CNR No: PHHC011441402026
2026:PHHC:131681-DB

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(127) **CWP-27499-2026**

JAPUJI KAUR BAINS **... PETITIONER**

VERSUS

THE UNION TERRITORY OF CHANDIGARH AND OTHERS

... RESPONDENTS

(126+207-1) **CWP-27139-2026 (O&M)**

KANISHKA BHUSHAN **... PETITIONER**

VERSUS

UNION OF INDIA AND OTHERS **... RESPONDENTS**

(207-2) **CWP-26252-2026**

KIRTI **... PETITIONER**

VERSUS

UNION TERRITORY, CHANDIGARH AND OTHERS

...RESPONDENTS

(207-3) **CWP-27053-2026**

VARDAAN **... PETITIONER**

VERSUS

UNION TERRITORY, CHANDIGARH AND OTHERS

... RESPONDENTS

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High Court, Sector-1, Chandigarh.

(207-4) **CWP-27054-2026**

SWANCHAL GAUTAM **... PETITIONER**

VERSUS

UNION TERRITORY, CHANDIGARH AND OTHERS
... RESPONDENTS

(207-5) **CWP-27221-2026**

SHARON SINGH **... PETITIONER**

VERSUS

GOVERNMENT MEDICAL COLLEGE & HOSPITAL, SECTOR 32, CHANDIGARH AND OTHERS
... RESPONDENTS

(207-6) **CWP-27464-2026**

MAITREYEE **... PETITIONER**

VERSUS

UNION OF INDIA AND OTHERS **... RESPONDENTS**

(128) **CWP-27885-2026**

SHONIT DOGRA **... PETITIONER**

VERSUS

UNION TERRITORY, CHANDIGARH AND OTHERS
... RESPONDENTS

(129) **CWP-27984-2026**

KHWAHISH AND ANOTHER **... PETITIONERS**

VERSUS

UNION OF INDIA AND OTHERS **... RESPONDENTS**

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(130) **CWP-28778-2026**

SUKIRTI **... PETITIONER**

VERSUS

UNION OF INDIA AND OTHERS **... RESPONDENTS**

(131) **CWP-28884-2026**

JASPINDER KAUR **... PETITIONER**

VERSUS

UNION OF INDIA AND OTHERS **... RESPONDENTS**

(132) **CWP-29116-2026**

MUSKAN **... PETITIONER**

VERSUS

UNION OF INDIA AND OTHERS **... RESPONDENTS**

(209) **CWP-27232-2026**

ISHIKA **... PETITIONER**

VERSUS

UNION TERRITORY OF CHANDIGARH AND OTHERS
... RESPONDENTS

(210) **CWP-27263-2026**

TINA **... PETITIONER**

VERSUS

CHANDIGARH ADMINISTRATION AND OTHERS **...RESPONDENTS**

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Judgment Reserved on	Judgment Pronounced on	Judgment Uploaded on	Whether only the operative part of the judgment is pronounced	Whether the full judgment is pronounced
11.09.2026	**16.09.2026**	**16.09.2026**	**No**	**Yes**

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE RAJESH GAUR

Present:- Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Arjun Pratap Atma Ram, Advocate and
Ms. Smriti Thakur, Advocate,
for the petitioner in CWP-27499-2026.

Mr. Amar Vivek Aggarwal, Advocate,
Mr. Karanjeet Singh, Advocate and Mr. Sahil Beniwal, Advocate,
for petitioner(s) in CWP Nos. 28778, 29116, 27139 and 27464 of 2026.

Ms. Malvi Aggarwal, Advocate, Mr. Karan Singla, Advocate and
Mr. Tejinder Singh, Advocate,
for the petitioner in CWP-28884-2026.

Mr. Pardhuman Garg, Advocate, Mr. Ayush Abrol, Advocate and
Ms. Manshi, Advocate, for the petitioners in CWP-27984-2026.

Dr. Abhay Gupta, Advocate, for the petitioner in CWP-26252-2026.

