



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No. _____ of 2026
(@ Special Leave Petition (Civil) No. 23112 of 2024)

DIVJOT SEKHON

... Appellant

versus

STATE OF PUNJAB AND OTHERS

... Respondents

with

Civil Appeal No. _____ of 2026
(@ Special Leave Petition (Civil) No. 28046 of 2024)

&

Civil Appeal No. _____ of 2026
(@ Special Leave Petition (Civil) No. 20137 of 2025)

J U D G M E N T

SANJAY KUMAR, J

1. Leave granted.
2. These appeals arise out of separate orders passed by the High Court of Punjab and Haryana at Chandigarh dismissing the writ petitions filed by the appellants. The first of the appeals pertains to Divjot Sekhon. Her writ petition in CWP-21051-2024 was dismissed by a Division Bench of the High Court on 11.09.2024. Her prayer therein was to quash the email dated 16.08.2024 sent by Baba Farid University of Health Sciences,

Faridkot¹, whereby candidates applying for admission to MBBS/BDS courses under sports quota in session-2024 were asked to submit their certificates/achievements of any class/year instead of just Classes XI and XII. She also challenged the merit list dated 23.08.2024 of candidates admitted to MBBS/BDS courses under sports quota, that placed Kudrat Kashyap and Mansirat Kaur, respondent Nos. 4 and 5, at high positions therein on the strength of their sports achievements in Classes IX and X.

3. The next appeal is of Shubhkarman Singh, another MBBS aspirant under sports quota during session-2024. On 12.09.2024, the same Division Bench dismissed his writ petition in CWP-23083-2024, following its decision in Divjot Sekhon's case, a day earlier. His prayer was on the same lines as Divjot Sekhon's. In addition thereto, he assailed the Addendum dated 03.09.2024, whereby the University informed all National Eligibility-cum-Entrance Test (Undergraduate) [NEET UG-2024] aspirants who applied under sports quota that sports achievements during Classes XI and XII was misprinted in the Prospectus and that they were told *via* email dated 16.08.2024 to submit all their sports achievements during any class/year/session in person on 19.08.2024 (upto 3 PM).

4. The email dated 16.08.2024, issued by the Admission Branch of the University, was addressed to all the candidates who had applied under

¹ For short, 'the University'

sports quota and they were informed that, as per Punjab Government's Notification for admission to MBBS/BDS courses under NEET UG-2024, the clause pertaining to sports category read: 'Credit and admission shall be made on the basis of inter-se merit determined on the basis of gradation (Category A/B/C) as per sports policy notified by Department of Sports & Youth Services, Government of Punjab'. The candidates were told that, as per the above clause, it was not compulsory to submit only sports achievements of 10+1 & 10+2 Classes and they were supposed to submit all their sports achievements made during any class/year. They were told that if they wanted to submit any more documents in support of their claim under sports category, which they had not submitted earlier, they could submit the same in person on 19.08.2024 upto 3 PM. Thus, the addendum dated 03.09.2024, issued *post facto*, was only an affirmation of the email dated 16.08.2024.

5. The last appeal pertains to Agrima Mann, Gauranshi Dhingra and Navreet Singh, aspirants for admission to MBBS/BDS courses under sports quota for the next year, i.e., during session-2025. They filed CWP-19735-2025 assailing Clauses 15(v) and 16(v) of the Notification dated 09.08.2024, published on 17.06.2025, for admission to MBBS/BDS courses through NEET UG-2025. The impugned clauses related to 1% reservation of seats under sports quota, whereby credit was sought to be given to sports achievements during any academic year without

restriction. Their prayer was that the benefit should be restricted to the achievements in Classes XI and XII only and that there was no justification in perpetuating the criteria that was adopted during Covid-19 pandemic. They sought a direction to the authorities to restore the policy decision/criteria which existed prior to session-2023 in respect of admissions to MBBS/BDS courses for session-2025. In the alternative, they sought a direction to the authorities to implement the changed policy decision/criteria in a staggered manner so as to not take the existing aspirants by surprise. This writ petition was dismissed by a Division Bench of the High Court on 16.07.2025, but there was no independent application of mind as the Bench merely followed the decision rendered in Divjot Sekhon's case by the coordinate Bench, presided over by the same learned Judge.

