CNR No: PHHC011422482026
2026:PHHC:135193-DB

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(102-2+202-2) **CWP-27180-2026 (O&M)**

NITIN YADAV (MINOR) **…PETITIONER**

VERSUS

UNION TERRITORY, CHANDIGARH AND OTHERS **…RESPONDENTS**

(202-1) **CWP-24294-2026 (O&M)**

NAVYA (MINOR) **…PETITIONER**

VERSUS

UNION OF INDIA AND OTHERS **…RESPONDENTS**

(202-3) **CWP-26643-2026**

RAJEEV RANJAN AND ANOTHER **…PETITIONERS**

VERSUS

UNION OF INDIA AND OTHERS **…RESPONDENTS**

(102-1+202-4) **CWP-27324-2026 (O&M)**

ANSHIKA SINHA **…PETITIONER**

VERSUS

UNION OF INDIA AND OTHERS **…RESPONDENTS**

(202-5) **CWP-28374-2026**

ANANYA SINHA **…PETITIONER**

VERSUS

U.T. CHANDIGARH 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
17.09.2026	**21.09.2026**	**21.09.2026**	**No**	**Yes**

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

Present:- Mr. Samarth Sagar, Advocate and Mr. Sant Kashyap, Advocate,
for the petitioner in CWP-27180-2026.

Mr. Amar Vivek Aggarwal, Advocate and
Mr. Karanjeet Singh, Advocate, for petitioner in CWP-24294-2026.

Mr. Pardeep Sharma, Advocate,
for the petitioners in CWP-26643-2026.

Mr. Padamkant Dwivedi, Advocate and
Ms. Ayushi, Advocate, for the petitioner in CWP-27324-2026.

Mr. Gautam Pathania, Advocate,
for the petitioner in CWP-28374-2026.

Mr. Aman Arora, Advocate and
Mr. Archit Rana, Advocate for Mr. Krishan Singla, Advocate
for applicant- proposed respondent No.8 in CWP-27180-2026.

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 in all cases.

Mr. Sumeet Jain, Additional Standing Counsel with
Mr. Dhruv Chowfla, Junior Panel Counsel and
Mr. Varun Sandhu, Junior Panel Counsel
for respondents No.1 to 4 in CWP-27180-2026,
for respondents No.1 to 3 in CWP-28374-2026 and
for respondent(s) No.3 to 6 in CWP Nos.26643 and 27324 of 2026

Mr. J.S.Chandail, Advocate (through V.C.),
Senior Standing Counsel with
Mr. Gaurav Vir Singh Behl, Junior Standing Counsel,
for respondents No.2 to 7 in CWP-24294-2026.

Mr. Arun Gosain, Advocate (through V.C.),
for respondents No.9 and 12 in CWP-24294-2026
for respondent No.2-NTA in CWP Nos. 26643 and 27324 of 2026.

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Mr. K.K.Gupta, Advocate,
for respondent No.11-PEC in CWP-24294-2026.
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SUVIR SEHGAL, J.

1) This judgment shall dispose of the above noted five writ petitions as they involve common questions of law and fact. For the sake of convenience, factual matrix is being taken from CWP-27180-2026.

2) Petitioner has approached this Court, *inter-alia*, for a writ of certiorari quashing the provisional revised combined merit list dated 20.08.2026, Annexure P-10, whereby petitioner has been denied participation in the counselling process for the MBBS course for the session 2026-2027 in the U.T. Chandigarh Pool under the Other Backward Class (OBC)-NCL category on the ground that petitioner is a migrant. Petitioner has also sought a writ of mandamus directing the respondents to consider him for admission to the said course.

3) Petitioner has averred that he belongs to “Yadav caste”, which has been recognized as an OBC in Chandigarh. Petitioner claims to have completed his education from Chandigarh. He has cleared the NEET (UG) - 2026 as a OBC-NCL candidate and thereafter applied for admission to the MBBS course under the U.T. Pool with the Government Medical College & Hospital (GMCH), Sector 32, Chandigarh. Petitioner claims to possess the OBC certificate, Annexure P-1, issued by the Sub Divisional Magistrate (South), U.T. Chandigarh and the certificate describes him as “migrant”. Union Territory (U.T.) Chandigarh issued a prospectus, Annexure P-7, for admission to MBBS and other courses. Petitioner submitted his application, along with requisite documents, for admission against 11 seats reserved for OBC category. On

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20.08.2026, a provisional revised combined merit list, Annexure P-10, of candidates was uploaded for admission to the MBBS course. Petitioner's name figured at Sr. No.220 and against his name, it was mentioned “OBC-Migrant certificate. Not eligible in OBC category, hence, will be considered in General Category”. Challenging the rejection of his candidature as an OBC candidate, petitioner has approached this Court by way of present petition.

4) Upon notice, respondents have filed a detailed response in connected writ petitions. The main reply was filed in *CWP-26643-2026*, titled as “*Rajeev Ranjan and another Versus Union of India and others*”, wherein it was pleaded that OBC status is territorial and a candidate who possesses an OBC certificate on the basis of certificate issued in another State, becomes a “migrant” OBC. Reference has been made to instructions dated 08.04.1994, issued by the Government of India, which reiterate that an OBC 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 respondents, such a candidate cannot claim a reserved seat in the U.T. Pool. Reference has also been made to instructions dated 22.03.1977 as well as to Article 341 of the Constitution of India to take a stand that OBC benefit is restricted to the original State or U.T. Respondents have placed reliance 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 support the stand that an OBC migrant candidate cannot carry the constitutional privileges into a migrated territory to displace the native backward class, unless specifically notified by the Parliament.

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5) We have heard counsel for the parties at length and have given our thoughtful consideration to their arguments, besides examining the documents as well as the judicial precedents relied upon by them.

6) The question that arises for consideration is whether the respondents could change the admission criteria after the admission process has begun. A similar question came up for consideration before this Bench in **CWP-27499-2026** titled as ***"Japuji Kaur Bains Versus The Union Territory of Chandigarh and others"***, decided on 16.09.2026, which pertains to admission to MBBS course for the session 2026-27 with the GMCH under the Schedule Caste category. Relying upon the settled legal position, this Bench held that the rules of the game, meaning thereby, the criteria for selection, cannot be modified in the middle or after the process of selection has begun. This Bench observed that prospectus constitutes a declared norm by which eligibility, scrutiny, preparation of merit and admission has to be regulated. An educational institution 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.

7) 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*

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Chandigarh) Quota Seats in MBBS course in Government Medical College & Hospital, Sector-32, Chandigarh.

The following criteria shall be followed for admission to State (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 XXXXXX XXXXXXX"

"A-7): Eligibility Criteria for UT Chandigarh Pool seats reserved for Other Backward Class (OBC (NCL) including OBC (NCL) PwBD candidates.

1. *The candidates must fulfill relevant Eligibility Criteria for UT Chandigarh Pool seats.*
2. *Candidates must have claimed his/ her eligibility for OBC (NCL) / OBC (NCL) (PwBD) category while applying for NEET (UG)-2026 examination.*
3. *Candidates belonging to Other Backward Class (OBC (NCL) 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-1).*

<u>Important</u>

Certificates not bearing the seal of the competent authority shall not be accepted. Candidates belonging to Other Backward Class (OBC (NCL) candidates who otherwise fulfill the eligibility criteria for the UT Chandigarh Pool, but submit an Other Backward Class (OBC (NCL) category certificate issued by State/ UT other than UT Chandigarh, shall not be considered eligible for admission against seats reserved for Other Backward Class (OBC (NCL) category in UT Chandigarh Pool. Such candidates shall be considered only under the General Category of UT Chandigarh Pool.

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> *4. Any seat(s) remaining unfilled from UT Chandigarh Pool Other Backward Class (OBC (NCL) 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)-2020, as per reservation policy of Chandigarh Administration applicable to Medical institutions in the Union Territory of Chandigarh, notified vide letter No. SWD/RA/OBC-Act/2025/6692 Dated 07.08.2025."*

8) Other Backward Classes (OBC) Certificate to be submitted, along with the application, has been provided in Appendix C-1, which also deserves to be noticed and is reproduced hereunder: -

