



CWP-18657-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-18657-2023 (O&amp;M)

Date of decision: 20.02.2025

Ibadat Sekhon

...Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE  
HON'BLE MR. JUSTICE SUMEET GOELPresent: Mr. Amit Jhanji, Senior Advocate with  
Mr. Avinit Avasthi, Advocate for the petitioner.Mr. Saurav Khurana, Additional Advocate General, Punjab and  
Mr. Anurag Chopra, Additional Advocate General, Punjab.

Mr. Nitin Kaushal, Advocate for respondent No.4.

None for respondent No.6.

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SUMEET GOEL, JUDGE

1. The Civil Writ Petition in hand has been preferred under Articles 226/227 of the Constitution of India praying, in essence, for quashing of the Corrigendum No.5/5/2021-5HB3/1748 dated 01.08.2023 and subsequent action(s) undertaken in pursuance thereto including, admissions made by the respondent-authorities on basis thereof.

2. Shorn of non-essential details, the relevant factual matrix of the *lis* in hand is adumbrated, thus:

(i) The petitioner, an aspirant for admission to the MBBS/BDS course, accordingly appeared for the NEET examination for the Session 2023 onwards.

(ii) Respondent Nos.1 and 2 issued a notification dated 10.03.2023

*(hereinafter to be referred as '10.03.2023 notification')* with respect to



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MBBS/BDS courses in Medical and Dental Institutes in the State of Punjab for the Session 2023 onwards. Baba Farid University of Health Sciences (*hereinafter to be referred as the 'BFUHS'*) was authorized to conduct the centralized counselling for admission.

(iii) The controversy in hand hovers around the reservation criteria for the sports persons in the State quota seats for MBBS/BDS courses. Clause 15(v) of 10.03.2023 notification, pertaining to reservation in Government Medical/Dental Colleges, reads thus:

*“Clause 15(v)*

*Sports Persons*

*Credit shall be given only for the sports achievements made during class XI and XII. The admission shall be made on the basis of inter-se merit of the candidates determined on the basis of gradation (Category A/B/C) issued by the Director of Sports, Punjab. However, for exempted categories under para 11 of this Notification, the competent authority will be Director, Sports of that State or U.T. from where the candidate has passed his class XI and XII examinations.”*

Further, Clause 16(v) of the 10.03.2023 notification providing for reservation for sports persons in private Institutes/Universities (for Government/Management quota seats) for MBBS/BDS courses, reads thus:

*“16. (v) Sports Persons*

*Credit shall be given only for the sports achievements made during class XI and XII. The admission shall be made on the basis of inter-se merit of the candidates determined on the basis of gradation (Category A/B/C) issued by the Director of Sports, Punjab. However, for exempted categories under para 11 of this Notification, the competent authority will be Director, Sports of that State or U.T. from where the candidate has passed his class XI and XII examinations.”*

(iv) Further, **Clause 21 of the 10.03.2023 notification**, laying down the regulations for admission to the MBBS/BDS course in Medical and



Dental Institutes in the State of Punjab for the Session 2023 onwards, reads thus:

*“21. The State Government reserves the right to amend any clause and procedure for admission.”*

(v) **Note-1 attached to the date schedule of the Prospectus 2023** in question reads thus:

*“Note-1 Any subsequent Notification/Notice/Amendment/Corrigendum’s issued by the Govt. of Punjab/University will be followed in letter and spirit. For any update visit University website regularly”*

(vi) The **eligibility condition(s)** as contained in the Prospectus 2023 reads thus:

***“ELIGIBILITY CONDITIONS:***

- 1. The admission to MBBS/BDS Courses shall be open to candidates who have qualified NEET-UG-2023 and eligible as per Punjab Govt. notifications and subsequent amendment(s)/corrigendum(s).*
- 2. xxx xxx xxx*
- 3. xxx xxx xxx*
- 4. xxx xxx xxx”*

(vii) The petitioner is stated to have applied for the Sports quota seat.