6. We will first deal with the cases of Divjot Sekhon and Shubhkarman Singh as they relate to MBBS/BDS admissions during session-2024. The Prospectus for admission to the colleges in Punjab in undergraduate medical courses, including MBBS/BDS courses, during session-2024 was released by the University on 09.08.2024. It specifically provided that credit would be given only for sports achievements during Classes XI and XII. Admissions were to be made on the basis of inter-se merit of candidates determined on the basis of gradation (Category A/B/C). While so, the Government of Punjab issued Notification dated 09.08.2024, outlining the admission criteria to MBBS/BDS courses for session-2024.

The notification was, however, silent about the classes/years which would be considered under sports quota for assessing sports achievements of the candidates. A revised Prospectus was issued by the University on 10.08.2024, wherein the stipulation about considering sports achievements during Classes XI and XII was retained. Applications for admission under sports quota along with relevant documents were to be submitted by 16.08.2024. The checklist provided to aid the process of submission of documents stated as follows: -

‘4. Gradation Certificate of Category (A/B/C) issued by the Director Sports Punjab for Sports Achievements made during 10+1 (passing year_____) & 10+2 (passing year _____)

5. Sports Certificate played during 10+1 (passing year _____) & 10+2 (passing year_____)’

7. While so, on 16.08.2024 at 6:07 pm, the impugned email was issued to all the candidates who had applied under sports quota for admission to MBBS/BDS courses. Thereby, the University asked them to submit their sports certificates in relation to their achievements during any class/year. Divjot Sekhon is a Roller Skater/Inline Hockey player. Shubhkarman Singh plays Baseball. They appeared for NEET UG-2024 on 05.05.2024. The results of NEET UG-2024 were declared on 26.07.2024. Thereafter, the merit list of eligible candidates under sports quota was released by the Director of Sports, Punjab, on 23.08.2024. This merit list was drawn up by considering candidates’ sports achievements during Classes IX and X

also. On the strength of their achievements during Classes IX and X, Kudrat Kashyap, respondent No. 4, a Roller Skater/Inline Hockey player, stood at rank No. 1, while Mansirat Kaur, respondent No. 5, another Roller Skater, stood at rank No. 5. Divjot Sekhon was shown at rank No. 8 while Shubhkarman Singh was at rank No.9 therein. Basing on these ranks, Divjot Sekhon and Shubhkarman Singh were admitted to MBBS course in Gian Sagar Medical College, Banur, a private medical college.

8. According to the appellants, only for session-2023, the sports merit list was prepared on the basis of the sports achievements not only during Classes XI and XII but also Classes IX and X, owing to the Covid-19 pandemic that held sway from 2020 to 2022. Earlier, only the sports achievements of candidates during Classes XI and XII were being taken into consideration. They pointed out that even for session-2024, the Prospectus initially released by the University stated that only the sports achievements during Classes XI and XII would be considered. But, thereafter, the State and the University did a *volte-face* and took into account the sports achievements of candidates during Classes IX and X also. They challenged this action on their part alleging that the admission process had been changed after its commencement.

9. In its reply filed before the High Court, the University stated that it had specifically mentioned in the prospectus issued on 09.08.2024 that the notification for admission to MBBS/BDS courses during session-2024

was still awaited but, keeping in view the schedule issued by the Medical Counselling Committee/Government of India, applications had been invited on urgent basis, but eligibility for admission to MBBS/BDS courses under NEET UG-2024 would be subject to issuance of the notification by the Department of Medical Education and Research, Government of Punjab. The University published advertisements in the newspapers indicating the last date for depositing registration fee through the online payment gateway as 16.08.2024. As per the University, the advertisements also indicated that any notification/update issued by the Medical Counselling Committee/Government of India/Government of Punjab regarding NEET UG-2024 would be applicable.

10. Thereafter, the Department of Medical Education and Research, Government of Punjab, issued Notification dated 09.08.2024 and, accordingly, the revised prospectus, including the notification, was published on 10.08.2024. This prospectus superseded the instructions issued earlier. Clause 15 of this prospectus pertained to reservation in government medical/dental colleges while Clause 16 pertained to private institutes/universities. Sports reservation was indicated as 1% in both categories. Clauses 15 and 16 stipulated that credit and admission shall be on the basis of inter-se merit of the candidates determined on the basis of gradation (Category A/B/C), as per the sports policy notified by the Department of Sports and Youth Services, Government of Punjab.

