-University. It will also be prudent to note of further pleadings of respondent no.4-University regarding credentials/certificates of private respondents: -

“7. That it is respectfully submitted that the counselling committee is constituted by Government of Himachal Pradesh to ensure that the eligible candidates as per the eligibility criteria decided by the Government of Himachal Pradesh are admitted according to their merit and Quota/Category in MBBS and BDS courses. As per various provisions of Chapter VIII, the admission committee are constituted at the Institute level under the Chairmanship of the Principals of the Institutes, who verify the original documents of the candidates before admission of

candidates. It is worthwhile to mention here that the respondent No.4 did not receive any communication from any institute that the documents of any candidates are incorrect or fake. It is humbly submitted that on receipt of complaint from the candidates through email, the replying respondent replying respondent. No.4 immediately issued directions to all the Principals of the Medical and Dental Colleges to provide the details of those candidates, who are Bonafide Himachali, but have not studied in Himachal Pradesh. It is pertinent to mention here that the list of such candidates is provided by the institutes after completion of the process of the admission. It is further respectfully submitted that the replying respondent No.4 apprised the Director, Medical Education and Research, Shimla, the Chairman of the Counselling Committee and requested him to constitute a committee to look into the matter and now a committee has been constituted to inquire whether any actionable mistake has been committed by these candidates.

8. *That it is respectfully submitted that now the process of admission has been completed and the list of admitted candidates has been uploaded on the NMC Portal by the institutes, i.e., all the candidates have been verified and not admitted in more than_one college in India. All the candidates have submitted their affidavits at the time of admission in the concerned institute. Hence, in view of the detailed submissions made hereinabove, the Civil Writ Petition filed by the petitioners, being devoid of any merit, deserves to be dismissed.”*

There is nothing of substance on record from the petitioners to controvert the above stand. Given this factual position, the reliefs of the nature prayed for cannot be granted to the petitioners.

In view of the above, no case for interference is made out. Accordingly, the petitions are dismissed.

Pending application(s), if any, also stand disposed of accordingly.

Jyotsna Rewal Dua
Judge

15th July, 2026 (rohit)