(viii) Vide Corrigendum bearing No.5/5/2021-5HB3/1748 dated 01.08.2023 (***hereinafter to be referred as the ‘impugned Corrigendum dated 01.08.2023’***), an amendment was brought to Clause Nos. 15(v) and 16(v) of the **10.03.2023 notification** dealing with the reservation pertaining to sports quota. The relevant of this Corrigendum reads thus:

*“In partial modification of the Notification No.5/5/2021-5HB3/446 dated 10.03.2023, para 15(v) and 16(v) are amended as under only for the session 2023*



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*“Credit shall be given for the sport achievements made during session 2019-20 to 2022-23. The admission shall be made on the basis of inter-se merit of the candidates determined on the basis of gradation (Category A/B/C) issued by the Director of Sports, Punjab. However, for exempted categories under para 11 of this Notification, the competent authority will be Director, Sports of that state or U.T. from where the candidate has passed his class XI and XII examinations.”*

*Note: This corrigendum is for this session only, in the light of the special circumstances prevailed during the COVID-19 pandemic.”*

(ix) In pursuance of the above-referred impugned Corrigendum dated 01.08.2023; a revised date schedule for counselling (***hereinafter to be referred as ‘revised date schedule’***) was circulated, relevant whereof reads as under:

**“Sports Category:***The Govt. of Punjab, Deptt. Of Medical Education and Research issued corrigendum no. No.5/5/2021-5HB3/748 dated 01.08.2023 for Sports category seats vide which Credit shall be given for the sports achievements made during session 2019-20 to 2022-23 and admission shall be made on the basis of inter-se merit of the candidates determined on the basis of gradation (category A/B/C) issued by the Director of Sports, Punjab. Accordingly, the fresh online applications are invited for Sports category seats as per revised criteria upto 12.08.23. The fresh applied candidates will submit the hard copy of online applied application alongwith sports gradation certificate issued by the sports department and relevant proofs of sports achievement as per corrigendum upto 12.08.2023 personally in Admission Branch, BFUHS, Faridkot, failing which their candidature will not be considered under Sports Category Merit.*

*Note: The candidates who have already applied under sports category but did not submit the hard copy, can submit the hard copy upto 12.08.23. The applicants who have already applied but did not apply under Sports category and found themselves eligible under sports category as per above corrigendum, will have to visit Admission Branch, BFUHS, Faridkot personally upto 12.08.23 alongwith relevant documents for addition/applying under Sports Category in the Admission Branch,*

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*Faridkot, failing which their candidature will not be considered under Sports Category Merit.”*

(x) In pursuance to the *impugned Corrigendum dated 01.08.2023*, the petitioner submitted her sports certificate in terms of the requirements of the said Corrigendum.

(xi) The petitioner, thereafter, had approached this Court by way of CWP-17699-2023 titled as Ibadat Sekhon vs. State of Punjab and others which was disposed off vide order dated 16.08.2023 passed by this Court, directing the petitioner to immediately approach the concerned Administrative Secretary by way of a representation. The said representation is stated to have been accordingly filed by the petitioner.

(xii) The merit list, for the sports quota, was prepared wherein the private respondent (i.e. respondent No.6) was placed at serial No.7 of the merit list. The petitioner preferred another writ petition bearing CWP No.18391 of 2023 titled as Ibadat Sekhon vs. State of Punjab and others and the same was taken up for hearing on 22.08.2023 wherein it was brought forth that a speaking order dated 21.08.2023 had already been passed by the concerned Administrative Secretary in compliance of order dated 16.08.2023 passed by this Court in the earlier writ petition (CWP-17699-2023) filed at the instance of the petitioner, whereupon the petitioner withdrew the said writ petition with liberty to further file a writ petition to challenge the said speaking order dated 21.08.2023.

It is in this factual backdrop that the present writ petition has been filed.

3. Learned Senior counsel for the petitioner; while assailing the *impugned Corrigendum dated 01.08.2023* as also the subsequent action(s)

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i.e. the merit list prepared on basis thereof and admission made etc.; has iterated that once the admission procedure has begun, the stipulations contained in the brochure/notification in question become sacrosanct and are not amenable to any change. Learned senior counsel has urged that once the Prospectus as also the 10.03.2023 notification was issued by the respondent-authorities for admission to MBBS/BDS courses in question, there was neither any power nor any occasion which warranted respondent-authorities to modify/alter the same, much less to the peril of the petitioner.

Learned senior counsel has argued that the authorities have erroneously brought an amendment to the reservation Clauses contained in Clauses 15(v) and 16(v) of the 10.03.2023 notification, which is arbitrary and patently illegal. It has been urged that the authorities, by giving benefit of sports achievements made by a candidate while studying in Class IX and X, as well is clear deviation from the selection criteria as stipulated in the original Prospectus/notification.

