

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:023650-DB



CM-2435-CWP-2026
CWP-32777-2025 (O&M)
Date of Decision: 16.02.2026

Yashika Gupta ...Petitioner

Vs.

State of Punjab and others ...Respondents

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

Present: Mr. Amit Jhanji, Sr. Advocate with
Mr. Shashank Shekhar Sharma, Advocate for the petitioner.

Mr. Maninder Singh Garcha, Addl. AG, Punjab with
Mr. Manminder Singh Maan, AAG, Punjab.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-2435-CWP-2026

Application for placing on record short reply on behalf of
respondent No.1 is allowed subject to all just exceptions.

CWP-32777-2025 (O&M)

1. The controversy raised in the present writ petition is as to whether the petitioner is to be treated as a non-resident Indian or would be treated as a candidate of unreserved category.
2. Undisputed facts of the case are that the petitioner was born on 07.09.2000 in India. She pursued her studies including matriculation and intermediate from India. She was issued an OCI Card on 06.03.2014. When

the petitioner applied for admission in MBBS course, the authorities were of the view that the petitioner be treated as an NRI candidate and not as a candidate belonging to unreserved category. This issue was brought before this Court in CWP-16603-2018, wherein the respondents – State took up a stand that the petitioner would be covered in the unreserved category. Based upon such stand of the respondents – State, the writ petition was dismissed while observing as under:-

“Mr.Karan Singh Sandhu, Advocate appearing on behalf of Baba Farid University of Health Sciences states that the petitioner would be considered eligible in the 85% seats intended for the General Category. It is further stated that 7 seats in Dayanand Medical College and Hospital are lying vacant.

In view of the above statement, learned counsel for the petitioner does not wish to press the instant petition.

Dismissed as not pressed.

Let the respondent-University carry out the admission process qua the petitioner within a period of two weeks from today.”

3. The respondents essentially rely upon a notification dated 04.03.2021, to state that the petitioner having been issued an OCI Card, has to be treated as an NRI category student.

4. Learned senior counsel for the petitioner places reliance upon a judgment of the Hon’ble Supreme Court in **Anushka Rengunthwar and others v. Union of India and others, (2023) 11 SCC 209**. Before the Hon’ble Supreme Court, the same very notification dated 04.03.2021, fell for consideration in Anushka Rengunthwar case (supra). In para No.67 of the aforesaid judgment, the Hon’ble Supreme Court clearly held that the notification would be prospective in nature and would apply only to those who were born after 04.03.2021. Para No.67 of the judgment in Anushka Rengunthwar case (surpass) is reproduced as under:-

“67. Therefore in the factual background of the issue involved, to sum up, it will have to be held that though the impugned

Notification dated 4-3-2021 is based on a policy and in the exercise of the statutory power of a Sovereign State, the provisions as contained therein shall apply prospectively only to persons who are born in a foreign country subsequent to 4-3-2021 i.e. the date of the notification and who seek for a registration as OCI cardholder from that date since at that juncture the parents would have a choice to either seek for citizenship by descent or to continue as a foreigner in the background of the subsisting policy of the Sovereign State.”

5. In view of the judgment of the Hon’ble Supreme Court in Anushka Rengunthwar case (supra), it is apparent that the notification dated 04.03.2021, cannot be pressed into service by the State to assert that the status of the petitioner would be that of an NRI candidate. Even otherwise, once the petitioner has been treated as a candidate belonging to the unreserved category and has been permitted to pursue the MBBS course under that category, her continued status would remain in the unreserved category, and she cannot subsequently be treated as an NRI for the purpose of pursuing the postgraduate course.
6. Consequently, the writ petition is disposed of in terms of the observations made hereinabove.
7. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

16.02.2026
rajesh

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |