



CWP-9749-2025

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

**CWP-9749-2025 (O&M)
Date of decision: 27.05.2025**

Shubhamdeep Singh Kang

...Petitioner

V/s

Union Territory, Chandigarh and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Amrik Singh, Advocate, for the petitioner (s)
(in CWP No.9749 of 2025).

Mr. Vivek Sharma, Advocate and
Mr. Pushp Jain, Advocate for the petitioner (s)
(in CWP Nos.10885 & 12422 of 2025).

Mr. Vikas Chatrath, Advocate,
Mr. Sachit Katoch, Advocate &
Ms. Preet Agroa, Advocate, for the petitioner (s)
(in CWP No.11102 of 2025).

Mr. Amit Jhanji, Senior Advocate with
Mr. Sumit Jain, Addl. Standing Counsel,
Mr. Himanshu Arora, Panel Counsel and
Ms. Sukhmani Patwalia, Advocate for the respondents-U.T.
Chandigarh and GMCH, Sector-32B, Chandigarh.

Mr. Ravi Sharma, Standing Counsel with
Mr. Rajwant Kaushik, Advocate for National Medical
Commission in (CWP Nos.10885 and 11102 of 2025).

Mr. Priyanshu Kaura, Advocate for respondent No.4
(in CWP No.11102 of 2025).

SUMEET GOEL, JUDGE

1. By way of the present common judgment, we proceed to decide the instant batch of four civil writ petitions, since there is commonality of



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the facts and congruity of legal issues therein as conceded by the learned rival counsel. The details of these writ petitions read thus:

1. Shubhamdeep Singh Kang vs. Union Territory, Chandigarh & others (CWP-9749-2025)
2. Stuti Narang and others vs. Union Territory of Chandigarh and others (CWP-10885-2025).
3. Dr. Somya Tuteja vs. Union Territory Chandigarh and others (CWP-11102-2025).
4. Shiza Kashish vs. Union Territory of Chandigarh and others (CWP-12422-2025).

For the cause of convenience, the facts are drawn out from CWP-9749-2025 titled as ***Shubhamdeep Singh Kang vs. Union Territory Chandigarh*** (hereinafter referred to as the *writ petition in hand*).

2. The *writ petition in hand* preferred under Articles 226/227 of the Constitution of India, in essence, seeks the adjudication of the modalities etc. emanating from domicile/residence based reservation provided in the NEET PG - Admission to the Postgraduate Medical Courses (MD/MS) Course/2024 (hereinafter referred to as the '*course in question*')

3. Shorn of non-essential details, the relevant factual milieu of the *lis* in the *writ petition in hand* is adumbrated, thus:

(i) U.T. Chandigarh Administration, in the year 2019, issued an advertisement for admission to the Post Graduation Medical Courses (MD/MS) courses—domicile/residence based reservation therein—came to be challenged by way of a writ petition before this Court vide CWP-8234-2019 titled as Shrey Goel and others vs. Union Territory of Chandigarh and another (hereinafter referred to as '*Shrey Goel HC judgment*') wherein it was held, thus:



“ 23. After noticing the observations of Hon'ble Justice Krishna Iyer in Jagdish Saran's case (supra) the conclusion in Saurabh Chaudri's case was the same as the one accorded in Dr. Pradeep Jain's case.

24. We would, therefore, conclude that in the matters of admission to Post Graduate courses such a reservation/preference which has its foundations in a long discarded principle i.e domicile would be unsustainable. Besides, all the clauses that have been introduced in the brochure and discussed to describe a candidate with background of Chandigarh would be unsustainable in law as they have no rationale to the objects sought to be achieved even if we have to assume that such a preference was permissible in law.

25. We, therefore, strike down clause 2 (a) (b) and (c) of UT, Chandigarh Pool as being invalid and unsustainable in law. All admissions made by placing reliance on the above would as a logical corollary be also unsustainable. The only course available to the college is to fill up the seats through merit position obtained by candidates in NEET examination.”