11. The University stated that, in all, 5721 candidates applied for admission through NEET UG-2024, of whom 58 candidates had applied under sports quota and submitted their Sports Gradation Certificates, along with other credentials/documents, on 16.08.2024. According to the University, page 18 of the NEET UG-2024 Prospectus issued by it regarding sports persons wrongly indicated that sports achievements during Classes XI and XII only would be considered and it, therefore, sent an email to all the aspirants on 16.08.2024 at 6.07 pm, clarifying that all candidates should submit their sports achievements during any class/year by 3 pm on 19.08.2024. All such documents submitted by aspirants till 3 pm on 19.08.2024 were forwarded by the University to the Director of Sports, Punjab, under letter dated 20.08.2024. Pursuant thereto, the Director of Sports, Punjab, issued the sports merit list dated 23.08.2024 and the same was published by the University on its website on the very same day. The University claimed that it was only a nodal agency which was bound to follow the instructions issued by the Department of Medical Education and Research, Government of Punjab, as sports policy was within the exclusive domain of the Director of Sports, Punjab. The University filed a reply before this Court on the same lines.

12. The State of Punjab also filed a reply before us. Therein, while reiterating what it had stated in its reply before the High Court, the State sought to place reliance on the decision of the High Court of Punjab and

Haryana in ***Ibadat Sekhon vs. State of Punjab and others***² in relation to the sports quota during session-2023. Notably, the said decision turned upon the Corrigendum dated 01.08.2023 issued by the State of Punjab. Clauses 15(v) and 16(v) in the earlier Notification dated 10.03.2023, pertaining to government medical/dental colleges and private institutes/universities, provided that credit would be given only for sports achievements during Classes XI and XII. This was modified by the Corrigendum dated 01.08.2023 whereby the zone of consideration was expanded to include Classes IX and X also. The Corrigendum dated 01.08.2023 read thus: -

“In partial modification of the Notification No. 5/5/2021-5HB3/446 dated 10.03.2023, para 15(v) and 16(v) are amended as under only for the session 2023:

“Credit shall be given for the sport achievements made during session 2019-20 to 2022-23. The admission shall be made on the basis of *inter-se* merit of the candidates determined on the basis of gradation (Category A/B/C) issued by the Director of Sports, Punjab. However, for exempted categories under para 11 of the Notification, the competent authority will be Director, Sport of that state or U.T., from where the candidate has passed his class XI and XII examinations.”

Note: This corrigendum is for this session only, in the light of the special circumstances prevailed during the COVID-19 pandemic.”

The corrigendum, therefore, made it clear that the modification was only for that session, i.e., session-2023, and it was owing to the special circumstances brought about by the Covid-19 pandemic. It is in this backdrop that the High Court dismissed Ibadat Sekhon’s writ petition.

² CWP No. 18657 of 2023 (O&M), decided on 20.02.2025

However, adoption and perpetuation of the same modified policy, which was categorically stated to be an exception, during the later session-2024 and thereafter did not flow from the Corrigendum dated 01.08.2023.

13. Pertinently, the prospectus issued earlier by the University for session-2024 contained a list of categories and category codes and insofar as sports persons under Category Code No. 17 were concerned, it stated that credit would be given only for sports achievements during Classes XI and XII. However, in the general instructions in Part A, under Clause 14, it was stated that in case of any discrepancy or contradiction between the Government's notifications and the University's instructions contained in the said prospectus, the letter and spirit of the notifications shall prevail but in academic matters, the University shall be the final authority. Further, in the Schedule for admission through NEET UG-2024, it was specifically stated in Note#1 that any subsequent notification/notice/amendments/corrigenda issued by the Government of Punjab/University would be followed in letter and spirit and the candidates were required to visit the University website regularly for any updates.

14. We may note that even in the Notification dated 09.08.2024 issued by the Department of Medical Education and Research, Government of Punjab, except for quantifying the reservation for sports persons at 1%, the issue as to how such reservation was to be implemented was not spelt out and it was merely stated that admission under this quota would be

made on the basis of *inter se* merit of candidates determined on the basis of gradation (Category A/B/C) as per the sports policy notified by the Department of Sports and Youth Services, Government of Punjab. This was in relation to both government medical/dental colleges as well as private institutes/universities.

