



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23083-2024

Date of decision :12.09.2024

Shubhkarman Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sonpreet S. Brar, Advocate,
for the petitioner.

Mr. J.S. Gill, Addl. Advocate General, Punjab, and
Mr. Saurav Khurana, Addl. Advocate General, Punjab.

Mr. Jagatvir Dhindsa, Advocate,
for respondent No.4.

Mr. Ankur Jain, Advocate,
for respondent No.5.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This petition has been filed by an aspirant for an MBBS seat under the Sports Management quota.
2. After having heard learned counsel for the rival parties and considering the pleadings and documents available on record, we find that the issue, raised herein, has already been decided by this Court and, therefore, the cause raised herein is no more *res integra*. Decision in this regard has been rendered by this Court on 11.09.2024, in CWP-21051-2024, titled “**Divjot**



Sekhon Vs. State of Punjab and others.” The relevant portion of the said judgment is re-produced below :-

“9. *Having heard learned counsel representing the parties, this Court does not find it appropriate to issue the writ for the following reasons:-*

- i. *The petitioner does not dispute that on 16.08.2024, she received email directing submission of Sports Achievement Certificates, including Class XI and XII. She complied with the aforesaid direction. At that time, the petitioner did not come to the Court challenging the aforesaid email. She filed the writ petition only on 27.08.2024, which was listed for the first time on 28.08.2024. Pursuant to the merit list, she was placed at serial No. 8 in the revised sports merit list, in which, she was allocated Gian Sagar Medical College and Hospital, Banur. Hence, the petitioner is late in filing the writ petition.*
- ii. *It is evident from reading of Clause 14 that in case of any discrepancy or contradiction between Government notification and the University instructions contained in this prospectus, the letter and spirit of notification shall prevail. Moreover, from reading of Clause 15(v) and Clause 16(v), it is evident that the Sports Achievements of candidates were required to be determined on the basis of gradation as per the sports policy notified by Director of Sports and Youth Services, Government of Punjab. Hence, there is no change in the policy after the last date of application. Moreover, the petitioner relies upon Clause 7 of list of categories and category*



codes. That is only a list of categories and category codes. The substantive provision is under Clause 15(v) and Clause 16(v).

- iii. After examining the facts of the case and various Clauses of the prospectus, it becomes evident that there was a printing error in Clause 7, which was clarified vide communication dated 16.08.2024, sent across all the candidates who had applied under Sports category including the petitioner, while giving three days time to submit their Sports Achievement Certificates. This email was sent on the last day of submission of application because as per prospectus, the candidates seeking admission to MBBS Course in Sports category were required to submit their applications by 16.08.2024. Hence, there was no delay on the part of the respondent-College in intimating the candidates.*
- iv. This is not a case of subsequent change in the criteria laid down in the prospectus. In fact, there is a discrepancy in the various Clauses of the original prospectus. If Clause 15 and 16 are read, the sports achievements of candidates are required to be considered as per the prevailing Government policy. It is not the case of the petitioner that the Government Policy do require consideration of Sports Achievement Certificates, only of Class XI and XII. Moreover, Clause 14 specifically provides that in case of discrepancy or contradiction between Government notification and University instructions contained in the prospectus, the terms of notification shall prevail.”*



3. In view of the above, no case is made out for interference and the petition stands dismissed in terms of the order passed by this Court on 11.09.2024 in CWP-21051-2024, titled “**Divjot Sekhon Vs. State of Punjab and others.**”

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

September 12, 2024
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No