

**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

**CWP No. 11924 of 2025 a/w
CWPs No.11839, 11970, 12021
and 12046 of 2025
Decided on 26th November 2025**

**CWP No.11924 of 2025
Aarav Potan ...Petitioner**

Versus

State of Himachal Pradesh and others ...Respondents

**CWP No.12021 of 2025
Arushi Sharma ...Petitioner**

Versus

State of Himachal Pradesh and others ...Respondents

**CWP No.11970 of 2025
Nikshay Sharma ...Petitioner**

Versus

State of Himachal Pradesh and others ...Respondents

**CWP No.11839 of 2025
Tanvi Thakur ...Petitioner**

Versus

State of Himachal Pradesh and others ...Respondents

**CWP No.12046 of 2025
Akshit Thakur ...Petitioner**

Versus

State of Himachal Pradesh and others ...Respondents

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Hon'ble Mr. Justice Ajay Mohan Goel, Judge

¹Whether approved for reporting? Yes.

For the petitioner(s): Mr. Shrawan Dogra, Senior Advocate, with M/s Sanjay Ranta and Tejasvi Dogra, Advocates, M/s Sneh Bhimta, V.B. Verma, Mukul Sharma, Advocates, for the petitioners(s) in the respective petitions.

For the respondents: Mr. Pushpinder Jaswal, Additional Advocate General, for the respondents-State, in all the petitions.

Mr. Sandeep Kumar Pandey, Advocate, for respondent-AMRU, in all the petitions.

Mr. Aman Thakur, Advocate, vice Mr. Mohit Thakur, Advocate, for the private respondent, in the respective petitions.

Ajay Mohan Goel, Judge (*Oral*)

As common issues of law and facts are involved in these petitions, therefore, the same are being disposed of vide common judgment.

2. The petitioners before this Court are Bonafide Himachali or children of the Bonafide Himachali, who have successfully participated in the current NEET Examination. They have been barred from seeking admission in the Medical

Institutions in the State of Himachal Pradesh under the State Quota Seats on the ground that they have not passed at least two examinations (out of middle or equivalent/Matric or equivalent/10+1 or equivalent/10+2 or equivalent) from the recognized schools or colleges situated in the State of Himachal Pradesh and affiliated to ICSE/CBSE/HPBOSE or equivalent Boards/Universities established by law in India.

3. The petitioners herein are those students who have passed either of the two classes outside the Himachal Pradesh for the reason that their parent(s) is/are gainfully employed outside the Himachal Pradesh, that too, in the private sector. Meaning thereby that they are not the children of the employees of the State Government, Central Government or autonomous bodies owned and controlled by the Centre and State.

4. For completion of facts, it is relevant to mention here that these petitions were initially allowed by this Court on 29.07.2025 on the strength of the judgment of the Hon'ble Coordinate Bench passed in CWP No.1353 of 2018, titled Shivam Sharma versus State of Himachal Pradesh and others

by holding that as the issue was squarely covered by the judgment of the Hon'ble Coordinate Bench, therefore, the respondents were to treat the petitioners eligible for admission to MBBS/BDS courses in terms of the prospectus against the State quota seats and they shall not be treated as ineligible on account they are not having passed two of the exams referred to in the prospectus from outside the State of Himachal Pradesh.

5. The judgment of this Court was assailed by way of Letters Patent Appeal and the Hon'ble Division Bench of this Court in terms of the judgment passed in LPA No.625 of 2025 titled Arnav Tandon versus State of Himachal Pradesh and others and other connected matters was pleased to allow the appeals by returning the following findings:

“Counsel for the writ petitioners/respondents herein have now sought to argue on merits of the case to justify and sustain the order of the learned Single Judge. It is also been brought to our notice that apart from the observations made by us in the earlier order dated 11.09.2025, subsequently the Apex Court had also passed an order on 01.09.2025 in Civil Appeal arising out of Special Leave Petition (C) Nos.21536-21588 of 2024, the State of Telangana & others vs. Kalluri Naga Narasimha Abhiram & others, wherein also the view taken is that students who study in other States are not liable to be adjusted in the State quota.

Reliance has also been made to the judgment in Rajdeep Ghosh (supra), which we had also referred to. Thus, it is apparent that pleadings were never complete as such before the learned Single Judge. The factual matrix has also been thrashed out by us in the order dated 11.08.2025, giving the reasoning that the judgment in Rajdeep Ghosh and Harshit Bansal (supra) had not been brought to the notice of the learned Single Judge.

In such circumstances, the counsels are also agreed that the matter would necessarily have to be sent back for decision afresh on merits.