(ii) *Shrey Goel HC judgment* came to be challenged before the Hon'ble Supreme Court, which vide order dated 09.12.2019 in SLP (Civil)No.12918-2019, directed for the matter(s) for being considered by a larger Bench, relevant whereof reads thus:-

“25. For what has been discussed hereinabove, in our view, the question as to whether providing for domicile/residence-based reservation, particularly in admission to PG Medical Courses, is constitutionally permissible as also its corollaries, including the mode and modalities of its implementation (if permissible), more particularly in relation to the State/UT having only one Medical College, need to be examined by a Larger Bench of this Court for authoritative pronouncement.

26. Accordingly we would propose the following questions to be examined by a Larger Bench of this Court :

1. As to whether providing for domicile/residence-based reservation in admission to “PG Medical Courses” within the State Quota is constitutionally invalid and is impermissible?
2. (a) If answer to the first question is in the negative and if domicile/residence-based reservation in admission to “PG



Medical Courses” is permissible, what should be the extent and manner of providing such domicile/residence-based reservation for admission to “PG Medical Courses” within the State Quota seats?

(b) Again, if domicile/residence-based reservation in admission to “PG Medical Courses” is permissible, considering that all the admissions are to be based on the merit and rank obtained in NEET, what should be the modality of providing such domicile/residence- based reservation in relation to the State/UT having only one Medical College?

3. If answer to the first question is in the affirmative and if domicile/residence-based reservation in admission to “PG Medical Courses” is impermissible, as to how the State Quota seats, other than the permissible institutional preference seats, are to be filled up?”

(iii) A three Judge Bench of the Hon’ble Supreme Court, vide judgment dated 29.01.2025; titled as ***Dr. Tanvi Behl vs. Shrey Goel; 2025INSC 125*** (hereinafter referred to as ‘*Shrey Goel SC judgment*’) disposed of the SLP (Civil) No.12918-2019 and connected matters by observing thus:

“32. The law laid down in Jagadish 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 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.”

(iv) In the interregnum, the U.T. Chandigarh Administration issued prospectus for the admission to the *course in question*, relevant whereof reads thus:

“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 (SC)	General	EWS
1.	<i>Institutional Preference Pool (IP)</i>	38 (including 2 PwBD seats) + 2 (EWS)	5	33	02
2.	<i>UT Chandigarh Pool</i>	38 (including 2 PwBD)	6	32	02



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Appendix-IV] that he/she has "not opted and claimed" benefit of residence in any other State/UT other than UT Chandigarh after the declaration of NEET result."

(v) A miscellaneous application (hereinafter referred to as 'U.T. Administration clarification application') was preferred by the respondent-U.T. Chandigarh Administration on or around 24.02.2025, seeking direction(s)/clarification *qua Shrey Goel SC judgment*.

(vi) Vide order dated 24.03.2025 (hereinafter referred to as '24.03.2025 SC order'), the Hon'ble Supreme Court dismissed (with costs) the said *U.T. Administration clarification application*, relevant whereof reads thus:

"This misc. application is totally misconceived as the findings in Paragraph 34 of our judgment in Civil Appeal No. 9289/2019 were absolutely clear that the residence-based reservations were not permissible for postgraduate seats in medical colleges and that only reservation to a limited extent is permissible, for institutional preference alone.

All the same, in relation to the students, who had already got admission on the basis of residence and had completed or were now to complete their course, we had clarified that they will not be disturbed in spite of our findings. Short of that, we say nothing further. There is nothing in the Judgment which needs clarification now at our end.

Since we have already observed above that this application is totally misconceived, the same is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand), which shall be deposited by the applicant with the Supreme Court Legal Services Committee within four weeks from today"

(vii) The U.T. Chandigarh Administration issued a public notice dated 09.04.2025 (hereinafter referred to as '09.04.2025 Public Notice') thereby mandating that all the balance seats reserved for UT Pool State Quota for Third Counselling will be converted and filled through

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Institutional Preference Pool of State Quota seats for the Session 2024-25 on the basis of rank obtained in NEET (PG) 2024.

It is in this factual backdrop, that the present writ petition(s) came up for receiving consideration at the hands of this Court.

