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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**COC-591-2019 (O&M)
Date of Decision: 26.08.2025**

Suhani Devgan

.....Petitioner

Vs.

Sh. Satish Chandra and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Gaurav Rana, Advocate,
for the petitioner.

Mr. Animesh Sharma, Addl. A.G., Punjab,
for respondents No.1 and 2.

Mr. Naresh Kumar, Advocate,
for respondent No.3.

SUDEEPTI SHARMA J. (ORAL)

1. The present contempt petition has been filed for deliberate and intentional disobedience of order dated 13.09.2018 passed by the Division Bench of this Court in CWP-17976-2017.

2. Vide order dated 13.09.2018, the following direction was issued by the Division Bench of this Court in CWP-17976-2017:-

“As a consequence of implementation of our orders, if some re-shuffling is to be done, it be done in a manner which causes minimum inconvenience by taking into account the interest of the students who have been studying for last one year. It is also directed that before re-shuffling every candidate should be given an opportunity of hearing to explain his/her entitlement.”

3. In compliance of the order dated 13.09.2018, reply by way of affidavit dated 15.11.2022/02.08.2023 of Dr. Avnish Kumar, Director,



Medical Education & Research, Punjab, has been filed on behalf of respondent No.2. The relevant portion of the said reply is reproduced as under:-

“2. That order dated 31.08.2018 in CWP No.18240 of 2018 is reproduce below:-

“XXXXX

It is next contended by the respondents that since they were eligible in view of the clear stipulation in the prospectus they have rightly been granted admission as they even otherwise were in merit. Besides, this an argument has been raised that the petitioners were conscious of the stipulation they now find offensive after they exercised their option. The counselling started way back in July and the petitioners were filed after a delay which in itself would be sufficient to invite a dismissal from this Court. Towards the end a submission was made that after the admission the classes have commenced and the selected respondents have since been attending the same. Hardship has been pleaded as the college where some of the respondents were granted admission in Punjab or Haryana as the case may be and the seats, therein have been given up in preference to the admission in Chandigarh.

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The logical corollary from the above would be that the State would be very well within its right to prescribe such a criteria of preference to its own residents in the matter of admission but the issue in the present cases is that having not provided a preference can the Court in the exercise of its powers under Article 226 of the Constitution of India issue a mandate to the State/UT, Chandigarh to adopt a particular course. In the exercise of powers of judicial review we cannot declare the provision in its existing form to be in conflict with law simply because it would have been eminently desirable to include a clause of preference based on the resident status for UT, Chandigarh. We say so because of the peculiar status that the U.T., Chandigarh enjoys, being a capital of two States of Punjab and Haryana. There is an influx of officers



from both the States in the Administration and we feel that non inclusion of clause of residence probably keeps the window open for the people of Punjab and Haryana to gain access to higher education in U.T, Chandigarh as also in their own States, in providing a bare minimal eligibility condition of having passed +2 examination from a recognized school/college situated in U.T, Chandigarh whereas the residents of Chandigarh would have no such advantage of claiming preference on the basis of residence in Punjab and Haryana and would be deprived similarly in Chandigarh as well. The U.T, Chandigarh, thus comes across as a baby which both the parents want to cradle and cuddle but do not want to own it up. We also notice the constraint of time as the admissions have to be concluded by 31.8.2018, for the present academic session with no flexibility attached to it. It would thus be futile even if we mandate such a course to the U.T, Chandigarh assuming we could. But we have no hesitation to state that clause as it exists has the potential (as has been shown in its workability) of worming into the claims of those who have studied in Chandigarh almost altogether. It is a case of double whammy for them as they are left to compete only against 15% All India quota whereas children from other States compete in 15% All India quota also while being safely ensconced in their home States. The clause as it exists therefore is clearly arbitrary as it does not take into consideration the aspect of residence which frustrates the very concept of seat allocation to UT, Pool.

We, therefore bind the U.T, Chandigarh to a mandate of consideration within a period of two months from the date of our decision so that ample time is available for the people to be aware in the next academic session. Having said so we now revert to the other aspect of the controversy as to whether the candidate who has opted for a particular State by claiming a benefit of residence can press his/her claim in any other State or U.T, Chandigarh. We may add here that most of the petitioners and the respondents have exercised their options of a benefit of residence in different



States and the 'finger pointing' at each other does not enhance the case of either of them. We would therefore confine ourselves not to the cases of individuals but shall formulate an opinion on the larger principle and leave it to the admitting authorities to work out the consequences.

XXXXX

We would thus conclude by holding i) condition no.2 as arbitrary but refrain from issuing any mandate to the UT, Chandigarh for the present academic session except to bind them to a consideration for the next course as earlier observed. We have adopted this course for the reason that 31.8.2018 is the last date for concluding admissions and it is well nigh impossible to turn the clock back now for which the petitioners themselves are to be partially blamed as they were alive to the situation when they applied but approached this Court belatedly. However, this can't be termed fatal to their cause because it is only after the admission is worked out would they know the impact of the clause. ii) the candidates who have sought the benefit of residence in any other State would be debarred from claiming seats in any other States/ UT, Chandigarh. The admitting authorities will, therefore, scrutinize the cases of all the incumbents whosoever has opted and claimed the benefit of residence in any other State would not be entitled to admission in UT, Chandigarh. Needless to say that All India rank in NEET shall be kept intact in considering the claims of those desirous of seeking admission to UT, Chandigarh.

Writ petitions stand disposed of in above terms."

3. *That in view of the above orders, it is respectfully prayed that no cause of action has accrued for the petitioner to file present contempt petition as the orders have clearly mandated that the State has been bound to consider the matter for the next course.*

4. *That for the admission Session 2019-20, the State has created a provision in the notification that will mandate that the student will have to submit an affidavit that he/she has not applied for admission in any other State under 85% State Quota. If he/she is found to have applied in more than one State under 85% State Quota,*



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his/her admission shall be cancelled as per the orders of the Hon'ble Court."

4. Learned State counsel contends that order dated 13.09.2018 passed by the Division Bench of this Court in CWP-17976-2017 has been complied with. Learned counsel for the petitioner does not dispute the same.

5. In view of the above, the present contempt is purged and rule stands discharged.

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

(SUDEEPTI SHARMA)
JUDGE

26.08.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No