



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

CWP-33461-2025 (O&M)
Date of Decision:21.11.2025
....PETITIONER(S)

AADITI DHARIWAL

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENT(S)

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

Present: Mr. Pardeep Solath, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Vipul Aggarwal, Senior Panel Counsel
for the respondent(s)-Union of India.

Mr. Nilesh Bhardwaj, Advocate
for applicant-respondent No.3/University.

ASHWANI KUMAR MISHRA, J. (ORAL)

CM-17512-2025

This application under Section 151 CPC has been filed on behalf of the applicant-respondent No.3 for placing on record a short reply by way of an affidavit of Prof. (Dr.)M. K. Vashisth, Dean Academic Affairs-cum-Chairman, Admission Committee, Pt. B. D. Sharma PGIMS, Rohtak on behalf of respondent No.3 along with annexures.

For the reasons stated in the application, the same is allowed.

The reply, along with its annexures, is taken on record.

Main Case (O&M)

1. This petition seeks to challenge the admission policy notified by the State of Haryana for admitting students to MBBS/BDS Course in

various institutions.

2. The grievance of the petitioner is that in terms of such policy, the State of Haryana is not permitting the petitioner to take admission against a Government seat in the State of Haryana only on account of the fact that petitioner has secured admission in All India quota in the State of Jammu & Kashmir.

3. It is submitted that though the petitioner has scored 531 marks yet, she has not been granted admission while others with lower marks have been allowed admission in Government Colleges in Haryana only because petitioner has joined the college at Jammu & Kashmir. It is further urged that this action of the State is in purported compliance of a subsequent letter of Government of India dated 28.10.2025, which is impermissible.

4. The admission policy dated 08.08.2025 is assailed but we have not been shown any of the Clause which could be termed to be arbitrary or discriminatory. In fact, the petitioner is not aggrieved by any Clause contained in the admission policy, but is rather aggrieved by the action of the State of Haryana in not allowing switchover of seats at the conclusion of second counselling. This action is in furtherance of the communication of Government dated 28.10.2025 which reads as under:-

“.....As per directions of Hon’ble Supreme Court of India in Contempt Petition (C) No.289 of 2022 in W.P. No.223 of 2022 Shubhankar Patnaik Vs. K. Ramesh Reddy & Ors. the filtering out of joined All India Quota candidates is mandatory in NEET UG Counselling.

In view of above, it is informed that the result of Round-3 of

UG Counselling 2025 conducted by MCC has already been published and there is no provision of resignation in this round. Hence, all state counselling authorities are requested to weed out the joined candidates of AIQ Round-3 before seat processing of Round-3 of state counselling so that candidates already holding a seat in AIQ are not allotted any seat through state counselling.

State counselling authorities can download the list of joined candidates from the date sharing portal of MCC after 1st November, 2025.”

5. The aforesaid communication has been issued pursuant to observations/directions of the Supreme Court in Contempt Petition (Civil) No.289/2022 wherein, the Supreme Court has referred to a software being developed for counselling for the NEET-UG/PG Course admissions. Paragraphs No.7 and 8 of the judgment passed by the Supreme Court in (Civil) No.289/2022 are reproduced hereinafter:-

“7. As the above notice indicates, the MCC has developed a software for all participating states and counselling authorities for the NEET-UG/PG in order to ensure that the names and roll numbers of candidates who have joined up to round 2 and further rounds of the state quota or round 2 of AIQ are put up on the common portal. Moreover, the notice expressly clarifies that candidates who have joined up to round 2 of AIQ or state quota shall not be eligible to participate in the further rounds of AIQ or state quota from the academic year 2022-23.

8. The development of the above software should ensure that a uniform pattern is followed by all the States across India commencing from the academic year 2022-2023. For the current academic year, since the students have already joined and the courses have commenced, we would, in the

interest of justice, put an end to the contempt proceedings. However, we take on record the assurance which has been set out by the DGHS and direct that all the States and counselling authorities in the NEET-UG/PG shall scrupulously comply with the above directions from the academic year 2022-2023.”

6. Although, learned counsel for the petitioner submits that the observation of the Court were in the context of admission to Post Graduate seats (in the original writ petition), therefore the direction could not be extended to Under Graduate admissions but we find such contention to be wholly fallacious inasmuch as the order of the Supreme Court, referred to above, clearly refers to development of software for admission to NEET-UG/PG Courses. In paragraph No.8, the Supreme Court has also issued a direction that all States and Counselling Authority *i.e.* NEET-UG/PG shall scrupulously comply with the above directions from the Academic Year 2022-23.

7. The submission that the policy contravenes Clause 9 of the Notification dated 08.08.2025 is also a misconceived argument inasmuch as the direction of the Supreme Court, referred to above, is to supersede any policy for admission framed by the State. Even otherwise, we do not find policy dated 08.08.2025 to be the counter to the direction contained in the letter dated 28.10.2025 which specifically relates to the manner in which seats are to be allocated after the second counselling. There is no contrary stipulation in the policy dated 08.08.2025. The argument being misconceived is therefore rejected.

8. We also find substance in the argument of the respondents

that the policy dated 08.08.2025 only specifies the manner in which admission is to be granted till the second round of counselling and leaves the process thereafter to be determined as per the guidelines issued by the Central Government. Moreover, the policy contained in communication dated 28.10.2025 is not even questioned in the writ petition. The submission being contrary to the records, cannot be countenanced.

9. Once that be so, the Circular dated 28.10.2025 issued by the Central Government since is in apparent compliance with the directions of the Supreme Court, any challenge to it is wholly devoid of any substance. Accordingly, the present writ petition fails and is dismissed.

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

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

NOVEMBER 21, 2025
Rahul Joshi

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