Rival Submissions

4. Learned counsel appearing for the petitioner in the *writ petition in hand* has urged that the petitioner was successful in the first counselling as also the second counselling which were held on 27.11.2024 and 23.12.2024, respectively, & the allotted seat was surrendered by the petitioner, on both the occasions, on account of a requirement contained in the Prospectus that any candidate who sought to participate in the second/subsequent counselling(s) was required to surrender the seat allotted to him in the first/earlier counselling. Learned counsel has iterated that the petitioner had been successful in the first as well as the second counselling and, thus, in terms of *Shrey Goel SC judgment*, the petitioner was entitled to the protection afforded therein by the Hon'ble Supreme Court. Learned counsel has further implored that vide *09.04.2025 Public Notice*, the U.T. Chandigarh Administration had directed for conversion of the balance seats for the Third Counselling of U.T. Pool of State Quota to Institutional Preference Pool of State Quota, which benefit also ought to be extended to the petitioner. Learned counsel has further iterated that the petitioner is a meritorious student and non-granting of admission to him would result in manifest injustice.

4.1. Learned counsel for the petitioner in CWP-11102-2025 titled as *Dr. Somya Tuteja vs. Union Territory Chandigarh and others* has primarily

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urged that U.T. Chandigarh Administration has rightly converted the balance seats for Third Counselling of U.T. Pool State Quota for filling them through Institutional Preference Pool as the reservation in the Institutional Pool seats is to the tune of 50% of total number of available seats. Learned counsel has iterated that, since *Shrey Goel SC judgment* has quashed the residence/domicile based quota, the seats in question ought to be filled in by converting such seats in the mode as depicted in *09.04.2025 Public Notice*.

4.2. Learned counsel for the petitioners in CWP-10885-2025 titled as Stuti Narang and others vs. Union Territory of Chandigarh and others & CWP-12422-2025 titled as Shiza Kashish vs. Union Territory of Chandigarh and others has argued that the *09.04.2025 Public Notice* is in teeth of the *dicta* of *Shrey Goel HC judgment* as also *24.03.2025 SC order* and hence ought not to be given effect to. Learned counsel has iterated that the conversion of the seats, as is sought to be done by U.T. Chandigarh Administration, is illegal since it would amount to giving undue reservations to the quota for Institutional Preference, which, as per the settled law ought to be reasonable. Ld. Counsel has further iterated that while declaring domicile/residence based quota/reservation as untenable, the Hon'ble Supreme Court in *Shrey Goel SC Judgement* has categorically directed that admissions for the vacant seats falling within the domicile/residence based quota, be carried out '*on merits*' & '*on merits*' implying throwing open of the seats to the All India Quota.

On the strength of these submissions, the grant of writ petition(s) in terms of prayer(s) made therein, is vociferously entreated for.

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5. Upon notice of motion having been issued, the prime contesting respondent, namely, U.T. Chandigarh Administration had caused appearance through counsel and an affidavit dated 29.04.2025 has been filed by Sh. Ajay Chagti (IAS), Secretary Medical Education and Research, Union Territory, Chandigarh in support of its stand.

Learned counsel for the U.T. Chandigarh Administration; led by Shri Amit Jhanji, Senior Advocate; while raising submission(s) in tandem with the said affidavit has urged that the Administration's decision, reflected in the *09.04.2025 Public Notice*, actually permits reservation in admission regarding 50% of the total seats on Institutional Preference basis. Learned senior counsel has iterated that the *09.04.2025 Public Notice* has been issued so as to avoid disruption of admission process, mitigate potential loss of seats for Chandigarh based candidates and lessen litigation. Learned senior counsel has urged that in case the U.T. Chandigarh Pool seats are merged into All India Quota seats, then in such an eventuality, the total All India Quota seats allocation would have exceeded 50% of the total available seats which is against the basic rules. Learned senior counsel has further iterated that all the balance seats for the third round of counselling of U.T. Pool State Quota, are to be converted and filled through Institutional Preference Pool of State Quota seats for the Sessions 2024-25, on the basis of rank obtained in NEET (PG)- 2024 and, thus, *09.04.2025 Public Notice* does not compromise on merit, in any manner, whatsoever. Learned senior counsel has submitted that the conversion of seats to the Institutional Preference Quota, is in fact, for the remaining seats under the U.T. Pool (erstwhile residence/domicile based), which has since been quashed by the Hon'ble Supreme Court.



