

2025-PHHC-167649-DB



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

CWP-23486-2023

Date of Decision: 02.12.2025

KRITIKA AHUJA

... PETITIONER

VS.

STATE OF PUNJAB AND OTHERS

.. RESPONDENTS

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

Present: Mr. B.S.Khehar, Advocate,
for the petitioner.

Ms. Samdisha Kaur, AAG, Punjab.

Mr. Nitin Kaushal, Advocate,
for respondent No.3.

Mr. R.V.S.Chugh, Advocate and
Mr. Lokesh Singh, Advocate,
for respondent No.7.

ASHWANI KUMAR MISHRA, J. (ORAL)

The petitioner has approached this Court challenging the order passed by the State of Punjab dated 28.09.2023, whereby admission to her in MBBS course has been denied as she was not found covered under exempted category. The petitioner had claimed admission in the sports category, being a player of soft ball. It is undisputed that the petitioner is a permanent resident of State of Punjab. The only ground on which she has been denied the benefit of reservation in the sports category is that the petitioner does not belong to exemption clause and that the benefit of exemption clause would be available only in given circumstances which are not attracted in this case.

The admission is regulated pursuant to notification dated 10.03.2023 which is contained at Annexure P-1. Clause 11 provides for eligibility of the candidate for State quota which is reproduced as under:-

“The eligibility of the candidate for state quota is as under:

- a) *The candidate should be Citizen of India.*
- b) *The candidate must have passed 10+1 & 10+2 from the state of Punjab or*
- c) *The candidate should have born in the state of Punjab or*
- d) *The candidate must be permanent resident of the state of Punjab.”*

A note is appended to Clause 11 which defines permanent resident of the State of Punjab. Note 2 contains reference to children/ward of the employees having at least three years of service in autonomous body/companies in which Punjab Government has 20% or more shares. As per the petitioner, this clause is attracted since petitioner's mother is employed in Panjab University at Chandigarh and having worked for more than 03 years in the University, the petitioner is entitled to be considered. The petitioner would have to be treated as the ward of an employee having three years of service in autonomous body/companies in which Panjab Government has 20% or more shares. It is otherwise argued that the petitioner is a permanent resident of State of Punjab but as she was otherwise covered under the exempted category by virtue of her mother being an employee of Panjab University, the petitioner was entitled to admission in the sports quota.

A reply has been filed by the State stating that being a permanent resident of State of Punjab, the petitioner could not have claimed admission under the exempted category. It is the case of the respondents that being a permanent resident, the petitioner could be considered for admission only if she fulfilled the criteria laid down in clause 15 as per which the credit shall be given only for the sports achievement made during Class 11th and 12th and the

certificate is issued by State of Punjab. In the present case, the certificate,

however, was issued by Director of Sports, U.T.Chandigarh. The writ petition has been entertained and pursuant to interim order passed in the matter on 24.11.2023, the petitioner has been admitted to MBBS course in the academic session 2024-2025. The petitioner has also completed the first year and is now pursuing her second year in the MBBS course. It is undisputed that one of the seats available in the MBBS course stands filled with the admission of petitioner.

Once that be so, we are of the view that the consideration of equity would warrant interference by this Court inasmuch as the petitioner having been admitted in the MBBS course and having completed one year, would be entitled to continue with her course. Even otherwise, we hold that the petitioner's claim for being placed in the exempted category cannot be doubted as the factum of petitioner's mother being an employee of Panjab University and otherwise a resident of Punjab is not doubted. Once that be the position, we allow the writ petition in terms of the interim order dated 24.11.2023, and provide that the petitioner would be allowed to complete her MBBS course pursuant to her admission granted in the sports category.

Pending applications, if any, stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

02.12.2025
smriti

(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No