15. The Department of Sports and Youth Services, Government of Punjab, brought out the Sports Policy, 2023, *vide* Notification dated 31.07.2023. This was in supersession of the Sports Policy, 2018. Though the Sports Policy, 2023, envisioned encouraging all citizens to adopt an active life style; motivate children to come to play/run; and to restore Punjab's glory in sports at national and international levels, and promised eight actionable points, including putting sports on a high pedestal through rewards and job opportunities for outstanding sports persons, it left certain issues unanswered. More specifically, it did not elaborate on the zone of consideration for assessment of sports achievements for conferment of benefits. Rule 4.2 of the said policy, however, specifically stated that a sub-junior tournament would be ineligible while grading sporting achievements. When the policy specifically excluded sub-junior tournaments, the University's email dated 16.08.2024 requiring the candidates to submit their sports achievements during any class/year defies comprehension. Significantly, the University did not limit its expansion thereby to only Classes IX and X but required

candidates to submit even their sub-junior achievements, if any, which was contrary to the State's sports policy. Needless to state, there had to be clarity in that regard as leaving the issue open to be decided at a later point of time on a case-to-case or course-to-course basis would invariably introduce arbitrariness and let in the scope for favouritism.

16. The Sports Policy, 2023, did not indicate the classes/years that would be taken into consideration for assessing the competing merit of candidates under sports quota, i.e., the classes or years that would be treated as relevant for assessing their sports achievements during that period. Rule 5.1 of the Sports Policy, 2023, merely specified how *inter se* merit under sports quota was to be decided amongst winners, runners up and third position holders. Therefore, when there was no change in the basic sports policy and the prospectus for session-2024, in accordance therewith, mentioned that only Classes XI and XII would be considered for assessment of sports achievements, the State of Punjab cannot fall back on the procedure followed for session-2023 to justify the change that it brought about by again including Classes IX and X within the zone of consideration, contrary to its own Corrigendum dated 01.08.2023.

17. That said, the case law relied upon by the appellants about the binding nature and legal status of a prospectus is not relevant to this adjudication as the prospectus issued by the University contained the caveat that the notifications issued thereafter by the Government of

Punjab would be binding. The larger question, however, is whether this procedure of keeping the admission process elastic after issuance of the prospectus and submission of applications by the candidates would be valid in the eye of law. This question arises in the backdrop of the necessity to maintain complete transparency in the admission process so as to obviate any possibility of arbitrariness or nepotism creeping in at a later stage, i.e., after submission of applications and sports achievements by candidates for admission to MBBS/BDS courses under sports quota.

18. It is well-settled that the rules of the game cannot be altered once the game has begun. In ***Maharashtra State Road Transport Corporation and others vs. Rajendra Bhimrao Mandve and others***³, this Court observed that “the rules of the game, meaning thereby, that the criteria for selection cannot be altered by the authorities concerned in the middle or after the process of selection has commenced”. The same principle was followed subsequently by a 3-Judge Bench in ***K. Manjusree vs. State of Andhra Pradesh and another***⁴ and by a Constitution Bench in ***Tej Prakash Pathak and others vs. Rajasthan High Court and others***⁵. This principle is just as applicable to admission processes to educational courses as it would be to recruitment processes. Just as modification of recruitment norms is forbidden in law after the recruitment

³ (2001) 10 SCC 51

⁴ (2008) 3 SCC 512

⁵ (2025) 2 SCC 1

process has begun, it is equally illegal for an admission process to not be fully defined in all its contours before its commencement, so as to leave room for the authorities concerned to stipulate norms later on to suit their own interests or to permit nepotism. The transparency of such a process is paramount to ensure fairness and prevent arbitrariness.

19. Significantly, for Bachelor of Physiotherapy course, Bachelor of Medical Laboratory Technology course and BSc course in Anatomy, Physiology & Biochemistry offered by the University during the very same session-2024, the Director of Sports, Punjab, instructed the University, *vide* letter dated 08.07.2024, that as per Rule 5.1 of the revised Sports Policy, 2023, only the sports achievements of Classes XI and XII were to be considered while preparing the sports merit list for those courses. There is no explanation forthcoming from the authorities as to why these double standards had been adopted.

20. It was in this context that this Court directed the State of Punjab to produce all the relevant material to examine how the matter progressed from stage to stage. Thereupon, the original files pertaining to this issue were placed before us. Perusal thereof reflected that one Ramesh Kumar Kashyap, a Roller-Skating Coach, who is none other than the father of Kudrat Kashyap, respondent No.4, had submitted a representation requesting that, in the admission process for MBBS/BDS courses in educational institutions in the State of Punjab, the sports achievements

during Classes IX and X should also be included. Significantly, while making this recommendation, citing various reasons, Ramesh Kumar Kashyap failed to mention that his daughter, Kudrat Kashyap, would herself be benefited by this change.