On the strength of these submissions, it has been implored that the U.T. Chandigarh Administration ought to be permitted to carry out further admission in terms of the *09.04.2025 Public Notice*.

6. We have heard learned counsel for the rival parties and have perused the record.

Prime Issue

7. The prime issue that arises for consideration is as to whether the petitioner in the *writ petition in hand* is protected as regards his admission in terms of the *dicta* of *Shrey Goel SC judgment*. The further issue that arises for cogitation is as to whether the U.T. Chandigarh Administration be permitted to convert all the balance seats for the Third Counselling of U.T. Pool State Quota to Institutional Preference Pool of State Quota seats for the Session 2024-25.

Analysis

8. Before proceeding to dilate on the rival submissions made on behalf of the parties to the *lis* in hand, it deserves notice that the issue of the reservation in the Post Graduate Medical courses has been put to rest by the Hon'ble Supreme Court in *Shrey Goel SC judgment*. In the considered opinion of this Court; once the matter(s) has been delved into by a Three Judge Bench of the Hon'ble Supreme Court, the parties to the *lis* are proscribed from raking up the same controversy again. The *dicta* rendered in *Shrey Goel SC judgment* pertains specifically to the statutory scheme & extant rules as encapsulated in the prospectus governing admissions for the academic session 2019-2020. While the decision was rendered in the context of that particular admission year, i.e. 2019-2020, the *ratio decidendi* therein



is not confined in its applicability to the said session alone. The provision(s) for domicile/residence based reservation contained in the prospectus for admission year 2019-2020 when juxtaposed with 2024-2025 prospectus, indubitably, reflect similarity. Thus, the *dicta* so enunciated shall apply *mutatis mutandis*, with full vigour & binding force, to analogous or substantially similar provisions concerning domicile/residence based reservation criteria as set out in the prospectus issued for the academic session 2024-2025. This aspect assumes more significance herein as the reservation clause contained in the Prospectus for the *course in question* i.e. session 2024-2025, specifically stipulates that the reservation criteria is subject to the outcome of the judgment of the Hon'ble Supreme Court.

9. There is yet another aspect *namely* seminal aspect of the *lis* in hand.

9.1. The stand of the U.T. Chandigarh Administration in its affidavit dated 29.04.2025 filed in the *writ petition in hand* as also the submissions made by learned senior counsel on its behalf when juxtaposed with *U.T. Administration clarification application* indubitably reflects similitude *namely* duplication, in galore degree. At this juncture, it would be apposite to refer to the relevant contents of *U.T. Administration clarification application*, which reads thus:

“3. That as per the said judgment, the 32 seats previously reserved under UT Chandigarh Pool Quota were to be filled strictly on NEET merit, while Institutional Preference (IP) Quota was upheld for candidates who had completed MBBS from GMCH-32 and these were also to be filled strictly on NEET merit.

4. That vide this judgment, it is not clear how to fill up the remaining 18 U.T., Chandigarh Pool seats in the 3rd and further round of counselling left out from the 1st & 2nd round of counselling.

5. That this judgment did not provide clear directions for filling of the remaining UT Chandigarh Pool seats, creating an administrative vacuum



and potentially increasing the All India Quota (AIQ) seats beyond the prescribed 50% limit.

6. That the third round of counselling for MD/MS courses at GMCH-32 is required to commence shortly, and there is no clarity on how to fill remaining U.T. State Quota seats, which were previously available to domicile-based candidates under the UT Chandigarh Pool.

7. That in light of previous counselling rounds held under the old reservation rules, meritorious candidates from Chandigarh have already been allotted seats, and a sudden change in the reservation system at this stage would lead to:

a) Disruption of the admission process, causing uncertainty for students and institutions.

b) Potential loss of seats for Chandigarh-based candidates, affecting students who had planned to take admissions based on the prior framework.

c) Legal challenges and further litigation, as many affected candidates may approach courts to challenge the abolition of the UT Chandigarh Pool Quota.

