



CWP-17276-2025(O&M)

2025:PHHC:075822-DB



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

**CWP-17276-2025 (O&M)
Date of decision: 10.06.2025**

Avijit Chander and others

...Petitioners

Versus

Union Territory, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Gurminder Singh, Senior Advocate assisted by
Mr. J.S. Gill, Advocate
for the petitioners.

MAHABIR SINGH SINDHU, J.

Present petition has been filed, under Article 226 of the Constitution for issuance of writ in the nature of *Certiorari* for setting aside Public Notice dated 03.06.2025 (P-13), whereby State Quota Seats which fell vacant owing to the quashing of the reservation of seats for Union Territory Pool (for short 'U.T. Pool') have been put in the All India Quota (for short 'A.I.Q.'), resulting into excess of 50% limit prescribed for this purpose.



2. Paper-book reveals that on 08.11.2024, respondent No.2- Government Medical College & Hospital, Sector-32, Chandigarh (for short 'GMCH') invited applications for admission to MD/MS Course for the "Session 2024". As per the prospectus, there were 155 seats for Post Graduate (PG) Course; which were divided into "A.I.Q." and "State Quota" to the extent of 75 seats and 80 seats [including 04 Economically Weaker Section (for short 'EWS')], respectively.

2.1 Out of 80 seats earmarked for State Quota, 40 were reserved under the category of I.P. Pool and remaining 40 were earmarked for U.T. Pool.

2.2 It is an admitted position that petitioner Nos.3, 4 & 5 have neither completed their MBBS; nor appeared and/or qualified National Eligibility-cum-Entrance Test (Post Graduate) Examination-2024 (for short 'NEET PG'). Thus as on today, none of these three petitioners i.e. 3, 4 & 5 are having any cause of action; hence, at the outset, it is observed that petition *qua* them is wholly misconceived.

2.3 So far as petitioner Nos. 1 & 2 are concerned, they secured 49369 and 17865 rank, respectively in NEET PG.

2.4 In November-2024, respondent No. 2 issued merit list of candidates in I.P. Pool, where petitioner Nos. 1 & 2 were shown at Sr. Nos. 68 & 42, respectively.

2.5 It transpires that due to pendency of litigation before Hon'ble the Supreme Court, third round of counselling was not conducted; but now respondent No.2 has issued the impugned Public Notice dated 03.06.2025 (P-13) claiming to be in terms of decision of



Hon'ble the Supreme Court dated 29.01.2025 (P-7) passed in Civil Appeal No. 9289 of 2019 titled as "***Dr. Tanvi Behl Versus Shrey Goel and others***"; Order dated 24.03.2025 (P-9) passed in Misc. Application No. 512 of 2025 in C.A. No. 9289 of 2019 & order dated 27.05.2025 (P-12) in CWP-9749-2025 titled as "***Shubhamdeep Singh Kang Versus Union Territory, Chandigarh and another***"; hence present petition.

CONTENTIONS:-

3. Learned Senior counsel contends that although, residence based reservation was held to be totally impermissible in the PG Medical Course by Hon'ble the Supreme Court vide judgment dated 29.01.2025 passed in ***Shrey Goel's case (supra)***; but it was further held that it will not affect reservation already granted to students who are undergoing the PG Course(s); or have already passed their PG Course(s) from respondent No.2.

3.1. Again contends that on 25.02.2025, in view of ***Shrey Goel's case (supra)***, third round of counselling was not held and misc. application moved by respondent No. 2 on 24.02.2025 for seeking permission to conduct third/further round(s) of counselling was declined by Hon'ble the Supreme Court on 24.03.2025 (P-9).

3.2. Also contends that in compliance of ***Shrey Goel's case (ibid)***, a Public Notice dated 09.04.2025 (P-10) was issued by respondent No.2, wherein it was decided that all the vacant seats of U.T. Pool State Quota will be converted and filled through I.P. Pool of State Quota on the basis of rank obtained in NEET PG.



3.3. Yet again contends that in ***Shubhamdeep Singh Kang's case (supra)***, respondent No. 3-Secretary, Department of Medical Education & Research, Chandigarh filed additional affidavit dated 29.04.2024 (P-11) wherein they again reiterated the decision to fill-up vacant seats of U.T. Pool under the category of I.P. Pool on the basis of NEET PG.

3.4. Vehemently contends that subsequently, the Co-ordinate Bench of this Court in ***Shubhamdeep Singh Kang's case (supra)***, while dealing with the question of adjudication of modalities emanating from residence based reservation provided in PG Admission-2024, held that U.T. Chandigarh shall carry out admission to the Post Graduate Medical Courses in accordance with ***Shrey Goel's judgment (supra)*** and order dated 24.03.2025 passed by Hon'ble the Supreme Court in Misc. Application No.512 of 2025 in C.A. No. 9289 of 2019 read with directions (para 25) of the judgment dated 23.04.2019 rendered in CWP Nos. 8234 & 9569 of 2019.