Learned senior counsel has further iterated that the change brought forward by way of *impugned Corrigendum dated 01.08.2023* is aimed at favouring some students/candidates so as to bring them within the purview of being eligible for seeking admission to the MBBS/BDS courses in question. It has been, thus, strenuously urged that the change in the reservation criteria brought forth by way of impugned Corrigendum dated 01.08.2023 has resulted in unfair treatment being meted out to the petitioner. In essence, he has pleaded that a vested right came to be accrued in favour of the petitioner in view of the stipulations contained in the original brochure/notification, which has been wrongly taken away by the

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respondent-authorities by way of change brought forward through the impugned Corrigendum dated 01.08.2023.

4. Upon notice of motion having been issued, reply has been filed on behalf of respondent Nos.1 and 2 by way of affidavit of Dr. Avnish Kumar, Director Medical Education and Research, SAS Nagar Mohali. Raising submission, in tandem with the said reply, learned counsel appearing for respondent Nos.1 and 2 has submitted that the State of Punjab had earlier issued *10.03.2023 notification* for admission to the MBBS/BDS courses wherein reservation for sports category was made on the basis of sports achievement only pertaining to the period when the candidate had undertaken Classes XI and XII. However, on various representations being received from the concerned quarter(s), it was brought forth that on account of the COVID-19 pandemic, no sports events took place in the years 2020 and 2021, and hence, to bring about a level playing field between the candidates/students, the impugned Corrigendum dated 01.08.2023 was issued.

4.1. A separate short reply on behalf of respondent Nos.3 and 5, was filed by way of affidavit of Mr.Parminder Singh, Deputy Director Sports, Punjab. According to learned counsel, the petitioner has not challenged the Sports Gradation Certificate issued to her or any other candidate but has challenged the Corrigendum dated 01.08.2023, issued by the Department of Medical Education and Research, alongwith the merit list prepared based on it. Learned counsel has iterated that the respondent No.4 had requested the respondent No.3 to prepare the merit list according to the corrigendum dated 01.08.2023 under the sports quota for NEET UG 2023 admission for



MBBS/BDS courses through letters dated 27.07.2023 and 13.08.2023 and accordingly, sent the forms of 49 candidates.

4.2. A separate reply on behalf of respondent No.4 has been filed. According to the learned counsel for the respondent No.4, the respondent-University, authorized by the Punjab Government's Department of Medical Education and Research, conducts MBBS/BDS counselling in the State. As per the *10.03.2023 notification*, reservation criteria for the sports category was established. The University issued the NEET UG-2023 prospectus on 13.07.2023 inviting applications until 20.07.2023. It has been submitted that the petitioner had applied under both the sports and general categories. It has been further submitted that on 01.08.2023, the Punjab Government issued the Corrigendum dated 01.08.2023 modifying the sports category admission guidelines. Furthermore, to ensure fairness, the University invited additional applications via a notice on 02.08.2023, extending the deadline to 08.08.2023. Consequently, 49 applications were sent to the Director of Sports on 13.08.2023, for the merit list preparation. Thereafter, the Director of Sports released the list on 18.08.2023 ranking the petitioner at serial No.9 and respondent No.6 at serial No.7. As per the learned counsel, it is the policy matter of the Government of Punjab to decide the criteria for admission of sports category candidates under NEET UG and the respondent-University is acting as a nodal agency and is bound to comply with the instructions issued by the Government of Punjab from time to time.

On the strength of the above submission, learned counsel appearing for respondent Nos.1 to 5 have sought for dismissal of the writ petition in hand.



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5. At this juncture, it is noticeable that none has caused appearance on behalf of respondent No.6 i.e. the successful candidate. Office note prepared on 25.09.2023 stipulates that service was effected upon all the respondents including respondent No.6. However, none caused appearance on behalf of respondent No.6 on 25.09.2023, 07.11.2023, 27.02.2024, 14.10.2024, 31.01.2025, 04.02.2025 as also on 06.02.2025 when arguments were finally heard and concluded. *Ergo*, it is indubitable that respondent No.6 has chosen to remain unrepresented.

6. We have heard learned counsel for the rival parties and have perused the record.

7. The prime issue, that arises for determination in the writ petition in hand is, as to whether the *impugned Corrigendum dated 01.08.2023*, bringing about change in the reservation criteria for sports category candidates in MBBS/BDS degree courses as also further action(s) undertaken in pursuance thereto, including the admission made by respondent-authorities, ought to be quashed.

8. The edifice of the challenge laid, to the *impugned Corrigendum dated 01.08.2023* as also subsequent action(s) based thereupon including preparation of the merit list etc. and grant of admission to the successful candidates, is premised upon the salutary legal principle that the Prospectus/notification issued for admission to a course has the force of law and the same is not open to alteration once the admission process has begun. In other words, it is pleaded on behalf of the petitioner that a Prospectus carries the force of law and must be adhered to without any deviation. At this juncture, it would be apposite to refer herein to a Full Bench judgment



of this Court passed in ***Rahul Prabhakar vs. Punjab Technical University, Jalandhar 1997(3) SCT 526***, relevant whereof reads as under:

“7. A Full Bench of this Court in ***Amardeep Singh Sahota v. The State of Punjab, 1993(4) SLR 673 : 1993(4) SCT 328 (P&H) (FB)*** had to consider the scope and binding force of the provisions contained in the prospectus. The Bench took the view that the prospectus issued for admission to a course, has the force of law and it was not open to alteration. In ***Raj Singh v. Maharshi Dayanand University, 1994(4) RSJ 289 : 1994(2) SCT 766 (P&H) (FB)*** another Full Bench of this Court took the view that a candidate will have to be taken to be bound by the information supplied in the admission form and cannot be allowed to take a stand that suits him at a given time. The Full Bench approved the view expressed in earlier Full Bench that eligibility for admission to a Course has to be seen according to the prospectus issued before the Entrance Examination and that the admission has to be made on the basis of instructions given in the prospectus, having the force of law. Again Full Bench of this Court in ***Sachin Gaur v. Punjabi University, 1996(1) RSJ 1 : 1996(1) SCT 837 (P&H) (FB)*** took the view that there has to be a cut off date provided for admission and the same cannot be changed afterwards. These views expressed by earlier Full Benches have been followed in CWP No.6756 of 1996 by the three of us constituting another Full Bench. Thus, it is settled law that the provisions contained in the information brochure for the common entrance Test 1997 have the force of law and have to be strictly complied with. xxxxxxxxxxxxxx”

Thus, the inescapable general postulate that emerges is, that the prospectus carries the force of law and must be adhered to without deviation. The doctrine proscribing change of rules midway through the game or after the game is played, is predicated on the rule against arbitrariness enshrined in Article 14 of the Constitution of India. Article 16 is only an instance of the application of the concept of equality enshrined in Article 14. In other words, Article 14 is the genus while Article 16 is a species. Article 16 gives effect to the concept of equality in all matters relating to the public employment. These two articles strike at arbitrariness in the State action and



ensure fairness and equality of treatment. They require that the State action must be based on valid relevant principles, alike to all similarly situated, and is not to be guided by any extraneous or irrelevant considerations. In all its actions, the State is bound to act fairly, in a transparent manner. This is an elementary requirement of the guarantee against arbitrary State action, which Article 14 of the Constitution adopts. A deprivation in the entitlement of private citizens and private businesses must be proportional to a requirement grounded in public interest. The doctrine of non-arbitrariness, as envisaged under Article 14 of the Constitution, strikes at the very root of the unreasoned capricious & whimsical state action. It mandates that every exercise of discretion by the State or its instrumentalities must be fair, just & reasonable, eschewing any element of irrationality or bias. The principle ensures that state action is not unfettered or unguided but is governed by reasoned decision-making, thereby fortifying the rule of law & procedural fairness.

8.1. However, it cannot be said with certitude that, under no circumstances, no change whatsoever can be brought about in the criteria of the admission process. At this juncture, it would be apposite to refer herein to a Constitution Bench judgment of the Hon’ble Supreme Court titled as ***Tej Parkash Pathak vs. Rajasthan High Court, 2024 SCC Online SC 3184*** relevant whereof reads as under:

“42. We, therefore, answer the reference in the following terms:  
(1) xxx xxx xxx  
(2) Eligibility criteria for being placed in the Select List, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even



*if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;*

- (3)

xxx

xxx

xxx
- (4)

xxx

xxx

xxx
- (5)

Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However, where the Rules are non-existent, or silent, administrative instructions may fill in the gaps;
- (6)

xxx

xxx

xxx”

Indubitably, the above demiurgic enunciation of law has factual backdrop pertaining to a recruitment process but the *ratio decidendi* thereof would apply *mutatis mutandis* to an admission process as well. *Ergo*, the criteria of an admission process can be varied after the process has commenced provided such change satisfies the dual test viz., *firstly*, the extant rules should so permit and *secondly*, such change should meet the test of reasonableness/non-arbitrariness in terms of Article 14 and Article 16 of the Constitution of India. To mount a legally sustainable challenge against a mid-process modification of rules, it must be demonstrably established that either the original/extant rules do not contemplate such an alteration or, if they do, the modification introduced is so manifestly arbitrary as to offend the constitutional guarantee of equality enshrined in Article 14 and Article 16 of the Constitution of India. In the absence of such a showing, a change effected within the permissible contours of the existing rules cannot be impugned, as adaptability is an inherent facet of administrative exigencies & changing policies.