21. According to the undated representation made by Ramesh Kumar Kashyap, if a student wins a medal or participates in international competitions in Classes IX and X, he/she might not get another opportunity in Classes XI and XII, since such events are conducted once in every four years and by the time the next event occurs, the student would have already passed Class XII. He further stated that if a student, who achieved medals at the national/international level in Class IX or X is injured during Class XI or XII and cannot participate further, his/her earlier achievements would be ignored during MBBS/BDS admissions. According to him, students who pursue sports seriously until Class X often lag behind in academics and if they continue sports at the same intensity during Classes XI and XII, they might fail to qualify for the NEET examination. He further stated that many students who secure sports medals in Classes XI and XII, usually participate in obscure or lower level competitions, and often such students have never been active in sports prior to Class XI and manage achievements in later years using influence, thereby disadvantaging genuine athletes. He asserted that a true athlete's capability should be judged based on their performance over the past four

years and doing so would cause no disadvantage to anyone. He pointed out that even during the previous year, sports achievements from Classes IX, X, XI and XII were considered. He, accordingly, recommended that it would be appropriate that sports achievements of Classes IX and X also be considered along with Classes XI and XII from the academic year 2024-2025 onwards.

22. Having stated so much about the rationale behind his recommendation, it was incumbent upon Ramesh Kumar Kashyap, had he been acting *bonafide* on behalf of all sportspersons and if his only aim was to secure their interest, to have also mentioned the fact that his daughter, Kudrat Kashyap, had participated in international events earlier and by inclusion of Classes IX and X within the zone of consideration, she would be hugely benefited as she was appearing for NEET UG-2024. The facts manifest that she was, in fact, so benefited as she was ranked at No. 1 in the merit list dated 23.08.2024. This lack of probity on the part of Ramesh Kumar Kashyap, so as to benefit his own daughter, and his influencing of the authorities without disclosing this fact, so as to bring about a change in the policy contrary to what was stated in the Corrigendum dated 01.08.2023, is sufficient in itself to vitiate the modification that was brought about during session-2024 to the detriment of other candidates under sports quota, including Divjot Sekhon and Shubhkarman Singh.

23. The fact that these modified parameters were not extended to other medical and allied courses offered by the University during session-2024 clearly underlines the arbitrariness that crept in only in relation to admissions to MBBS/BDS courses. Be it noted that, during session-2024, only Classes XI and XII were taken into consideration for assessment of sports achievements for admission to Bachelor of Ayurvedic Medicine and Surgery course (BAMS), Bachelor of Homeopathic Medicine and Surgery course (BHMS) and Bachelor of Unani Medicine and Surgery course (BUMS). Even thereafter, during session-2025, only Classes XI and XII were taken into consideration for assessment of sports achievements for admission to BSc (Nursing) and Bachelor of Veterinary Science and Animal Husbandry, in addition to the aforesaid courses.

24. In this regard, we may also note that the prospectus issued by the University for session-2024 in respect of post-graduate medical/dental courses, wherein sports persons were provided 2% reservation, specifically stated that credit would be given only for the sports achievements during MBBS/BDS courses only. The logic behind such a prescription is not far to gather, as achievements during the period immediately preceding admission to the course in question would be of relevance and not some achievements in the distant past. This is more so in the case of admission to MBBS/BDS courses, as a student aspiring for admission to such courses has to obtain not only adequate academic

ranking but also secure sports achievements during that period. He/she would be entitled to the benefit of such reservation, having balanced both effectively, so as to stand in a sufficiently high position in the merit list.

25. According to Divjot Sekhon, she would have ranked at No. 6 in the merit list if the authorities had considered only the sports achievements during Classes XI and XII and she would have secured a seat in a government medical college at much lesser financial cost. She pointed out that the fees to be paid by her in the private medical college was over ₹22 lakh for the entire 5-year course whereas she would have only incurred expenditure of ₹9.5 lakh in a government medical college. Reference was made to the procedure followed for admission to MBBS/ BDS courses during session-2019; session-2021; and session-2022, wherein only Classes XI and XII were the zone of consideration for assessment of sports achievements. As already noted hereinbefore, insofar as session-2023 was concerned, the norm was modified only for that particular session in the light of Covid-19 pandemic, by expanding the zone of consideration to include Classes IX and X also. However, it appears that Ramesh Kumar Kashyap, who is stated to have trained Divjot Sekhon also, seems to have struck upon the idea that perpetuating the same would benefit his daughter and he, accordingly, made a recommendation to the authorities without disclosing his own private interest. This is clear and manifest from the files placed before us, which

set out in detail the recommendation made by him and how it finally weighed with the authorities concerned.