> *"(For MBBS/BHMS COURSES)*
>
> *OTHER BACKWARD CLASSES (OBC) CERTIFICATE*
> *(Applicable for UT Pool in case of admission in MBBS)*
> *CHANDIGARH ADMINISTRATION*
> *(SUB DIVISIONAL MAGISTRATE (U.T, Chandigarh)*
> *OTHER BACKWARD CLASSES (OBC) CERTIFICATE*
>
> *Certificate No.:_____ Date: _____*
>
> *This is to certify that Mr./Ms. _____son/daughter of Shri _____ resident of _____ _____belongs to _____ caste which is recognized as an Other Backward Class under the Government of India, Ministry of Social Welfare Resolution No. 12011/68/93-BCC(C) _____ published in the Gazette of India Extraordinary, Part-I, Section-I, dated _____and as notified by Chandigarh Administration from time to time and as published in the Central List of Other Backward Classes applicable to Union Territory, Chandigarh.*
> *Mr./Mrs. _____ and /or his/her family ordinarily resident(s) in _____.*
> *This is also certified that he/she does not belong to the persons/sections 9 Creamy Layer) mentioned in Column 3 of the Schedule to the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training O.M. No. 36012/22/93-Estt. (SCT) dated 08th September, 1993 and subsequent amendments issued from time to time.*
> *This certificate is issued on the basis of verification made by the Tehsildar (Revenue), U.T., Chandigarh vide his/her report dated_____*

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Place: . _____

Signature of Competent Authority
Name: _____
Designation: _____
(Official Seal)"

9) A perusal of the above reproduced clauses show that the prospectus requires an OBC candidate seeking a reserved seat in the U.T. Chandigarh Pool to satisfy the eligibility criteria pertaining to U.T. Pool as laid down in Clause A-3. As provided in Clause A-7, such a candidate is required to produce the prescribed OBC Certificate (Appendix C-1) 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, nor does it bar that OBC Certificate with the expression "migrant" would be invalid for admission. In case, respondents intended to confine the benefit of reservation to OBC candidates of Chandigarh origin, it was required to be categorically mentioned in the prospectus, however, the same has not been done.

10) The stand of the respondents is that government instructions dated 08.04.1994 have to be read into and are a part of the prospectus, cannot be accepted. In case these instructions are read into the prospectus, it would result in modification of the prospectus, which is impermissible. As a consequence, Clause A-3 pertaining to eligibility clause for admission under U.T. Pool would stand substituted to provide that OBC Certificate must be issued by the

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competent authority in accordance with the instructions issued by the Government of India. It would mean that the respondents have altered the original prospectus and introduced a new eligibility condition. Instead of being clarificatory in nature as is being claimed by the respondents, these instructions introduce a new eligibility condition. 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. Introducing such a condition after the candidates had applied, qualified and were likely to be called for counselling, would amount to altering the rules of the game after the game has begun. The principle laid down by Full Benches of this Court as noticed in ***Japuji Kaur Bains's*** case (*supra*) as well as by Hon'ble the Supreme Court in ***Adarsh Dinkar Sontakke (minor) and others Versus Navodaya Vidyalaya Samiti and others, Law Finder Doc ID # 2961508***, would stand violated. An additional criteria not found in the prospectus cannot be incorporated therein, 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.

11) As a consequence, the question posed above is answered in the negative. Insofar as admission process for this session 2026-27 under the prospectus, Annexure P-7, is concerned, respondents cannot exclude an otherwise OBC candidate from U.T. Chandigarh Pool by labelling him/her as a "migrant". Prospectus neither contains such a bar, nor restricts OBC reservation to persons of "Chandigarh origin" or "bona fide residents". Candidates satisfying U.T. Pool as well as eligibility conditions for claiming reservation

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under Clauses A-3 and A-7 of the prospectus, have to be considered in the OBC category for the purpose of admission in accordance with their respective merit in the NEET (UG) - 2026.

12) Consequently, the revised provisional merit list dated 20.08.2026 is quashed insofar as petitioner's category is concerned. This Court has been apprised that during the pendency of the writ petition, some admissions have already been made against OBC (NCL) seats, though some seats are vacant. Be that as it may, without disturbing the admission of the candidates, who have already joined the course, respondents are directed to prepare a fresh merit list of OBC (NCL) candidates for the left out seats for admission to 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-7, thereof. This exercise be completed as expeditiously as possible.

13) All the writ petitions are disposed of.

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

15) All the pending miscellaneous application(s), if any, shall also stand disposed of.

(SUVIR SEHGAL)
JUDGE

(RAJESH GAUR)
JUDGE

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Whether Speaking/Reasoned	Yes
Whether Reportable	Yes

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