



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

CWP-31660-2025

Date of Decision:17.11.2025

KANISHKA MIDHA AND OTHERS

....PETITIONER(S)

VERSUS

UNION OF INDIA AND OTHERS

....RESPONDENT(S)

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

Present: Mr. Aman Bansal, Advocate
for the petitioners.

Ms. Promila Nain, Senior Panel Counsel with
Mr. Ish Karan Singh, Central Govt., Counsel
for respondent No.1.

Mr. Sumeet Jain, Addl. Standing Counsel with
Mr. Sahil Garg, Junior Panel Counsel
for respondents No.2 and 4-U.T., Chandigarh.

Mr. Ravi Sharma, Standing Counsel
for respondent No.3.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. Petitioners have applied for admission in Unreserved Category in the Government Medical College and Hospital, Sector-32, Chandigarh (for short, '*College*'). They are aggrieved by the action of the respondents in appropriating 3% seats to OBC Category from the sanctioned seats available in the College. It is submitted that if 3% seats are to be appropriated for the OBC Category, the respondents ought to have increased the total number of seats in the College for such purpose and the diversion of seats from Unreserved Category to OBC Category, is arbitrary.

2. We may note that the appropriation of 3% seats for OBC candidates is pursuant to an order passed by the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No.20072/2019 dated 30.07.2025. Relevant part of the said order reads as under:-

“

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.”

3. It appears that in order to implement the order of the Supreme Court (*ibid*), the U.T., Administration wrote various letters to the National Medical Council (for short, 'NMC') to increase the number of seats available for the MBBS Course in the College to facilitate admission of candidates in OBC Category and also extend the counselling schedule. The NMC, however, has issued the impugned order according to which, 3% reservation for OBC candidates is to be adjusted from the existing seats in the present Academic Year. Thus aggrieved, the petitioners are before this Court.

4. On the previous occasion, we invited reply from respondents No.2 and 4-U.T., Chandigarh. Pursuant to which, a reply has been filed placing reliance upon the communication of the NMC, according to which counselling schedule is prepared by the Medical Counselling

Committee at all-India level and therefore extension of time for counselling, prayed for by the petitioners, is not possible.

5. It is not in dispute that the counselling schedule is fixed by the Medical Counselling Committee and the respondents have opined that a differential treatment ought not to be extended only in respect of one College. No exception can be taken to it. Even otherwise, at this late stage, we would not be justified in interfering in the matter when we find that the endeavour of the respondents is only to comply with the orders of the Supreme Court. Neither extension of seats is found expedient at this late juncture nor the counselling schedule is liable to be extended only to accommodate the petitioners.

6. In that view of the matter, the instant writ petition is found to be bereft of merit and is dismissed.

7. Dismissal of this petition will not preclude the petitioners from pursuing their claim for admission in accordance with their merit and in accordance with law.

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

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

NOVEMBER 17, 2025
Rahul Joshi

1. Whether Speaking/reasoned	Yes/No
2. Whether Reportable	Yes/No