26. Kudrat Kashyap, respondent No.4, filed replies in both the appeals. Therein, she adverted to her sports achievements, including her participation in an event at the international level. However, no mention was made of how her father, Ramesh Kumar Kashyap, went about securing a change in the policy which had prevailed till session-2023 and was modified only for that session, in the context of the Covid-19 pandemic, so as to benefit her.

27. Mansirat Kaur, respondent No.5, also filed her replies stating that no relief had been claimed against her and that she was impleaded unnecessarily. However, if we set aside the modification to the zone of consideration, i.e., its enlargement from Classes XI and XII to include Classes IX and X also, she would be adversely affected. She cannot, therefore, state that she is not a proper and necessary party to this litigation and that her name should be deleted from the memo of parties.

28. Acting upon Ramesh Kumar Kashyap's representation, the Director of Sports, Punjab, *vide* letter dated 18.10.2023, made these comments: -

"With reference to the comments sought in the subject matter, it is stated that the Department always takes initiative for the welfare of sports persons. Therefore, in view of the representation submitted by the applicant, consideration may be given to providing 3% reservation for sports persons in admissions to medical education, so that maximum players can avail the benefit. Further, for example, if a sports person wins a medal at the national/international level at an early age, i.e., in Class

9th or 10th, such a player brings laurels to the state and the country at a young age. However, due to the existing rules, he/she is unable to avail the benefit of the sports quota at the time of admission. Along with sports, maintaining education is also essential. As per the existing practice, Baba Farid University of Health Sciences, Faridkot, considers sports achievements of Classes 11th and 12th for MBBS/BDS admissions. The Department of Medical Education and Research, while issuing the notifications for the year 2023-24, had directed that sports achievements of Classes 9th, 10th, 11th and 12th be considered for that year. Therefore, it is recommended that, in the future as well, on a permanent basis, sports achievements obtained during Classes 9th, 10th, 11th and 12th be considered for admission to MBBS/BDS courses.”

29. In that context, the view of the Sports Department, *vide* Note #15 dated 02.11.2023, warrants extraction in its entirety. It reads as follows:

“Further, for example, if a sports person wins a medal at the national/international level at an early age, i.e., in Class 9th or 10th, such a player brings laurels to the state and country at a young age. However, due to the existing rules, he/she is unable to avail the benefit of the sports quota at the time of admission. Along with sports, maintaining education is also essential. As per the existing practice, Baba Farid University of Health Sciences, Faridkot, considers sports achievements of Classes 11th and 12th for MBBS/BDS admissions. The Department of Medical Education and Research, while issuing the notification for the year 2023-24, had directed that sports achievements of Classes 9th, 10th, 11th and 12th be considered for that year. Therefore, it is recommended that, in the future as well, on a permanent basis, sports achievements obtained during Classes 9th, 10th, 11th and 12th be considered for admission to MBBS/BDS courses.”

The above Note failed to take into account the fact that the modification during session-2023 was limited to that academic session only, in terms of the Corrigendum dated 01.08.2023, and the reason therefor was stated to be the Covid-19 pandemic. Those crucial aspects were completely overlooked by the Sports Department while endorsing the recommendation made by Ramesh Kumar Kashyap. The contrary

endorsement at Note #50 dated 13.04.2024 by the Nodal Officer (Legal) also warrants reproduction. It reads as under:

“Medical Education is providing 1% reservation for sports persons instead of govt policy of 3%, that too for the achievements in 10+1 and 10+2 only, because this is crucial time which a student is giving to sports instead of studies. Achievements made in 9th and 10th will not hold that student to any disadvantage. It’s clear that we don’t need such reservation to be extended beyond 11th and 12th.”

30. Surprisingly, the State of Punjab thereafter produced another set of documents before us. This set of documents merely referred to a representation having been received regarding the rules for sports quota but no reference was made therein to Ramesh Kumar Kashyap. The file moved forward from stage to stage thereafter but there is neither mention nor awareness at any stage of Kudrat Kashyap, the daughter of Ramesh Kumar Kashyap, being benefited by the proposed change that he wanted. Ultimately, the State accepted and acted upon his recommendation.

31. In that regard, we may refer to the observations made by this Court in ***Mandeep Singh and others vs. State of Punjab and others***⁶: -

“58. True, the State is entitled to change its policy, yet a sudden change without valid reasons will always be seen with suspicion. Even in cases where there is no statutory prescription of any particular way of doing a thing, the executive must observe the long-standing practice, and a deviation from such a practice would require passing the muster of reasonableness, which is a facet of Article 14 of the Constitution. In this regard, this Court in *Bannari Amman Sugars Ltd. v. CTO* [(2005) 1 SCC 625] observed that:

“9. While the discretion to change the policy in exercise of the executive power, when not trammelled by any statute or rule is wide enough, what is imperative and implicit in terms of Article 14 is that

a change in policy must be made fairly and should not give the impression that it was so done arbitrarily or by any ulterior criteria. The wide sweep of Article 14 and the requirement of every State action qualifying for its validity on this touchstone irrespective of the field of activity of the State is an accepted tenet. The basic requirement of Article 14 is fairness in action by the State, and non-arbitrariness in essence and substance is the heartbeat of fair play. Actions are amenable, in the panorama of judicial review, only to the extent that the State must act validly for discernible reasons, not whimsically for any ulterior purpose...”

This Court held that the State and its instrumentalities have a duty and responsibility to act fairly and reasonably in terms of the mandate of Article 14 of the Constitution and that any decision taken by the State must be reasoned and not arbitrary. It was further observed that when a thing is done in a post-haste manner, *malafides* would be presumed as anything done with undue haste can be termed arbitrary and would not be condonable in law. The aforestated principle would apply with equal vigour to an admission process relating to sought-after courses like MBBS/BDS.

32. In *Sivanandan C.T. and others vs. High Court of Kerala and others*⁷, a Constitution Bench observed as under: -

“45. The underlying basis for the application of the doctrine of legitimate expectation has expanded and evolved to include the principles of good administration. Since citizens repose their trust in the State, the actions and policies of the State give rise to legitimate expectations that the State will adhere to its assurance or past practice by acting in a consistent, transparent, and predictable manner. The principles of good administration require that the decisions of public authorities must withstand the test of consistency, transparency and predictability to avoid being regarded as arbitrary and therefore violative of Article 14.”

⁷

(2024) 3 SCC 799

33. We, therefore, have no hesitation in holding that the admission process to MBBS/BDS courses during session-2024, by altering the zone of consideration for sports quota at the behest of Ramesh Kumar Kashyap, whose motives remained undisclosed, cannot be sustained even if the State of Punjab acted upon his recommendation *bonafide* and in ignorance of his subterfuge. The very foundation for such modification stands vitiated as Ramesh Kumar Kashyap failed to disclose that his recommendation benefitted his own daughter, Kudrat Kashyap.

34. We may also note that, in ***Harinagar Sugar Mills Limited (Biscuit Division) and another vs. State of Maharashtra and others***⁸, this Court observed that internal notings cannot be relied upon to establish compliance with procedure. Reference was made to the earlier decision of this Court in ***Pimpri Chinchwad New Township Development Authority vs. Vishnudev Cooperative Housing Society and others***⁹, wherein it was observed that mere notings in the official files of the Government, while dealing with any matter pertaining to any person, is essentially an internal matter of the Government and will carry with it no legal sanctity. That was a case relating to withdrawal from acquisition in relation to a particular person's property and the aforesaid observation was made in that context. These decisions have no impact in the present

⁸ (2025) 10 SCC 286
⁹ (2018) 8 SCC 215

context, where the change in policy formulated by the State is being examined through the file notings which reflect how the decision-making process progressed from stage to stage. The notings in the file, which clearly disclose the role played by Ramesh Kumar Kashyap, are utmost relevant and cannot be ignored as his intervention in the matter was what actually prompted the policy change that was brought about thereafter.

35. That apart, when the State specifically noted in its Corrigendum dated 01.08.2023 that enlargement of the zone of consideration to include Classes IX and X was only for session-2023, in view of the pandemic, the departure from the policy of limiting consideration to only sports achievements during Classes XI and XII, which was the policy obtaining prior thereto, ought not to have been effected midstream after applications were submitted by the candidates along with their sports achievements.

36. More significantly and as already noted hereinabove, the practice and procedure followed by the State of Punjab in leaving the norms elastic, without disclosing as to what would be the exact policy with regard to the zone of consideration, and allowing itself sufficient leeway and elbow room to change such policy midstream during the admission process is not in accordance with the principles of fair play in action. Lack of transparency at the outset invariably enables and makes room for arbitrariness and nepotism to walk in through the backdoor, a situation to be eschewed and avoided by an egalitarian State.