Mr. Suresh Pal, Advocate, Mr. Mukim Ahmed and
Ms. Kajal, Advocate, for the petitioner in CWP-27885-2026.

Mr. Pradeep Singh, Advocate,
for the applicant/proposed respondent No.7
in CM-15829-2026 in CWP-27139-2026.

Mr. Samarth Sagar, Advocate (through V.C.) and
Mr. Sant Kashyap, Advocate, for the petitioner in CWP-27054-2026.

Ms. Brea Sandhu, Advocate and
Mr. Divij Dutt, Advocate, for the petitioner in CWP-27221-2026.

Ms. Pridhi Sandhu, Advocate (through V.C.) and
Mr. Manpreet Kanda, Advocate,
for the petitioner in CWP-27053-2026.

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Mr. Prateek Singh, Advocate and Mr. Pankaj Kaul, Advocate,
for the petitioner in CWP-27232-2026.

Mr. Mohit Uppal, Advocate,
for the petitioner in CWP-27263-2026.

Mr. Amit Jhanji, Senior Advocate,
Senior Standing Counsel, U.T., Chandigarh with
Mr. Sumeet Jain, Additional Standing Counsel with
Mr. Dhruv Chowfla, Junior Panel Counsel,
Mr. Dhruv Walia, Junior Panel Counsel,
Mr. Varun Sandhu, Junior Panel Counsel and
Dr. Eliza Gupta, Junior Panel Counsel
for respondent(s)-U.T. Chandigarh.

Mr. Dheeraj Jain, Senior Advocate,
Senior Panel Counsel, Union of India with
Ms. Shreyansi Verma, Central Govt. Counsel, Union of India
for respondent(s)-Union of India.

Ms. Shalini Atri, Advocate,
Senior Panel Counsel, Union of India (through V.C.)
for respondent(s) No.8 in CWP Nos. 27053 and 27054 of 2026.

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SUVIR SEHGAL, J.

1) This singular order shall dispose of all the above noted writ petitions as there is similarity of facts and legal issues. For the sake of convenience, factual matrix is being taken from CWP-27499-2026.

2) Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, *inter alia*, for a writ of certiorari quashing the provisional revised combined merit list dated 20/21.08.2026, Annexure P-12, to the extent her candidature as a Scheduled Caste category candidate in the U.T., Chandigarh Pool for admission to MBBS course for the session 2026-27, has been rejected. Petitioner has also sought a writ of mandamus for directing the respondents to consider her for admission to the said course.

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3) Petitioner has averred that her parents belong to *Ramdasia* community, which is a notified Scheduled Caste as per the Scheduled Caste Order, 1950. Petitioner claims to be born at Chandigarh on 30.04.2008 and has completed her schooling from there. She cleared the NEET (UG) 2026 as a Scheduled Caste candidate and thereafter applied for admission to the MBBS course under the U.T. Pool with the Government Medical College & Hospital (GMCH), Chandigarh. She possesses the requisite certificate, Annexure P-8, issued by the Sub Divisional Magistrate, Chandigarh, though the certificate describes her as a "migrant" Scheduled Caste. Union Territory (U.T.), Chandigarh issued a prospectus, Annexure P-7, for admission to MBBS and other courses. Petitioner submitted her application, Annexure P-9, along with requisite documents. On 20/21.08.2026, Annexure P-12, a provisional revised combined merit list of candidates was uploaded for admission to the MBBS course. Petitioner's name figured at Sr. No.297. Against her name, it was mentioned "SC-Migrant certificate. not eligible for SC category, hence, will be considered in General category". Challenging the rejection of her candidature as a Scheduled Caste candidate, she has approached the Court by way of present writ petition.

4) Upon notice, respondents filed a common reply in the entire bunch of petitions. The main reply was filed in *CWP-27139-2026* titled as "*Kanishka Bhushan Versus Union of India and others*", wherein it was pleaded that the Scheduled Caste status is territorial and a candidate, who possesses a Scheduled Caste Certificate on the basis of a certificate issued in another State, becomes a "migrant" Scheduled Caste. Reference has been made to instructions

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issued by Government of India on 22.02.2018, which reiterate that a Scheduled Caste person migrating from one State/U.T. to another, would retain the status in the State/U.T. of origin and cannot claim corresponding benefits in the migrated State/U.T. As per the respondents, such a candidate cannot claim a reserved seat under the U.T. Pool. A separate response has been filed contesting CWP-27499-2026 by respondents, relying upon clarification issued vide instructions dated 22.03.1977. Respondents have made a reference to Article 341 of the Constitution of India to submit that the Scheduled Caste benefit is restricted to the original State or U.T. Reliance has been placed upon the judgments of Hon'ble the Supreme Court in ***Marri Chandra Shekhar Rao Versus Dean, Seth G.S. Medical College and others, (1990) 3 SCC 130*** and ***Action Committee versus Union of India and another, (1994) 5 SCC 244***, to take a stand that Scheduled Caste migrant candidate cannot carry their constitutional privileges into a migrated territory to displace the native backward classes, unless specifically notified by the Parliament.

5) We have heard counsel for all the parties at length and have given a thoughtful consideration to their arguments, besides examining the record and the judicial precedents cited by them.

6) Against the backdrop of the factual position and the arguments addressed, primarily, the following core questions arises for consideration:-

(i) Whether respondents could impose an additional eligibility criteria after the commencement of the admission process and make a distinction between "SC-bona fide resident" and "SC-migrant", when such a distinction is absent in the prospectus?

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7) Legal position concerning the binding nature of a prospectus in matters of admission to educational institutions is no longer *res integra*. In ***Amandeep Singh Sahota Versus State of Punjab, 1993 (2) PLR 212***, a Full Bench of this Court held that prospectus issued for admission to a course has the force of law and that, after students have participated in the examination process on the basis thereof, State cannot issue instructions prejudicial to them. This principle has been reiterated in ***Raj Singh Versus The Maharishi Dayanand University, 1994 (4) R.S.J. 289 (FB)***, wherein it has been held that eligibility for admission is required to be determined according to the prospectus governing the admission process and instructions therein bind both the candidates as well as the admission authority. Admission process must be governed by the prospectus released, when such process commences. The institution as well as the candidates are bound by its terms and neither side can be permitted to depart from the notified conditions. In ***Rahul Prabhakar Versus Punjab Technical University, Jalandhar and others, 1997 (3) SCT 526***, another Full Bench of this Court revisited the legal position. It was categorically held that the provisions of the information brochure have the force of law and its conditions have to be strictly complied with.

8) Yet another Full Bench in ***Indu Gupta Versus Director, Sports Punjab, Chandigarh and another, 1999 (4) SCT 113*** has expounded the principle further. It held that alteration or dilution of a condition contained in a brochure is impermissible, because candidates must know the prescribed rules governing their eligibility and selection before entering the competition. This Full Bench affirmed the view taken by the earlier Full Benches. Recently in

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Adarsh Dinkar Sontakke (minor) and others Versus Navodaya Vidyalaya Samiti and others, Law Finder Doc ID # 2961508, Hon'ble the Supreme Court has been held that an educational institution cannot introduce an additional eligibility condition, which does not find place in the prospectus. It has been clarified that an eligibility condition introduced during or after the commencement of the selection process, cannot retrospectively govern the candidates, who participated on the basis of the originally notified norms. A subsequently introduced criteria may be prescribed for future admission process, but cannot retrospectively govern admissions already under process.

9) It has been emphatically settled that rules of the game, meaning thereby, that the criteria for selection, cannot be altered in the middle or after the process of selection has begun. Prospectus constitutes a declared norm by which the eligibility, scrutiny, preparation of merit and admission has to be regulated. An educational institute or an admitting authority, which has framed the prospectus, is as much bound by the norms laid down therein as the candidate, who seeks admission thereunder.

10) The relevant clauses of the prospectus, Annexure P-7, which govern the eligibility criteria for admission under the U.T., Chandigarh Pool seats deserve to be noticed and are reproduced hereunder:-

> *"A-3): Eligibility Criteria, General Condition and admission procedure for 156 UT Chandigarh Pool seats: (General, General PwBD, SC, SC PwBD, OBC (NCL), OBC (NCL-PwBD), OCI)*
> *In supersession of the Notification No. GMCH/TA-1(4/E)/2018/45819-27 dated 31.10.2018 and all other notifications/ instructions/ orders issued in this regard, the Administrator, Union Territory, Chandigarh is pleased to amend the eligibility criteria for admission to State (UT Chandigarh) Quota Seats in MBBS course in Government Medical College & Hospital, Sector-32, Chandigarh.*
> *The following criteria shall be followed for admission to State*

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(UT Chandigarh) Quota Seats in MBBS Course in GMCH-32, Chandigarh from the date of issuance of this notification vide No. 4486/E-134842/F-II(GMCH)/2023/10399 dated 15.07.2022: -

1. *Candidates, who had completed 10th, 10+1 and 10+2 from schools/colleges recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh, as regular student of the said school/college.*

OR

2. *Candidates, whose parents are residents of Chandigarh for the past 05 years immediately preceding the date of application, even if they do not satisfy the criteria as laid down in condition No.1 above. The requisite residence certificate issued from the Office of Deputy Commissioner, UT Chandigarh, will be taken as proof for this purpose.*

OR

XXXXXX XXXXX XXXXX"

"A-4): <u>Eligibility Criteria for UT Chandigarh Pool seats reserved for Scheduled Castes including SC PwBD candidates</u>

1. *The candidates must fulfill relevant Eligibility Criteria for UT Chandigarh Pool seats.*
2. *Candidates must have claimed his/her eligibility for SC/SC (PwBD) category while applying for NEET (UG) - 2026 examination.*
3. *Candidates belonging to Scheduled Castes Category shall submit a certificate to this effect issued by the Tehsildar/Magistrate 1st Class/Deputy Commissioner, UT Chandigarh, bearing the seal & signature of the issuing authority. (Specimen copy of the certificate is appended as Appendix C)*

   <u>Important:</u>

   Certificate, not bearing the seal of the competent authority, will not be accepted. Scheduled Caste Category candidates who otherwise fulfill the eligibility criteria for UT Chandigarh Pool, but submit Scheduled Caste category certificate issued by Sate/ UT other than UT Chandigarh, will not be considered eligible for admission against seats reserved for Scheduled Caste candidates in UT Chandigarh Pool. Such candidates will be considered for General Category of UT Chandigarh Pool only.
4. *Any seat(s) remaining unfilled from UT Chandigarh Pool SC Category on account of non-availability of eligible candidates shall be added to UT Chandigarh Pool General Category, and filled from combined merit list as per merit/rank in NEET (UG) - 2026, as per reservation policy of Chandigarh Administration applicable to Medical institutions in the Union Territory of Chandigarh, notified vide letter No. 19/1/3/93/IH(3)/11138, Dated: 07.06.1995."*

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11) The Scheduled Caste Certificate to be submitted, along with the application, has been provided in Appendix-C, which also deserves to be noticed and is reproduced hereunder: -

> *"(For MBBS/BHMS COURSES)*
> *SCHEDULED CASTE CERTIFICATE*
> *(Applicable for UT Pool in case of admission in MBBS)*
> *CHANDIGARH ADMINISTRATION*
> *SCHEDULED CASTE (SC) CERTIFICATE*
> *Certificate No.:_____ Date: _____*
> *Certified that Mr./Ms. _____ son/daughter of Sh_____& Smt _____ resident of _____ District_____ is a member of Scheduled Caste and belongs _____ Caste which has been recognized as Scheduled Caste vide notification No_____ dated _____issued by the Chandigarh Administration.*
> *Place : _____*
> *Dated: _____*
>
> *Signature of Tehsildar/SDM/DC*
> *Name: _____*
> *Designation: _____*
> *(Official Seal)"*

12) A perusal of the above reproduced clauses show that the prospectus, Annexure P-7, requires a Scheduled Caste candidate seeking a reserved seat in U.T., Chandigarh Pool to satisfy the eligibility criteria pertaining to U.T. Pool laid down in Clause A-3. As provided in Clause A-4, such a candidate is also required to produce the prescribed Scheduled Caste Certificate (Appendix-C) from the designated authority. There is no other requirement laid down in these clauses or in the specified certificate. It may be specifically noticed that there is no requirement that a candidate must prove that his/her father, grandfather or forefather was residing in Chandigarh before 01.11.1966. There is no stipulation that a candidate, whose certificate bears the expression "migrant", would automatically be treated as a General Category candidate,

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nor does it bar that Scheduled Caste Certificate with the expression “migrant” would be invalid for admission. In case the respondents intended to confine the benefit of reservation to Scheduled Caste candidates of Chandigarh origin, it was required to be categorically mentioned in the prospectus, however, the same has not been done.

13) The stand of the respondents is that Government instructions dated 22.02.2018 have to be read into and are an integral part of the Prospectus. This stand cannot be accepted. In case, these instructions are read into the Prospectus, it would result in a modification of the Prospectus, which is impermissible. As a consequence, Clause A-3 pertaining to the eligibility clause for admission under the U.T. Pool would stand substituted to provide that the Scheduled Caste Certificate must be issued by the competent authority in accordance with the specified instructions dated 22.02.2018 issued by the Government of India. It would mean that respondents have altered the original prospectus and introduced a new eligibility condition. Instead of being clarificatory in nature, these instructions introduce an eligibility condition for the very first time. The effect is that some of the candidates, like the petitioner, who are otherwise eligible to be considered for admission as per the plain reading of the prospectus, have become ineligible. Applying such a condition after the candidates had applied, qualified and were likely to be called for counseling, would amount to altering the rules of the game after the game has begun. The principle laid down by the Full Benches of this Court noticed above as well as by Hon’ble the Supreme Court in ***Adarsh Dinkar Sontakke’s*** case (*supra)* clearly state that an additional criteria not found in the prospectus

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cannot be incorporated after the commencement of the selection process. Such a condition, if otherwise permissible in law, may be incorporated by the respondents in the prospectus governing future academic sessions, but it cannot be done retrospectively for the session 2026-27.

14) As a consequence of aforegoing discussion, question posed above, is answered in the negative. Insofar as MBBS admission process for the session 2026-27 under the prospectus, Annexure P-7, is concerned, respondents cannot exclude an otherwise eligible Scheduled Caste candidate from the U.T., Chandigarh Pool by labelling him/her as a “migrant”. Prospectus neither contains such a bar, nor restricts the Scheduled Caste reservation to persons of “Chandigarh origin” or “bona fide residents”. Candidates satisfying the U.T. Pool eligibility conditions as well as eligibility conditions for claiming reservation under Clauses A-3 and A-4 of the prospectus, Annexure P-7, have to be considered in the Scheduled Caste category for the purposes of admission in accordance with their respective merit in the NEET (UG) 2026.

15) Consequently, revised provisional merit list dated 20/21.08.2026 is quashed. Respondents are directed to prepare a fresh merit list of Scheduled Caste candidates for admission to the MBBS course under the U.T. Pool strictly in accordance with the eligibility conditions contained in the prospectus, Annexure P-7, particularly Clauses A-3 and A-4, thereof. This exercise be completed as expeditiously as possible, preferably within a period of ten days from the date of uploading of a copy of the order on the website of this Court.

16) All writ petitions are disposed of.

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17) This judgment will, however, not preclude the respondents from prescribing an admission criteria based on instructions of Government of India, if otherwise legally valid, from the next academic session.

18) Pending miscellaneous application(s), if any, shall also stands disposed of.

(SUVIR SEHGAL)
JUDGE

(RAJESH GAUR)
JUDGE

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Whether Speaking/Reasoned	Yes
Whether Reportable	Yes

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