8.2. A critical analysis of the factual matrix of the case in hand reflects that *10.03.2023 notification* came to be initially brought out by the respondent-authorities stipulating therein the reservation criteria for sports



category seats. *Clause 21* of the said notification clearly stipulates that the State Government reserved its right to amend any clause and procedure for admission. Still further, the *Note-1 of the Schedule of dates in the Prospectus 2023* encapsulates that any subsequent notification/notice/amendments/corrigendum issued by the Government of Punjab/University will be followed in letter and spirit. To similar effect are the eligibility conditions as enumerated in the Prospectus 2023, which explicitly provide that eligibility of a candidate would be subject to subsequent amendment(s)/corrigendum(s). The respondent-authorities, on the basis of these stipulations, appear to have issued the *impugned Corrigendum dated 01.08.2023*. *Ergo*, the extant rules applicable to the admission process in question provide for a change as the one which has been brought in. In the facts of the present case, when the Prospectus unequivocally incorporates a provision permitting amendments to effect necessary changes, then the very exercise of such an expressly sanctioned power could not be construed as a violation of the Prospectus itself. A duly incorporated amendment Clause vests the issuing authority with a prerogative to modify the terms in furtherance of procedural fairness and administrative exigencies. Therefore, any alteration effected within the ambit of this enabling provision cannot be impugned as *ultra vires* or contrary to the sanctity of the Prospectus, as it operates within the contemplated framework of permissible modifications.

8.3. Now this Court proceeds to adjudge, the change brought in the reservation criteria, by way of impugned notification dated 01.08.2023, on the anvil of Article 14 and Article 16 of the Constitution of India. The cause

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pleaded for bringing about the change in the reservation criteria for sports category seats, is to bring about a level playing field on account of the unprecedented situation emerging from the COVID-19 pandemic. Therefore, the change in the criteria for the sports category seats, brought forward by the respondent-authorities, can be said to be neither arbitrary nor beyond permissible scope of exercise of amending power as envisaged by the extant rules. Conversely, the impugned modification in the reservation criteria for the sports category reinforces, rather than undermines, the constitutional guarantee of equality. Given that no sporting events were effectively conducted during the COVID-19 pandemic— an exigency entirely beyond the control of mankind — excluding their sports achievements from other periods would tantamount to manifest arbitrariness. The very act of inclusion amalgamates interests and benefits for all, it is both a process and the goal which is premised on improving terms of participation for all, especially those at disadvantages beyond their control. Any exclusion is the inability of an individual or a group to participate fully in a social, economic, civic and cultural life. However, an analytical approach to determine benchmarks of inclusion – exclusion reveals that exclusion is a varied combination of unequal access to resources, denial of opportunities and unequal participation while inclusion would entail overturning all these circumstances and more. The COVID-19 pandemic posed unprecedented challenges for prosperity, progress and inclusion of the entire society. Therefore, consummate measures were required to overturn any disadvantages, deprivations and detriments caused due to pandemic originated scenarios. *Ergo*, such exclusion would fail the test of



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reasonableness under Article 14 of the Constitution of India, as it would unfairly disadvantage candidates for no fault of their own, thereby undermining the principles of substantive equality & equitable consideration.

Further, the revised schedule for counselling issued in pursuance of the impugned Corrigendum dated 01.08.2023, reflects that the fresh online application(s) were invited for the sports category seats and even the candidates, who had applied earlier, were given opportunity to furnish fresh relevant documents to support their cause. Still further, the candidates who had earlier applied but had not sought for admission under the sports category, but found themselves eligible under the sports category as per the impugned Corrigendum dated 01.08.2023, were also extended the requisite opportunity. Therefore, in this backdrop, it cannot be said that the eligible candidates were left out from the fray in any manner or that the reasonable opportunity was not provided to all the concerned to test their fate.