3.5 Lastly contends that while taking a complete U-turn; without any authority of law and also in complete violation of ***Shrey Goel's judgment (supra)*** and *de hors* the stand taken before the Coordinate Bench by way of additional affidavit dated 29.04.2025 (P-11) of Ajay Chagti, (IAS), Secretary, Medical Education & Research, Union Territory, Chandigarh, filed in CWP-9749-2025, respondent No.2 has issued the impugned Public Notice on 03.06.2025, wherein vacant U.T. Pool seats have been diverted to A.I.Q. against maximum limit of 50%.



4. Heard learned Senior counsel for the petitioners and perused the paper-book.
5. Controversy pertains to the admission for MD/MS Courses (Session 2024) in GMCH. For reference, general information and number of seats as depicted in the Prospectus (P-1) are extracted as under:-

“MD/MS Courses: Session 2024

PG-1: General Information and Number of Seats

The Govt. Medical College & Hospital, Sector-32, Chandigarh invites online application for admission to three years Postgraduate Degree Courses (MD/MS) for the year-2024.

The total numbers of seats for admission in the year 2024 are 155 (151 plus 4 seats for EWS in State Quota) which are divided into All India Quota (AIQ) and State Quota as below:

1. All India Quota (AIQ): 75 Seats

In compliance of the Hon'ble Supreme Court decision, 50% of seats, excluding 4 seats for EWS in State Quota, are allocated to All India Quota.

2. State Quota: 76 Seats + 04 EWS seats.

- a. 15% of 76 seats are reserved for scheduled castes (SC).*
- b. 5% of 76 seats are reserved for Persons with Benchmark Disabilities (PwBD) on horizontal basis.*

In compliance of the decision of Hon'ble Punjab & Haryana High Court, distribution of State Quota seats is as below:

	Category	Total No. of seats	Scheduled Castes	General	EWS
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			(SC)		
1.	<i>Institutional Preference Pool (IP)</i>	<i>38 (including 2 PwBD seats) + 2 (EWS)</i>	5	33	02
2.	<i>U.T. Chandigarh Pool</i>	<i>38 (Including 2 PwBD seats) + (2 EWS)</i>	6	32	02
	<i>Total</i>	<i>76 + (4EWS)</i>	11	65	04

In calculation of percentage of seats for reserved for SC and PwBD candidates, the figure has been rounded off to lower whole number if decimal point is less than 0.5 and to higher whole number if the decimal point is 0.5 or more.”

6. It would also be relevant to recapitulate operative part of the impugned Public Notice dated 03.06.2025 (P-13) and which reads as under:-

**“GOVERNMENT MEDICAL COLLEGE & HOSPITAL,
CHANDIGARH
(BLOCK-D), 1ST FLOOR, HOSPITAL BUILDING, SECTOR-32,
CHANDIGARH-160030)
TELE NO. 0172-2301023, E-mail: dpgmch-chd@gmch.gov.in
Website: gmch.gov.in**

NOTICE

A Special round of counselling will be held as per the directions issued by the Hon'ble Supreme Court of India in Civil Appeal No.9289 of 2019 title Dr. Tanvi Behl Vs. Shrey Goel & Ors. of dated 29.01.2025 & Misc Application No. 512/2025 dated 24.03.2025 in C.A No.9829/2019 and Hon'ble Punjab & Haryana High Court in CWP 9749-2025 (O&M) titled as Shubhamdeep Singh Kang Vs. Union Territory, Chandigarh,

1. The IP pool seats of the state quota will be filled from IP Pool candidates and the UT Pool seats of the state quota will be filled on All India Basis through All India NEET PG-2024 merit by inviting fresh applications.



2. *It has been decided that Special Round of Counselling is completely new process. The candidates who have been allotted seats and are presently pursuing PG courses in Institute (ie. IP and UT Chandigarh Pools) will be allowed to surrender their seat (Both IP & UT Pool) if they so desire, via online mode to participate in the Special Round of Counseling. Surrendered IP Pool seats will be added to IP Pool and surrendered UT Chandigarh Pool seats will be added to seats available in UT Chandigarh Pool seats which will be filled on All India basis through All India NEET PG-2024 Merit.*

3. *The reserved category candidates of IP Pool will submit the caste certificate from UT Chandigarh Administration whereas for UT Chandigarh Pool seats which will be filled on All India basis through All India NEET PG-2024 Merit, the caste certificate will be accepted from any state of the country.*

4. *The PwD candidate will submit certificate issued by the authorized centers notified by the NMC.*

5. *Any seat remaining vacant in reserved categories will be added to the General category of respective Pool.*

6. *Any seat remaining vacant in IP Pool will be added to the General category of UT Chandigarh Pool seats which will be filled on All India basis through All India NEET PG-2024 Merit.*

7. *Those candidates who have already applied for the third & stray round of counselling need not apply again. Their candidature will be considered for their respective Pool.*

8. *IP Pool candidates will also be considered for admission against UT Chandigarh Pool seats which are to be filled on All India basis according to their merit in All India NEET PG-2024 Merit.*

9. *The selected candidates after joining shall complete full duration of three years of training as directed by National Medical Commission vide its letter No.NMC/PGMEB/17704/010461 dated 16.04.2025. They will be paid stipend for 36 months including stipend already*



paid for the period served in GMCH as PGJR in the previous department.