Resultantly, since not only the State is aggrieved apart from the University and the affected parties, we allow the present appeals and remand the matter to learned Single Judge. It is open to the appellant in LPA No.625 of 2025 titled Arnav Tandon vs. State of H.P. and ors. and other aggrieved persons to file appropriate applications to be impleaded in view of the fact that the interest of several persons was involved which was another aspect on which interference was to be done since it is a settled principle that the terms of the prospectus are binding as such on all concerned until quashed.

Needless to say that since the matter is remanded to the learned Single Judge, the University and the State should complete the pleadings at the earliest since the academic interest of the candidates is involved.

The matter to come up before the learned Single Judge on 23.09.2025 as per Roster.”

6. All these writ petitions were heard afresh by this Court. It is relevant to mention that when these cases were listed on 11.11.2025, the following order was passed:-

“Reply to the petitions in certain cases stand filed by the State as well as University. They are treated as replies filed to all the petitions as prayed. Learned counsel appearing for the private

respondents states that they are adopting the replies filed by the State as well as University. No additional reply is intended to be filed by them. His statement is taken on record.

Learned Senior Counsel for the petitioner submits that no rejoinder is intended to be filed to the reply as there is only a legal issue involved in these petitions.

Arguments heard. Judgment reserved.”

7. Learned Senior Counsel for the petitioners took the Court through the prospectus that has been issued by the respondent-University for the academic session 2025-26. Learned Senior Counsel also referred to the prospectus issued by the said University for the previous academic session. By referring to the prospectus issued for the session 2025-26, learned Senior Counsel submitted that in terms of Section 4 of the prospectus which deals with eligibility and qualification it stands mentioned therein that only the candidate who qualified the NEET UG 2025 shall be eligible to apply online for admission to MBBS/BDS courses through Centralized counseling in Government Medical/Dental Colleges including State quota seats in private unaided Medical/Dental Colleges situated in Himachal Pradesh. Learned Senior Counsel submitted that this also is subject to the fulfillment of the

eligibility criteria and in terms of the eligibility criteria, the Bonafide Himachali /Children of Bonafide Himachali who have passed two exams (out of middle or equivalent/matric or equivalent/10+1 or equivalent/10+2 or equivalent) from the recognized schools or colleges situated in the State of Himachal Pradesh and affiliated to ICSE/CBSE/HPBOSE or equivalent Boards/Universities established by law in India are eligible for the State quota seats. Learned Senior Counsel further submitted that in terms of the specific criteria for eligibility which stands spelled out certain exceptions have been carved out which include the children of parents who are not Bonafide Himachali and who are Central Government employees or employees working within the State of Himachal Pradesh in Autonomous Bodies/Institutions/Organizations/Semi Government Bodies etc., and also in favour of the children of Bonafide Himachali who are working outside the State of Himachal Pradesh with other State Governments/Undertakings or Autonomous bodies etc., but there is no exceptions carved out for the children like the present petitioners, who perforce had to undergo the education outside the State of Himachal

Pradesh for the reason that their parents are employed in Private Sector outside the State of Himachal Pradesh. Learned Senior Counsel submitted that earlier such like candidates were also eligible to apply under the State quota. To substantiate his contention, learned Senior Counsel has referred to the prospectus issued by the respondent-University for the year 2023-24 and 2024-25 and submitted that earlier Bonafide Himachali students or children of Bonafide Himachali irrespective of their place of schooling were eligible, but now this category stands deleted as a result whereof the petitioners are being made to suffer. Learned Senior Counsel further submitted that when the petitioners applied for admission under the NEET, they had to fill up a common reflecting therein their State of eligibility. He submitted that in terms of the past precedent, the petitioners filled Himachal Pradesh as their State of eligibility, because, they are not eligible to compete under the State Quota Seats of any other State, yet, now, on account of the exclusion of candidates like the petitioners from the petitioners from the prospectus the petitioners have been rendered ineligible to compete under the State Quota Seats.

Learned Senior Counsel further submitted that the process for NEET test, under graduate, for the year 2025 was commenced and completed much earlier, than, the process initiated by the respondent-University for filing up the State Quota Seats and, therefore, changing the games of the admission midway, which is otherwise not acceptable in law has adversely effected the petitioners. Accordingly, learned Senior Counsel argued that the present petition be allowed by holding that the act of the respondent-University of excluding the petitioner from the eligibility criteria to compete for State Quota Seats is bad in law and by issuing a mandamus to the respondents to treat the petitioners as candidates eligible to apply for State Quota Seats as far as Himachal Pradesh is concerned.