37. Though the State of Punjab would seek to rely upon case law in support of its argument that the Court would, ordinarily, not interfere in policy matters, it is equally well settled that when a policy decision is riddled with arbitrariness or even provides avenues therefor, the Court would be justified in nullifying it. The fact that a policymaker is to be allowed some elbow room in formulating policy does not translate to allowing scope for arbitrariness or nepotism. We, therefore, find no merit in the contentions of the State of Punjab.

38. The modification in the policy is, therefore, quashed leaving it open to the State of Punjab to apply its mind independently and uninfluenced by the so-called recommendation made by Ramesh Kumar Kashyap, so as to take a reasoned and well-informed policy decision as to what should be the criteria to be followed in future. The State of Punjab would be well advised to formulate the admission policy in its entirety before initiation of the admission process for each year, if it seeks to modify the same time and again. It is not proper and correct to do so mid-stream during the admission process. However, insofar as session-2024 is concerned, Kudrat Kashyap, who was the direct beneficiary of the subterfuge of her father, Ramesh Kumar Kashyap, cannot be permitted to enjoy the unlawful benefit garnered in her favour through his manipulations and machinations. Though Mansirat Kaur, respondent No. 5, also stood benefited thereby, though through no fault of hers, she is also liable to be

divested of the illegal benefit that was conferred upon her owing to the wrongdoings of Ramesh Kumar Kashyap.

39. We are conscious of the fact that Ramesh Kumar Kashyap is not a party to these proceedings and the observations and remarks that we have made are adverse to him. However, we may note that he was very much present in the Court during the proceedings and was well aware of the sentiments expressed against him by the Court, but he took no steps to get himself impleaded, if he had anything to say in his own defence.

40. In terms of our findings hereinabove, we would have ordinarily directed the University to redraw the entire merit list for the sports quota during session-2024, by excluding from consideration the sports achievements of candidates secured during Classes IX and X. However, doing so at this stage would impact the admissions of those who are not even before us and would unsettle settled matters, as no candidate other than Divjot Sekhon and Shubhkarman Singh has raised a grievance about this issue. The relief to be granted pursuant to this judgment is accordingly limited to them. Divjot Sekhon and Shubhkarman Singh shall, therefore, be accommodated in the seats in the government medical college(s) which were allotted to Kudrat Kashyap and Mansirat Kaur, respondent Nos. 4 and 5. In turn, Kudrat Kashyap and Mansirat Kaur shall be given the seats vacated by Divjot Sekhon and Shubhkarman Singh in Gian Sagar Medical College, Banur. The course of study undergone by all of

them and the fees already paid by all of them shall remain unaffected and they shall all be permitted to continue with their studies in their new colleges from that stage onwards.

41. In so far as the appeal filed by Gauranshi Dhingra, Agrima Mann and Navreet Singh is concerned, it pertains to the policy of the State of Punjab while making admissions to MBBS/BDS courses under sports quota during session-2025. The modification made at the behest of Ramesh Kumar Kashyap during session-2024 was perpetuated thereafter and applied during session-2025. Pursuant thereto, the appellants were shown at Rank Nos. 13 (Navreet Singh), 14 (Gauranshi Dhingra) and 15 (Agrima Mann) in the merit list of 63 candidates prepared by the Director of Sports, Punjab, after considering the 67 candidates who had applied under sports quota for admission to MBBS/BDS courses. As per the State of Punjab, all three appellants were entitled to admission under the sports quota in private colleges only.

42. The grievance of the appellants is that the authorities continued to apply the same modified policy with regard to the enlarged zone of consideration that was followed during session-2024, i.e., by including Classes IX and X along with Classes XI and XII for assessment of the sports achievements of candidates. The High Court nonsuited them straightaway by following its earlier decision in Divjot Sekhon's case. However, in the light of what we have stated hereinabove, with regard to

how the modification of the policy during session-2024 stands vitiated, continuation of that policy during session-2025 with nothing further would also be open to challenge on the same ground. However, we are informed that admissions have already been made for session-2025 and no candidate who would be adversely affected by interference therewith has been made a party to this litigation. Therefore, we cannot give a quietus to this *lis* at this stage. The only relief that can be given to these appellants is to grant them the liberty to approach the High Court once again by way of a properly constituted proceeding, impleading all the proper and necessary parties thereto, and seek appropriate relief.

The appeals are allowed in the aforestated terms.

Parties shall bear their own costs.

....., J.
SANJAY KUMAR

....., J.
ALOK ARADHE

January 6, 2026
New Delhi.