



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

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**CWP-29350-2025 (O&M)**

**Date of Decision: 14.10.2025**

MUSKAN ...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

**CWP-29235-2025**

DEV DHARIWAL AND ANOTHER ....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

**CWP-29349-2025**

PRIYANSHU YADAV ...PETITIONER

VERSUS

UNION OF INDIA AND OTHERS ...RESPONDENTS

**CWP-29465-2025 (O&M)**

HIMANSHU ...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA  
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present:- Mr. Lokendra Singh, Advocate  
for the petitioner in CWP-29350-2025.

Mr. Pardeep Solath, Advocate  
for the petitioners in CWP-29235-2025.

Mr. Sunil Kumar Nehra, Advocate with  
Mr. Rahil Mahajan, Advocate,  
Mr. Viren Nehra, Advocate,  
Mr. Arjun Dosanj, Advocate

for the petitioner in CWP-29349-2025.

Mr. L. K. Narang, Advocate  
for the petitioner in CWP-29465-2025.

Mr. Pankaj Middha, Addl. AG, Haryana.

Mr. Rajesh Hooda, Advocate  
for respondent No.7 in CWP-29235-2025 and  
respondent No.5 in CWP-29349-2025.

Mr. Anil Chawla, Senior Panel Counsel  
for respondent No.4 in CWP-29235-2025.

Ms. Promila Nain, Senior Panel Counsel with  
Mr. Abhishek Rawal, Advocate  
for the respondent(s)-Union of India in CWP-29349-2025.

Mr. Nilesh Bhardwaj, Advocate and  
Mr. Daman Chaudhary, Advocate  
Mr. Dushyant Singh, Advocate  
for the applicant(s)-respondent(s)-University  
(in all petitions).

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**ASHWANI KUMAR MISHRA, J. (ORAL)**

**CM-15289-CWP-2025 in CWP-29350-2025**

This application under Section 151 CPC has been filed on behalf of the applicants-respondents No.3 and 4 in CWP-29350-2025 for placing on record short reply by way of affidavit of Prof (Dr.) M. G. Vashist, Chairman, Admission Committee, Pt. B. D. Sharma University of Health Sciences, Rohtak.

For the reasons mentioned in the application, the same is allowed and the short reply filed on behalf of applicants-respondents No.3 and 4 in CWP-29350-2025 is taken on record.

CM-15287-CWP-2025 in CWP-29465-2025

This application under Section 151 CPC has been filed on behalf of the applicants-respondents No.2 and 3 in CWP-29465-2025 for placing on record short reply by way of affidavit of Prof (Dr.) M. G. Vashist, Chairman, Admission Committee, Pt. B. D. Sharma University of Health Sciences, Rohtak.

For the reasons mentioned in the application, the same is allowed and the short reply filed on behalf of applicants-respondents No.2 and 3 in CWP-29465-2025 is taken on record.

Main Cases (O&M)

1. These petitions have been heard together and are being disposed of by this common judgment. The facts have been taken from CWP-29350-2025.

2. All the petitioners have sought admission in M.B.B.S Course and belong to State quota. Their grievance is with regard to allocation of seats for candidates belonging to Ex-Servicemen (*ESM*)/Freedom Fighter (*FF*) Category. The admission process has been undertaken pursuant to a Notification issued by the Haryana Government dated 08.08.2025. The aspect of reservation and allocation of seat for horizontal reservation is regulated by Government instructions dated 15.07.2014. Relevant portion whereof reads as under:-

*“There will be horizontal reservation for ex-servicemen/freedom fighters/outstanding sports persons as under:-*

***In case of direct recruitment in Class III & IV Posts***

| <i>Sr. No.</i> | <i>Category</i>   | <i>Quantum of reservation</i>  | <i>Roster points</i>   |
|----------------|---|--|--|
| (a)            | <i>Ex-servicemen (SC)</i>                                 | 2%   | 20 and 60  |
| (b)            | <i>Ex-servicemen (BC 'A')</i>                             | 2%   | 19 & 44  |
| (c)            | <i>Ex-servicemen (BC 'B')</i>                             | 3%   | 27-54 and 81   |
| (d)            | <i>Ex-servicemen (General)</i>                            | 7%   | 8-16-37-52-64-73 and 84  |
| (e)            | <i>Outstanding Sports Persons (SC)</i>                    | 1%   | 25   |
| (f)            | <i>Outstanding Sports Persons (BC 'A' &amp; 'B')</i>      | 1%   | 32 in the first Block of 100 posts and 63 in the next Block of 100 posts |
| (g)            | <i>Outstanding Sports Persons (General)</i>               | 1%   | 91   |
| (h)            | <i>Freedom fighters and their children/grand children</i> | 2%<br><i>This reservation will be available only if quota reserved for Ex-servicemen or Backward Classes remains unfilled to that extent due to non-availability of suitable Ex-servicemen or their dependents or non-availability of suitable candidates from Backward Classes. Over all reservation either from the unfilled vacancies of Ex-servicemen or from the Backward Classes for Freedom Fighters/their children/grand children will remain limited to 2% only. This benefit will be available to all grand children i.e. sons and daughters of sons and daughters (paternal as well as maternal) of all Freedom Fighters.</i> |  |

**In case of promotion in Class III & IV Posts**

| <i>Sr. No.</i> | <i>Category</i>         | <i>Quantum of reservation</i> | <i>Roster points</i>   |
|----------------|-------------------------|-------------------------------|--|
| (a)            | <i>Scheduled Castes</i> | 20%                           | 4-8-14-18-24-28-34-38-42-50-54-58-64-68-74-78-84-88-92 and 100 |

3. The Pandit Bhagwat Dayal University of Health Sciences, Rohtak (*for short, 'University'*) states that the process has been adopted online based upon an algorithm prepared for allocation of seat as per the Government instructions. Counter-affidavit has been filed in CWP-29350-2025 justifying the allocation of seat to students of different Category on the ground that the merit has been respected and allocation of seats is as per the applicable Government orders.

4. Though, the petitions have been heard at some length but we are not inclined to adjudicate the matter, on merits, at this stage, as we find that the Notification dated 08.08.2025 contains a provision of appeal under Clause 9(x) which is reproduced:-

*“The Director General/Director Medical Education and Research, Haryana will be the Appellate Authority to hear the appeal for the decisions taken by the Admission Committee. Appeal can be sent on simple white paper with copy of decision of Admission Committee through email to dmer-hry@nic.in.”*

5. We are also of the view that factual issues raised by the petitioners can more appropriately be examined by such fact-finding authority at the first instance. In that view of the matter, we **dispose of** all the writ petitions with liberty reserved to all the petitioners to file their respective appeals along with a copy of this order within three days from today. We request the appellate authority to accord consideration to the respective appeals and pass appropriate orders at the earliest possible, preferably within a period of two weeks thereafter.

6. Pending applications, if any, also stand disposed of.

7. A photocopy of this order be placed on the files of other connected cases.

**[ASHWANI KUMAR MISHRA]  
JUDGE**

**[ROHIT KAPOOR]  
JUDGE**

**OCTOBER 14, 2025**

*Rahul Joshi*

|                              |        |
|------------------------------|--------|
| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable        | Yes/No |