



Anurag Thakur and another vs. State of H.P. and others

CWP No. 14189 of 2025

02.09.2025 Present: Mr. Mohit Thakur, Advocate for the petitioners.

Mr. Pushpender Jaswal, Addl. AG, Advocate for the respondents No. 1 and 2.

Mr. Sandeep Kumar Pandey, Advocate for respondent No. 3.

Mr. Balram Sharma, DSGI with Mr. Rajiv Sharma, Advocate for respondent No. 4.

CWP No. 14189 of 2025

Notice. Mr. Pushpender Jaswal, learned Additional Advocate General, Mr. Sandeep Kumar Pandey, Advocate and Mr. Balram Sharma, learned Deputy Solicitor General of India, accept notice on behalf of respondents No. 1 and 2, respondent No. 3 and respondent No. 4, respectively. Reply, as prayed for, within four weeks.

CMP No. 14189 of 2025

Notice and reply in above terms. By way of this application, the petitioners have prayed for staying of communications Annexure P-2, dated 22.08.2025 and Annexure P-3, dated 25.08.2025, in terms whereof, the respondent-University has expanded the definition of NRI category and included therein a category of NRI sponsored candidates, definition whereof is in notice dated 22.08.2025.

The contention of the petitioners is that in terms of the original Prospectus, there is no such category of NRI sponsored



category included therein. They further contend that in terms of the contents of the Prospectus, in case, in the 3rd round of common/centralized Counseling, NRI quota seats remain unfilled, the same shall be converted to unreserved and filled on the basis of overall merit of the state for 3rd round and in the 3rd round only. According to them, by arbitrarily introducing a class in the NRI category during the ongoing process of admission, not only the respondents have violated the terms of the Prospectus mid-stream, but the impugned act, acts to the prejudice of the petitioners, who are general category students, who legitimately expected that unfilled seats of NRI quota shall be converted to unreserved and filled on the basis of overall merit of the state for 3rd round, in the 3rd round.

Learned Counsel for the petitioners has referred to the judgment of Hon'ble Division Bench of Punjab and Haryana High Court, copy whereof is appended with the petition as Annexure P-4, i.e. CWP No. 20041 of 2024, titled as Devbir Singh vs. State of Punjab and others and other connected matters, decided on 10.09.2024 and has submitted that Hon'ble Division Bench of Punjab and Haryana High Court while dealing with similar issue has been pleased to hold that expansion of the NRI quota definition by including such like categories and that too in the course of the ongoing process was bad in law. He also submitted that Hon'ble Division Bench of Punjab and Haryana



High Court has been further pleased to hold that creation of this kind of category defeated the purpose, for which the NRI quota was envisaged and the judgment of Hon'ble High Court of Punjab and Haryana was assailed by the State of Punjab before Hon'ble Supreme Court of India and the SLP was dismissed. Accordingly, he prayed that in the interregnum, the operation of Annexures P-2, dated 22.08.2025 and P-3, dated 25.08.2025, be stayed and the respondents be directed to conduct counseling strictly in consonance with the original Prospectus and any unfilled seat of NRI quota be converted to unreserved and filled on the basis of overall merit of the state for 3rd round and in the 3rd round only.

Though, learned Counsel for the respondent-University has submitted that there is no arbitrariness in the issuance of Annexures P-2 and P-3, as it only creates a sub class in the already existing category of NRIs, but this Court is not convinced with this argument. This Court is of the considered view that once the process of admitting students was initiated in terms of the Prospectus, the University had no power to issue Annexures P-2 and P-3 and thus alter the already existing category of NRI, under which a student was entitled for admission. As it is settled law that the Prospectus has the force of a Statute, Annexures P-2 and P-3 otherwise also, which are just notices, cannot effect any change in the already issued Prospectus as they cannot be construed



2025:HHC:39953

to be the amendments in the Prospectus. Further, in the backdrop of the judgment of Hon'ble High Court of Punjab and Haryana High Court, which has been upheld by Hon'ble Supreme Court of India, this Court is of the considered view that the petitioners have made a prima facie case. Therefore, it is ordered that operation of Annexures P-2, dated 22.08.2025 and P-3, dated 25.08.2025, is hereby stayed and the respondent-University shall conduct the counseling strictly in terms of the Prospectus originally issued and it goes without saying that, in case, in the third round of common/ centralized counseling, NRI quota seats, as they stand defined in the original Prospectus, remain unfilled, the same shall be converted to unreserved and filled on the basis of overall merit of the state for 3rd round, in the 3rd round.

(Ajay Mohan Goel)
Judge

September 02, 2025
(narender)