8. The Applicant is seeking relief on the following grounds:-

i. Equitable Consideration for Ongoing Admission Process: That this Hon'ble Court, in its judgment dated 29.01.2025, specifically protected past admissions under the residence-based quota, allowing students admitted in previous years to continue their courses. It is only fair and equitable that candidates participating in the ongoing admission process (MD/MS 2024 counselling) be allowed to take admissions under the existing framework, rather than being subjected to abrupt changes.

ii. Administrative Feasibility & Continuity: The sudden elimination criteria of the UT Chandigarh Pool Quota without an alternative allocation mechanism may lead to administrative confusion, affecting not just GMCH-32 but also similar institutions across India where domicile-based quotas have historically been applied.

iii. Risk of Overstepping All India Quota Allocation:- If the 32 erstwhile UT Chandigarh Pool seats are merged into AIQ, the total AIQ allocation will exceed 50%, contradicting the well-established norms of medical admissions and potentially violating central government regulations.

iv. Legitimate Expectations of Applicants:- The petitioners and similarly placed candidates had applied for admissions based on the 2019 admission rules. They had a legitimate expectation that their applications would be considered under the reservation framework in place at the time



of notification. Sudden changes at this stage would unfairly disadvantage these candidates.”

It is indubitably clear that vide *U.T. Administration clarification application*, filed before the Hon’ble Supreme Court, the U.T. Chandigarh Administration sought a clarification pertaining to the mode and manner in which the remaining vacant seats (18 in number), formerly forming part of U.T. State Pool Quota, are to be allocated following the *dicta* in *Shrey Goel SC Judgment*. In *U.T. Administration clarification application* the administration has specifically voiced its apprehension that, in the event the aforesaid vacant seats were to be merged with the All India Quota, such an allocation would effectively amount to a transgression of the prescribed ceiling of 50% on the All India Quota seats.

It is a well-settled canon of jurisprudence that where a relief has been expressly prayed for, and the Court, in its final adjudication, neither grants nor expressly rejects the same, such silence by a construct of legal fiction, is to be construed as a deemed refusal of the relief sought. Within the expansive compass of the *doctrine of res judicata* lies the *doctrine of deemed refusal*, embodied with unequivocal clarity in Explanation V to Section 11 CPC, 1908. This Explanation, through a legislative fiction, provides that where a party has explicitly prayed for a particular relief in a proceeding, and the Court, in rendering its final decision, remains silent or abstains from granting such relief, the same shall, in the eyes of law, be deemed to have been refused. The rationale underpinning this doctrine is both principled and pragmatic. It proceeds on the foundational presumption that the Court, being seized of the matter and having been duly invited to adjudicate upon a specific relief, must be deemed to have consciously applied its judicial mind



and declined the same, even if not in express terms. Such deemed rejection is construed as a deliberate act of negation, arising from the Court's conscious exercise of discretion or adjudicatory abstention. To hold otherwise would be to vest litigants with liberty to re-introduce previously adjudicated or ignored reliefs under the veneer of fresh litigation, thereby fracturing the finality of judicial adjudication(s) and unsettling the repose of concluded controversies. The law thus forbids a litigant from resurrecting claims that have, by necessary implication, already stood adjudicated — constructively if not categorically. *This ensures that such silence is not weaponised into an instrument of renewed litigation.*

10. The Hon'ble Supreme Court in *Shrey Goel SC judgment* had afforded protection to the students who had already received the benefit of reservation on the residence/domicile basis *and* were either undergoing or had successfully completed their course. The Hon'ble Supreme Court was seized of admission(s) made in the year 2019 and the judgment therein came to be delivered in the year 2025 and in this factual backdrop, it is amply clear that to seek such protection, a candidate has to satisfy twin conditions i.e. *firstly*, the candidate ought to have secured admission on the domicile/residence based reservation criteria to the Post-Graduate Medical course; *secondly*, such candidate ought to be either pursuing such course or has completed such course.

10.1. Reverting to the facts of the *writ petition in hand*, these conditions have clearly not been met. It is an admitted and undisputed factual position that although the petitioner secured admission pursuant to earlier rounds of counselling, he voluntarily relinquished the allotted seat

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with anticipation of obtaining a preferable course or institution in subsequent round(s) allotment. In light of such voluntary act of surrender, it cannot be said that the petitioner was perusing the *course in question*, thereby, failing to be within the foundational basis for protection contemplated under *Shrey Goel SC Judgment*.

Decision

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.

(SUMEET GOEL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

May 27, 2025
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No