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

CWP-22108-2025 (O&M)

Date of Decision: 8th August, 2025

NIKUNJ BANSAL

.....Petitioner(s)

V/s

**STATE OF U.T. (CHANDIGARH), DEPARTMENT OF HEALTH AND
FAMILY WELFARE AND OTHERS**

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present Mr. Puneet Jindal, Sr. Advocate and
 Mr. Gaurav Chopra, Sr. Advocate with
 Ms. Sidhi Bansal, Advocate,
 Ms. Ridhi Bansal, Advocate,
 Mr. Sagar Ratusaria, Advocate,
 Mr. Viney Kumar, Advocate for the petitioner.

 Mr. Aman Pal, Additional Standing counsel with
 Mr. Anmol Puri, Junior counsel
 for respondents No.1 and 5- U.T., Chandigarh.

 Mr. Animesh Sharma, Addl. A.G., Punjab
 for respondent No.2.

 Ms. Promila Nain, Sr. Panel counsel for respondent No.3-UOI.

 Mr. Ravi Sharma, Advocate and
 Mr. Kamal, Advocate for respondent No.4-NMC.

 Mr. Nitin Kaushal, Advocate for respondent No.6-University.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Writ Petition has been filed with the prayer to allow the petitioner to switch-over and shift his candidature from the State of Punjab quota to U.T., Chandigarh Pool for admission to M.B.B.S. Course-2025 by re-opening the portal, extending the deadline for submission for admission form for the session 2025.

2. Before we advert to the prayer made in this Writ Petition, certain essential facts would require narration.

3. The process of admission to MBBS Course has commenced pursuant to the prospectus issued by the Government Medical College & Hospital, Sector-32, Chandigarh. The admission schedule clearly indicates that last date/time of submission of online form is 24.07.2025 by 5.30 P.M. The further processes of admission, including counselling etc., are to commence in terms of the schedule indicated in the prospectus itself.

4. In order to enable a candidate to apply for admission, the prospectus requires certain declarations to be made by the candidate concerned. One of the declarations that is required to be made by the candidate is contained in Clause 6, which reads as under:-

“6. Candidates of all the five categories mentioned above will have to submit an undertaking/affidavit that candidate has not opted and claimed benefit of residence in any other State/U.T. other than Chandigarh after the declaration of NEET result.”

5. In the facts of the present case, undisputedly, the petitioner has already made an application for admission to the MBBS Course in Baba Farid University of Health Science, Sadiq Road, Faridkot, Punjab (respondent No.6) showing his residence at Punjab. He is now seeking permission to switch over and shift his candidature to the U.T., Chandigarh Pool, so as to enable him to apply for MBBS Course at Government Medical College and Hospital, Sector-32, Chandigarh (respondent No.5).

6. The short question therefore arises is for the consideration as to whether a person once has opted and claimed benefit of residence in the

State of Punjab, would be eligible to seek such admission in the U.T., Chandigarh?

7. Learned Senior Counsel for the petitioner does not dispute the factual position that petitioner has applied for admission claiming his residence to be the State of Punjab. An attempt however is made to contend that the petitioner be allowed to apply for admission in U.T., Chandigarh, as he is eligible for it.

8. The Writ Petition apparently has been filed taking shelter of a pending litigation before the Hon'ble Supreme Court where reservation for OBC category was claimed in the admission process at U.T., Chandigarh. Hon'ble Supreme Court has entertained such petition and directions have been issued in the matter on 22.07.2025 and again on 30.07.2025, which are reproduced hereinafter:-

Order dated 22.07.2025

"1. We are informed by Ms. Aishwarya Bhati, learned Additional Solicitor General that the Central Government has approved the proposal for providing 27% reservation to the candidates of Other Backward Classes (Non-Creamy Layer).

2. When the Union of India has approved of the policy, we see no reason as to why it should not be implemented forthwith by the Chandigarh Administration.

3. We grant a week's time from today to comply with the recommendations of the Central Government and make necessary amendments to the Rules.