8. On the other hand, learned counsel for the respondent-University submitted that, though, in terms of the prospectus which was issued by the respondent-University for the previous academic session, Bonafide Himachali and children of Bonafide Himachali were eligible to compete against State Quota Seats irrespective of their place of schooling, but the change in the prospectus has been carried out by the

University on the directions that were issued by the respondent-State.

9. Learned Additional Advocate General justified the change in the prospectus on the ground that this was done by the Department concerned in the light of the judgment of the Hon'ble Supreme Court in *Rajdeep Ghosh versus State of Assam* in (2018) 17 SCC 524 as well as the judgment of this Court in CWP No.5308 of 2020, titled *Harshit Bansal versus State of Himachal Pradesh and others* decided on 23.11.2020. By referring to the judgment of the Hon'ble Division Bench in LPA No.625 of 2025 (*supra*) learned Additional Advocate General submitted that the judgment in *Harshit Bansal's* case was assailed by way of SLP No.14693 of 2020, titled *Meghna Guleria versus State of Himachal Pradesh and others*, which SLP was dismissed and on this count the changes made in the prospectus are *in sync* with the law of the land. Learned Additional Advocate General also argued that recently Hon'ble Supreme Court has again reiterated in Special Leave Petition(C) No.21536-21588 of 2024, in terms of order dated 01.09.2025, in case titled *The State of Telangana and others*

reiterated Versus Kalluri Naga Narasimha Abhiram and others that students studying in other States are not liable to be adjusted in the State Quota and, therefore also, the prayer of the petitioners cannot be granted.

10. Learned counsel, who have appeared for the for the private respondents have also supported the arguments addressed on behalf of the State.

11. I have heard learned Senior Counsel for the petitioners as also learned Additional Advocate General and learned counsel for the respondent-University.

12. The moot issue now which this Court has to adjudicate is as to whether the act of the respondents in excluding the petitioners from the eligibility criteria of candidates, who can seek admission under the State Quota MBBS Seats is justified in law or not.

13. It is not in dispute that all the petitioners are either Bonafide Himachali or children of Bonafide Himachali. It is also not in dispute that the petitioners have not studied the Classes which mandatorily have to be studied from the State of Himachal Pradesh in terms of the present prospectus to be

eligible to apply for the seats meant for the State Quota. It is also not in dispute that the present petitioners do not meet the criteria that has been spelled out in the prospectus, wherein, certain exceptions have been carved out. The eligibility criteria, which has been spelled out in Section-IV of the current prospectus, for ready reference is quoted hereinbelow:-

“1. General Criteria for eligibility for State Quota Seats:

Only the candidates who have qualified the NEET-UG-2025 shall be eligible to apply online for admission to MBBS/BDS Courses through centralized counseling in Government Medical/Dental Colleges including State Quota Seats in Private un-aided Medical/Dental Colleges situated in Himachal Pradesh subject to the fulfillment of eligibility criteria prescribed at Sr. No.2 below: -

2. Specific Criteria for eligibility:

The following categories of candidates shall be eligible for the State Quota Seats:

(i) The bonafide himachall/ children of bonafide Himachalis who have passed at least two exams (out of middle or equivalent/matric or equivalent/10+1 or equivalent/10+2 or equivalent) from the recognized schools or colleges situated in the State of Himachal Pradesh and affiliated to ICSE/CBSE/HPBOSE or equivalent Boards/Universities established by law in India. Provided that the bonafide Himachalis students who are admitted to Navodya Schools situated in Himachal Pradesh and who have passed matric or +2 examinations under the exchange programme

from other Navodya Schools in the Country shall also be eligible for admission to the above courses.

(i) The children of parents who are not bonafide Himachalis and who are Central Government employees (like those of All India Services/Central Civil Services) OR employees working within the State of Himachal Pradesh in Autonomous Bodies/Institutions/Organizations/Semi Government Bodies established by Central/Other State Governments OR Serving Judges of the Hon'ble High Court of Himachal Pradesh OR Regular employees of Himachal Pradesh Government/H.P. Government Undertakings/Autonomous Bodies wholly owned by Himachal Pradesh Government shall be eligible for admissions in State Quota seats subject to fulfillment of following conditions:-

(a) The employee should be working for a period of continuous two years within the State of Himachal Pradesh in preceding four years on or before 1 January of the year of passing 10+2 examinations and

(b) His or her child should have passed 10+1 (or equivalent and 10+2 (or equivalent) from the recognized schools or colleges situated in the State of Himachal Pradesh and affiliated to ICSE/CBSE/HPBOSE or equivalent Boards/Universities established by law in India.

