

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.15609 of 2026

Date of Decision: 14.09.2026

Ms. Divisha Passi

.....Petitioner

Versus

State of Himachal Pradesh & others

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Neeraj Sharma, Senior Advocate with Mr. Hemant Thakur, Mr. Amar Vivek Aggarwal, Mr. Vidush Chauhan and Mr. Vikrant, Advocates.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State.

Mr. Sandeep K. Pandey, Advocate, for respondents No.2 and 3.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Article 226 of Constitution of India, petitioner has prayed for following main relief:-

“(a) Issue a writ in the nature of certiorari etc., or any other appropriate writ, order, or direction setting aside and quashing the action of the official respondents in drawing the impugned Provisional Seat Allocation List of MDS 1st Round Counselling 2026-27 Annexure P-5 dated 05.09.2026 and to the extent of denying admission to the petitioner[who is much higher in merit than the respondent No.5] against the “Permitted “MDS seat in the specialty Conservative Dentistry

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

& Endodontics at respondent No.4- college as the said action is contrary to the provisions of Prospectus, which is law and the same cannot be held against the petitioner under any stretch of imagination;

- (b) Further for issuance of a suitable writ in the nature of mandamus etc or any other appropriate writ order or direction, directing the respondents to allot to the petitioner and to admit her against the said "Permitted" seat in Conservative Dentistry & Endodontics at respondent No.4- college, she being considerably higher in merit (merit No.40) than respondent No.5 (merit No.68), presently and provisionally shown allotted the said seat and directing that the petitioner ought to have been given the said choice at the time of Counselling;
- (c) Issue a writ in the nature of mandamus etc., or any other appropriate writ declaring the impugned action of denial of aforesaid seat to the petitioner as illegal and arbitrary and contrary to the provisions of prospectus of admission, more so because the petitioner has validly made comprehensive representations in terms of notice of provisional allotment, which respondents failed to consider in the right earnest and as per law;
- (d) Pending final disposal of the present writ petition, pass an ad-interim order provisionally allotting the aforesaid "Permitted" seat to the petitioner/or restraining the respondents from finalizing the admission of respondent No.5, or any other candidate ranked below the petitioner against the "permitted" seat in Conservative Dentistry & Endodontics at Himachal Dental College & Hospital, Sundernagar and / or staying the result of counselling and/or staying the filling of the said seat subject to the final outcome of the present writ petition."

2. Precisely, the grouse of the petitioner as has been highlighted in the petition and further canvassed by Mr. Neeraj

Sharma, learned Senior Advocate duly assisted by Mr. Amar Vivek Aggarwal, Advocate representing the petitioner, is that despite petitioner having obtained more marks than private respondent No. 5, coupled with the fact that she had opted for an MD seat in the discipline of Conservative Dentistry and Endodontics at Sundernagar, she has been allotted seat at private recognized college i.e. Himachal Institute of Dental Sciences, Paonta Sahib, whereas as per merit, she ought to have been granted admission at Himachal Dental College, Sundernagar. Having taken note of aforesaid grievance of the petitioner, this Court vide order dated 08.09.2026 called upon learned Additional Advocate General to have following instructions:-

- 1. What is the difference between "recognized" and "permitted"?**
- 2. Whether such procedure, if any, adopted at a subsequent stage was mentioned in the prospectus issued for admission in MD courses?**

3. Pursuant to the aforesaid directions issued by this Court, Mr. Sandeep Pandey, learned counsel representing respondents No. 2 and 3 placed on record instructions dated 10.09.2026, issued under the signatures of Registrar, Atal Medical and Research University, Ner Chowk, District Mandi, Himachal Pradesh, enclosing therewith certain documents, perusal whereof reveals that though petitioner had given the first option of Himachal Dental College, Sundernagar for seat of MD in Conservative Dentistry and Endodontics, but against

"recognized" seats, whereas private respondent Shourya Pratap Singh had given an option for the same college, but against both "recognized" and "permitted" seats. Since there was only one permitted seat in the discipline of Conservative Dentistry and Endodontics in Himachal Dental College, Sundernagar, and qua same private respondent Shourya Pratap Singh had applied, petitioner herein, who actually had never applied against the permitted seat, rightly came to be denied admission against the aforesaid seat.

4. Moreover, during the proceedings of the case, it also came to be transpired that earlier respondent-University had prepared tentative list, wherein private respondent Shourya Pratap Singh was shown to have been granted admission against permitted seat in the Department of Conservative Dentistry and Endodontics, but on account of preparation of the revised merit list, one person namely, Ms. Ananya has been granted admission against the "permitted" seat of H.P. Dental College, Sundernagar.

5. Since it is apparent from the instructions placed on record that petitioner had never applied against 'permitted' seat, rather she had applied only for a 'recognized' seat in the discipline of Conservative Dentistry and Endodontics in Himachal Dental College, Sundernagar, coupled with the fact that she was unable to find a place among first five candidates in the category of 'recognized', no illegality can be said to have been committed by the respondent-

University in not offering admission to the petitioner in Himachal Dental College, Sundernagar, for the MDS seat in the discipline of Conservative Dentistry and Endodontics against the 'permitted' seat.

6. Though Mr. Neeraj Sharma, learned Senior Advocate, representing the petitioner, attempted to argue that since terms "recognized" and "permitted" were not specifically defined in the prospectus, petitioner was unable to understand the consequences of her having applied against 'recognized seat', but such plea of learned counsel for the petitioner deserves outright rejection for the reason that petitioner specifically opted for a 'recognized' seat and if she had any kind of confusion, she was expected to approach the authorities concerned for necessary clarification, but certainly cannot be permitted to rake up such issue at this stage, especially when at no point in time conditions contained in the prospectus ever came to be laid challenge in the appropriate proceedings.

7. Consequently, in view of the above, this Court finds no merit in the present petition and accordingly, same is dismissed alongwith pending applications, if any.

**(Sandeep Sharma),
Judge**

September 14, 2026
(shankar)