10. There will be no further stray vacancy round.

11. All other relevant clauses of prospectus for admission to MD/MS Courses, Session-2024 shall be applicable.

12. Copy of Seats matrix is enclosed. It may change after completion of process of surrendering seats. Once the process of surrendering is over, the revised seat matrix will again be uploaded on the website of the institute.”

A perusal of the aforesaid extract from the impugned Public Notice, clearly indicates that respondents are going to conduct special round of counselling as per the decision of Hon’ble the Supreme Court in ***Shrey Goel’s case (dated 29.01.2025)***; Order dated 24.03.2025 (P-9); and ***Shubhamdeep Singh Kang’s case (supra)***.

7. Apart that, this Court is not persuaded with the arguments raised by learned Senior counsel due to the following reason(s):-

- (i) Legal issue regarding residence based reservation for PG Medical Course has already been adjudicated by Hon’ble the Supreme Court in ***Shrey Goel’s judgment (supra)*** and the relevant paragraph Nos. 32 to 34 of the same are recapitulated as under:-

“32. The law laid down in Jagdish Saran and Pradeep Jain has been followed by this Court in a number of decisions including the Constitution Bench decision in Saurabh Chaudri. We may also refer here judgments such as Magan Mehrotra and Ors. v. Union of India (UOI) and Ors. (2003) 11 SCC 186, Nikhil Himthani vs. State of Uttarakhand and Others (2013) 10 SCC 237, Vishal Goyal



and Others v. State of Karnataka and Others (2014) 11 SCC 456 and Neil Aurelio Nunes (OBC Reservation) and Others v. Union of India and Others (2022) 4 SCC 1, which have all followed Pradeep Jain. Thus, residence-based reservations are not permissible in PG medical courses.

33. Having made the above determination that residence-based reservation is impermissible in PG Medical courses, the State quota seats, apart from a reasonable number of institution-based reservations, have to be filled strictly on the basis of merit in the All India examination. Thus, out of 64 seats which were to be filled by the State in its quota 32 could have been filled on the basis of institutional preference, and these are valid. But the other 32 seats earmarked as U.T. Chandigarh pool were wrongly filled on the basis of residence, and we uphold the findings of the High Court on this crucial aspect.

34. We make it clear though that our declaration of impermissibility of residence-based reservation in PG Medical courses will not affect such reservations already granted, and students are undergoing PG courses or have already passed out in the present case, from 32 Government Medical College, Chandigarh. We do this simply because now there is an equity in favour of such students who must have already completed the course. Logically, therefore, the present appellants who were granted admission under the residence category and were undergoing their course, & also by virtue of the interim order of this Court dated 09.05.2019, will not be affected by our judgment.”

(ii) There is no quarrel that subsequently, the Coordinate Bench of this Court in ***Shubhmandeep Singh Kang’s case (supra)***, in paragraph No. 11 categorically, held as under:-



“11. In view of the preceding ratiocination, the instant batch of Civil Writ Petitions is disposed of in the following terms:

- (i) The UT Administration Chandigarh shall carry out admission to the course in question in accordance with Shrey Goel SC judgment and 24.03.2025 SC order read with the concluding directions (para 25) of the Division Bench decision dated 23.04.2019 of this Court rendered in CWP-8234-2019 and CWP-9565-2019, (annexed as Annexure A-4 with the affidavit dated 29.04.2025 filed by the Union Territory, Chandigarh Administration)
- (ii) CWP-9749-2025, titled as Shubhamdeep Singh Kang vs. Union Territory Chandigarh and another, is dismissed.
- (iii) No order as to costs.”

8. In view of the discussion made here-in-above, there is no hesitation to say that controversy for admission to MD/MS courses 2024 in GMCH has already been decided by the Coordinate Bench of this Court in **Shubhamdeep Singh Kang’s case (supra)** after following the judgment of Hon’ble the Supreme Court in **Shrey Goel’s case (supra)**; thus, there would be no justification to rake up the issue again by filing the present writ petition.

However, needless to say that in such a scenario, petitioner Nos.1 & 2, may, if so advised, take recourse to the remedy in accordance with law, for alleged disregard and/or disobedience of direction(s) issued by Hon’ble the Supreme Court and/or the order of Coordinate Bench (*supra*) at the hands of respondent(s).



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9. Consequently, there is no option, except to dismiss the petition with aforesaid observations.
10. Ordered accordingly.
- Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

(H.S. GREWAL)
JUDGE

10.06.2025
SN

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No