9. The contention of the petitioner that, she had acquired a right *in* indefeasible right to be admitted to the course in question, on account of her fulfilling the reservation criteria in terms of *10.03.2023 notification* before the issuance of *impugned Corrigendum dated 01.08.2023*, essentially seems to be based on the doctrine of legitimate expectation. In Halsbury's Laws of England, Fourth Edition, Volume I(I) 151, a passage explaining the scope of "legitimate expectation" runs thus:

*"81. Legitimate expectations. A person may have a legitimate expectation of being treated in a certain way by an administrative authority even though he has no legal right in private law to receive such treatment. The*



*expectation may arise either from a representation or promise made by the authority, including an implied representation, or from consistent past practice.*

*The existence of a legitimate expectation may have a number of different consequences; it may give locus standi to seek leave to apply for judicial review; it may mean that the authority ought not to act so as to defeat the expectation without some overriding reason of public policy to justify its doing so; or it may mean that, if the authority proposes to defeat a person's legitimate expectation, it must afford him an opportunity to make representations on the matter. The courts also distinguish, for example in licensing cases, between original applications, applications to renew and revocations; a party who has been granted a licence may have a legitimate expectation that it will be renewed unless there is some good reason not to do so and may therefore be entitled to greater procedural protection than a mere applicant for a grant."*

*Ergo*, in legal parlance, the expectation cannot be equated to anticipation. It does not even correspond to a wish, desire or hope. The legitimacy of an expectation can be inferred only if it is founded on the sanction of law or customs or an established procedure followed in regular and natural consequence. In other words, the claim based on the principle of legitimate expectation can be sustained and the decision resulting in denial of such expectation can be successfully questioned only if the same is found to be unfair, unreasonable, arbitrary and violative of principles of natural justice. The notion of a legitimate expectation, as is raised by the petitioner in the case-in-hand, is too nebulous to form linchpin for invalidating the exercise of power by the respondent-authorities, especially when such exercise has met with the dual test of there being extant rules providing for exercise of power for change & such exercise of power satisfying the touchstone of Article 14 and Article 16 of the Constitution of India.





More so, it is clearly discernible from the factual matrix of the present matter, that first counselling had not taken place before the *impugned Corrigendum dated 01.08.2023* was brought in vogue & hence it cannot be said that any crystalized right *nay* indefeasible right had accrued to the petitioner as per reservation criteria enumerated in the *10.03.2023 notification*.

10. At this stage, yet another aspect of the *lis* in hand requires rumination. It is an admitted position on part of the petitioner that, in pursuance of the modified criteria, the petitioner had voluntarily participated in the amended admission process. By engaging in this process, the petitioner has effectively ratified the amended criteria & its conditions. The principle of estoppel prevents a party from simultaneously accepting the benefits of a process while challenging its validity. Allowing such a challenge would run afoul of the doctrine of approbation and reprobation, more commonly known by the postulate that a person cannot be permitted to “*blow hot – blow cold*” at the same time. It is, thus, evident that the doctrine of election of a choicer is based on the rule of estoppel *viz.*, the principle that one cannot approbate and reprobate is inherent in it. The doctrine of estoppel by election is one among the species of estoppel, which essentially is a rule of equity. By this law, a person may be precluded, by way of his actions, or conduct, or silence when it is his duty to speak from asserting a right which he would have otherwise had. The law is thus stated in Halsbury’s Laws of England, Vol.XIII, p.464, para 5412, reads thus:

*“On the principle that a person may not approbate and reprobate, a species of estoppel has arisen which seems to be intermediate between estoppel by record and estoppel in pais, and may conveniently be referred*



*to here. Thus a party cannot, after taking advantage under an order (e.g. payment of costs), be heard to say that it is invalid and ask to set it aside, or to set up to the prejudice of persons who have relied upon it a case inconsistent with that upon which it was founded; nor will he be allowed to go behind an order made in ignorance of the true facts to the prejudice of third parties who have acted on it.”*

*Ergo*, having actively participated in the amended admission procedure, the petitioner is precluded from disputing its fairness or legality at this stage. More so, the petitioner after having participated in the admission process in terms of impugned Corrigendum dated 01.08.2023, had secured admission to MBBS degree course in Gian Sagar Medical College and is stated to have completed one academic year therein as well.

11. In view of the preceding ratiocination, the writ petition in hand is dismissed. Pending application(s), if any, shall also stands disposed of accordingly. There shall be no order as to costs.

(SUMEET GOEL)  
JUDGE

(SHEEL NAGU)  
CHIEF JUSTICE

February 20, 2025  
*Ajay*

|                            |     |
|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether reportable:        | Yes |