(iii) Children of regular employees of Himachal Pradesh Government/H.P. Government Undertakings/Autonomous bodies wholly owned by Himachal Pradesh Government shall be exempted from the schooling condition for eligibility for State Quota seats if such employees have been holding posts outside Himachal Pradesh on or before 1 January of the year of passing 10+2 examinations for at least a continuous period of three years.

(iv) The children of bonafide Himachalis who are working with the Central Government/Undertakings

or Autonomous bodies established by the Central Government shall be exempted from the schooling criteria to gain eligibility for admissions under State Quota Seats. Provided that such employees should be working/posted outside the State of Himachal Pradesh on or before 1 January of the year of passing 10+2 (or its equivalent) for at least a continuous period of three years.

(v) The children of bonafide Himachalis who are working outside the State of Himachal Pradesh with other State Governments/Undertakings or Autonomous bodies established by other State Governments shall be eligible for State Quota Seats in the State of Himachal Pradesh provided that their child is not eligible for the State Quota in the State where their parents work and a certificate to this effect duly issued and certified by the Director Medical Education of that State as per Appendix 15 for the relevant academic year shall be required to be submitted.

(vi) The children of bonafide Himachalis who are serving in Indian Defense Services/ Ex-Serviceman/Para Military Forces shall be unconditionally exempted from the schooling criteria to gain eligibility for admissions under State Quota seats.”

14. It is also not in dispute that in terms of the prospectus, which were issued by the respondent-University for the previous academic session, bonafide Himachali students or the children of bonafide Himachali were eligible to compete for State Quota Seats irrespective of their place of Schooling (see Annexure P-4 appended with CWP No.11839 of 2025, titled Tanvi Thakur Versus State of Himachal Pradesh and others).

15. Hon'ble Supreme Court of India in Rajdeep Ghosh versus State of Assam and others while dealing with the issue of eligibility for State Quota Seat was answering the question, wherein, the petitioners had questioned Rule 3(1)(c) which required that a candidate must study in all the classes from Class VII to XII in the State of Assam and must pass the qualifying examination or its equivalent examination from any Institute situated in the State of Assam. The exceptions were carved out in the said Rule in case father or mother is posted outside Assam as an Assam State Government employee or Central Government employee or as an employee of the Corporation/Agency/instrumentality under the Government of Assam or Central Government. The petitioners before the Hon'ble Supreme Court had not passed Class XII and some of the petitioners have not passed both Class XI and XII and they were the residents of the State of Assam and they claimed that they had studied in Assam for sufficient period. However, they were not eligible as per the aforesaid criteria prescribed under Rule 3(1)(c) which was under consideration before the Hon'ble

Supreme Court. One of the contentions before the Hon'ble Supreme Court was also this that distinction could not have been made between the Government employment and private employment and in case parents are also in private employment outside the State and the students are obtaining education in other States where their parents are residing, they ought not to be ousted from the eligibility criteria prescribed in Rules 3(1)(c). Hon'ble Supreme Court answered the issue by holding as under:-

“As held in the aforesaid decisions, it is permissible to lay down the essential educational requirements, residential/domicile in a particular State in respect of basic courses of MBBS/BDS/Ayurvedic. The object sought to be achieved is that the incumbent must serve the State concerned and for the emancipation of the educational standards of the people who are residing in a particular State, such reservation has been upheld by this Court for the inhabitants of the State and prescription of the condition of obtaining an education in a State. The only distinction has been made with respect to postgraduate and postdoctoral super specialty course.

Rule 3(1)(c) of the Rules of 2017 lays down the requirement of obtaining education in the State and relaxation has been given to the wards of the State Government employees or Central Government employees or to an employee of Corporation/Agency/instrumentality under the Government of Assam or the Central Government, whether on deputation or transfer on regular posting

from obtaining education from class VII to XII for the period his/her father or mother is working outside the State. As urged on behalf of the petitioners the employees of other State Government but residents of Assam, similar relaxation ought to have been made cannot be accepted. Thus, their exclusion cannot be said to be irrational and arbitrary. The wards of the employees in the service of other States like Government employees of 39 Arunachal Pradesh, in our opinion, form a totally different class. When the wards are obtaining education outside and the parents are working in Arunachal Pradesh as Government employee or elsewhere, they are not likely to come back to the State of Assam. As such Government of Assam holds that they should provide preference to State residents/institutional preference cannot be said to unintelligible criteria suffering from vice of arbitrariness in any manner whatsoever, thus, Rule 3(1)(c) framed by the Government of Assam is based on an intelligible differentia and cannot be said to be discriminatory and in violation of Article 14.