4. Needless to state that pursuant to such a decision the prospectus for admission to all the courses within the jurisdiction of Chandigarh Administration would provide for such a reservation.

5. List next week for compliance.

6. In the event the order is not complied with, we will be constrained to take such steps as found necessary."

Order dated 20.07.2025

1. Ms. Aishwarya Bhati, learned Additional Solicitor General of India appearing for the Union of India, states that the enactment for providing reservation in the Union Territory of Chandigarh would be notified within a period of one week from today. She further states that in the first year i.e. for the Academic Year 2025-26, 3% reservation would be provided initially for the candidates belonging to Other Backward Classes (OBC), which will be increased in a staggered manner till it reaches 27% in the sixth year.

2. We take the statement made by the learned ASG on record.

3. List in the next week for the reporting of compliance.

4. We clarify that the reservation would be applicable to the counselling process from the Academic Year 2025-26.

5. We direct the Administrator, Union Territory of Chandigarh to provide for 3% reservation for the Academic Year 2025-26, which will be increased in the staggered manner till it reaches 27%.

6. We clarify that the reservation would be applicable wherever the admission process has not yet commenced i.e. the counselling has not yet started and wherever the admission process is complete, the reservation would be provided from the Academic Year 2026-27.”

9. On behalf of the petitioner, it is contended that in view of the orders passed by the Hon’ble Supreme Court, the petitioner be permitted to withdraw the application for admission made in the State of Punjab, and he be permitted to apply in the U.T., Chandigarh. A further prayer is made to direct the respondents to re-open the portal and extend the deadline for submission of admission form online.

10. Learned Senior Counsel submits that the U.T., Chandigarh has already suspended the admission process on account of the orders passed by

the Hon'ble Supreme Court, and therefore the cut-off date for making application will have to be extended and in such circumstances, the petitioner be protected by granting him the relief prayed for.

11. On behalf of the respondents, the Writ Petition is opposed on the ground that the petitioner once has not applied within the time prescribed in the concerned prospectus and has otherwise made a claim for admission showing his place of residence to be the State of Punjab, the petitioner would be estopped from taking a contrary stand or from asserting that the petitioner would either qualify as a resident of U.T., Chandigarh or would be entitled to apply for admission in U.T., Chandigarh.

12. Having examined the controversy raised, we find that the claim of petitioner for admission would have to be processed in terms of the prospectus issued for the purpose by the concerned College. The last date of making application admission admittedly was 24.07.2025 which has expired. There was nothing to stop the petitioner to make such an application if he so intended. Even otherwise, we find that by virtue of required declaration in Clause 6 of the prospectus, the petitioner becomes ineligible to apply once he has asserted his place of residence to be the State of Punjab and has moved an application for admission in the State of Punjab.

13. The petitioner cannot be permitted to blow hot and cold in one breath. Having taken a conscious decision to claim his residence as the State of Punjab and having applied for admission in such category, the petitioner would clearly be estopped from taking a contrary stand now. Clause 6 of the prospectus is otherwise not assailed nor there is any illegality shown in such a condition to be introduced in the prospectus.

Perusal of the prospectus of both respondents No.5 and 6 makes it abundantly clear that one person cannot claim for State quota in two different States.

14. The only ground pressed for grant of relief is the pending litigation before the Hon'ble Supreme Court where reservation has been sought in the admission process for the OBC category. It would be worthwhile noticing that the petitioner does not belong to the OBC Category and is a candidate from a General category. What orders are passed in respect of reservation for OBC category or in what manner the Chandigarh Administration would proceed with the process of admission pursuant to orders of the Hon'ble Supreme Court, would not constitute any cause for the petitioner to approach this Court with the prayer that the process of admission be altered and he be granted the relief as prayed.

15. In such view of the matter, we are not inclined to interfere in this Writ Petition and the same is dismissed accordingly.

16. All pending applications, if any, in this case are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

August 8, 2025
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>