With respect to the private employees also, the submission was raised that wards of private employees working outside the State ought to have been placed at the similar footing as that of the wards of the State Government/Central Government employees etc. In our opinion, when once parents have moved outside in a private employment and wards obtaining education outside, they are not likely to come back, thus, their exclusion as aforesaid footing cannot be said to be irrational or illegal.

It was urged that some of the students may obtain admission in other States for the purpose of better coaching. Relevant data has not been placed on record by the petitioners that in Assam coaching is not available. Apart from that, when they can afford to obtain coaching in other States, they stand on a different footing, they are the one who belongs to an affluent class who can afford expensive education in other States and it is not necessary that

they should be adjusted in State quota seat, they can stake claim for All India Quota Seats for the State of Assam. They can stake their claim with respect to open seats within the State of Assam. The exclusion is not total for them. However, with respect to the State quota seats, since it is open to the State Government to lay down the educational as well as domicile requirement, incumbents must fulfill the criteria. The criteria so laid down in Rule 3(1)(c) of Rules of 2017, cannot be said to be ultra vires of Article 14 of the Constitution of India.”

16. Thus, in terms of the aforesaid judgment, Hon'ble Supreme Court was *inter alia* pleased to hold that it was permissible to lay down the essential educational requirements, residential/domicile in a particular State in respect of the basic courses of MBBS/BDS/Ayurvedic etc., and the object sought to be achieved was that the incumbent must serve the State concerned and for the emancipation of the educational standards of the people who were residing in a particular State, such reservation has been upheld by this Court for the inhabitants of the State and prescription of the condition of obtaining an education in a State. Hon'ble Supreme Court further held that with respect to the private employees, once parents have moved outside in a private employment and wards obtaining education outside, they are not likely to come back and thus, their exclusion could not be said to be irrational

or illegal.

17. In Harshit Bansal versus State of Himachal Pradesh and others, CWP No.5038 of 2020, decided on 23.11.2020, which is again a judgment of the Division Bench of this Court, the Hon'ble Division Bench dealt with the issue, wherein, the petitioners were seeking a direction to include Bonafide Himachali students, whose parents are living outside the State of Himachal Pradesh on account of their service/posting/private occupation in the exemption clause of Schooling condition, mentioned under the eligibility and qualification for admission against the State Quota Seats in the Medical courses. In terms of the judgment of the Hon'ble Division Bench the plea of the petitioners therein was rejected by holding that the Government which bears the financial burden of running Government colleges, is entitled to lay down criteria for admission to its own colleges and source from which admission would be made provided classification is not arbitrary and has reasonable connection with the object of Rules.

18. Recently, the Hon'ble Supreme Court of India in Special Leave Petition(C) No.21536-21588 of 2024, titled The State of Telangana and others versus Kalluri Naga Narasimha Abhriam and others, decided on 01.09.2025 has revisited its earlier judgment in Rajdeep Ghosh versus State of Assam and others (supra) in the following terms:-

“Rajdeep Ghosh versus State of Assam and others was another case in which reservation was made for local candidates who studied all the classes from Class 8 to 12 in the State of Assam, who have also passed the qualifying examination or its equivalent from the institutes situated in the State of Assam. Replying on the cited precedents, this Court held that the petitioners could not place any relevant data showing that there were no coaching facilities available in Assam and when some students can afford to obtain coaching in other States, they stand on a different footing, belonging to an affluent class who cannot be adjusted in the State quota, especially when they can seek admission in the All India quota, thus, making the Rule not totally exclusionary.”

19. Thus, this Court is of the considered view that in the light of the law declared by the Hon'ble Supreme Court in Rajdeep Ghosh versus State of Assam and others, wherein, the Hon'ble Supreme Court has been pleased to hold that the exclusion of those students for being considered against State Quota Seats for admission in MBBS course, who were admitted

in Schools out of the State of Assam on account of their parents being privately employed outside the State of Assam was not arbitrary, this Court cannot hold that the exclusion of this Class in terms of the prospectus in issue is either arbitrary or discriminatory or unconstitutional.

20. Therefore, in the light of the above observations, all these petitions are dismissed.

21. Before parting this Court would like to make an observation that the State of Himachal Pradesh and the respondent-University should be somewhat consistent as to who or are to be treated as eligible students under the State Quota. Though, this Court is not suggesting that the eligibility criteria should be in a watertight compartment, but including a category of students in one year prospectus and then excluding it in the other year, obviously, has a negative impact on students like the petitioners, who are at the stage of their life, which is going to shape their career forever. This Court would also like to observe that what this Court has held is that the non-inclusion of the petitioners in the prospectus of the present year cannot be held as bad by the Court, but it should not be

construed as if this Court has returned a finding that said category for all times to come stands excluded.

22. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

November 26, 2025
(*Vinod*)