



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 2161 OF 2025 (FILING)

Shri. Akshay Shrivastava, 19 years of age, Son
of Dr. Ashish Shrivastava, Student, R/o Flat
No. C-1, The Banyan Court, St. Paul, Taleigao,
Tiswadi, Goa 403002. ... Petitioner

V e r s u s

1. State of Goa, Through the Chief Secretary,
Having office at Secretariat, Porvorim, Goa.
2. The Director, Director of Technical
Education, Government of Goa, Having office
at Porvorim, Goa.
3. The Dean, Goa Medical College & Hospital,
Bambolim, Goa.
4. The Dean, Goa Dental College & Hospital, ... Respondents
Bambolim, Goa.

WITH
MISC. CIVIL APPLICATION NO. 2214 OF 2025 (F)

Pearl Milind Colvalkar, Age:19, daughter of
Milind Colvalcar, R/o:C-19, Ganeshpuri,
Housing Board Colony, Mapusa, Bardez, Goa-
403507.

IN THE MATTER OF

... Applicant/
Intervenor

Shri. Akshay Shrivastava, 19 years of age, Son
of Dr. Ashish Shrivastava, Student, R/o Flat
No. C-1, The Banyan Court, St. Paul, Taleigao,
Tiswadi, Goa 403002. ... Petitioner

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1. State of Goa, Through the Chief Secretary,
Having office at Secretariat, Porvorim, Goa.

2. The Director, Directorate of Technical Education, Government of Goa, Having office at Porvorim, Goa.
3. The Dean, Goa Medical College & Hospital, Bambolim, Goa.
4. The Dean, Goa Dental College & Hospital, ... Respondents Bambolim, Goa.

WITH
MISC. CIVIL APPLICATION NO. 2232 OF 2025 (F)

The Goa Fencing Association, Through its President Mr. Yogesh Thakur, with office at SF-2 Block B, Sunil Rachana Co-op Housing Society, Opposite Tulip Group of Companies, Dr. Rego Bagh, Alto Santa Cruz, Bambolim, ... Applicant/
Goa 403 202. Intervenor

IN THE MATTER OF

Shri. Akshay Shrivastava, 19 years of age, Son of Dr. Ashish Shrivastava, Student, R/o Flat No. C-1, The Banyan Court, St. Paul, Taleigao, ... Petitioner
Tiswadi, Goa 403002.

V e r s u s

1. State of Goa, Through the Chief Secretary, Having office at Secretariat, Porvorim, Goa.
2. The Director, Directorate of Technical Education, Government of Goa, Having office at Porvorim, Goa.
3. The Dean, Goa Medical College & Hospital, Bambolim, Goa.
4. The Dean, Goa Dental College & Hospital, ... Respondents Bambolim, Goa.

**WITH
MISC. CIVIL APPLICATION NO. 2233 OF 2025 (F)**

Paloma Riya Pires, Aged 19 years, daughter of
Jesus Antonio, Francisco Pascoal Pires, R/o. ... Applicant/
House No. 537/A, Dialgona, Navelim, Salcete, ... Intervenor
Goa.

IN THE MATTER OF

Shri. Akshay Shrivastava, 19 years of age, Son
of Dr. Ashish Shrivastava, Student, R/o Flat
No. C-1, The Banyan Court, St. Paul, Taleigao, ... Petitioner
Tiswadi, Goa 403002.

V e r s u s

1. State of Goa, Through the Chief Secretary,
Having office at Secretariat, Porvorim, Goa.
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Education, Government of Goa, Having office
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3. The Dean, Goa Medical College & Hospital,
Bambolim, Goa.
4. The Dean, Goa Dental College & Hospital, ... Respondents
Bambolim, Goa.

**AND
MISC. CIVIL APPLICATION NO. 2218 OF 2025 (F)**

Goa Football Association, Through its General
Secretary, Having its office at 05th Floor, ... Applicant/
Atmaram Commercial Complex, Opp. Intervenor
Mahalaxmi Temple, Panaji, Tiswadi, Goa –
403 001.

IN THE MATTER OF

Shri. Akshay Shrivastava, 19 years of age, Son
of Dr. Ashish Shrivastava, Student, R/o Flat ... Petitioner
No. C-1, The Banyan Court, St. Paul, Taleigao,

Tiswadi, Goa 403002.

V e r s u s

1. State of Goa, Through the Chief Secretary,
Having office at Secretariat, Porvorim, Goa.
2. The Director, Directorate of Technical
Education, Government of Goa, Having office
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3. The Dean, Goa Medical College & Hospital,
Bambolim, Goa.
4. The Dean, Goa Dental College & Hospital, ... Respondents
Bambolim, Goa.

Mr. S. S. Kantak, Senior Advocate with Mr. Nikhil Vaze, Mr. Aniket Kunde, Ms. Saicha Desai and Ms. Neha Kholkar, Advocates for the Petitioner in WP No. 2161 of 2025(F).

Mr. Devidas Pangam, Advocate General with Mr. Shubham Priolkar, Additional Government Advocate for Respondent-State.

Mr. Nitin Sardessai, Senior Advocate with Mr. Kabir Sabnis, Advocate for the Applicant/Intervenor in MCA No. 2214 of 2025(F).

Mr. Vibhav Amonkar, Advocate for the Applicant/Intervenor in MCA No. 2233 of 2025(F).

Mr. Nigel Fernandes, Advocate for the Applicant/Intervenor in MCA No. 2232/2025(F).

Mr. A. Gomes Pereira, Advocate for the Applicant/Intervenor in MCA No. 2218 of 2025(F).

**CORAM: BHARATI H. DANGRE &
NIVEDITA P. MEHTA, JJ.**

RESERVED ON : 20th August, 2025
PRONOUNCED ON : 25th August, 2025

JUDGMENT (*Per Bharati Dangre, J*)

1. The Petitioner, aspirant of securing admission to the First year of Degree Course of MBBS/BDS is aggrieved by the issuance of a notice by the Directorate of Technical Education, calling applications from meritorious sports person to fulfill vacant seats under category of Children of Freedom Fighters (CFFs) and this according to him amounts to changing the 'Rules of the game' as this notice came to be published on 01.08.2025 much later after the admission process to the professional courses has begun.

We have heard Mr. S. S. Kantak, learned Senior Counsel along with Mr. Nikhil Vaze for the Petitioner, Mr. Devidas Pangam, learned Advocate General with Mr. Shubham Priolkar, Additional Government Advocate for the State. In the pending applications, four applications for intervention are filed by the individuals as well as the Sports Association in support of the notice thereby reserving some seats for Sports quota.

Senior Advocate Mr. Nitin Sardesai has represented the Applicant in Misc. Civil Application No. 2214 of 2025(F), Mr. Nigel Fernandes, learned Counsel represented the Applicant in Misc. Civil Application No. 2232 of 2025(F), Mr. Vibhav Amonkar, learned Counsel represented the Applicant in Misc. Civil Application No. 2233

of 2025(F) and Mr. A. Gomes Pereira, learned Counsel represented the Applicant in Misc. Civil Application No. 2218 of 2025(F).

2. In view of the urgency expressed, by consent of the respective Counsel representing the parties, we deem it appropriate to issue 'Rule', by making it returnable forthwith.

Learned Additional Government Advocate waives notice on behalf of Respondent-State.

3. The Directorate of Technical Education, issued a common prospectus for admission to First Year of Professional Degree Courses Sessions 2025-2026 for various streams and this include Medicine (MBBS) and Dentistry (BDS). An Administrative Committee was constituted for implementation of the admission process under the Chairmanship of Directorate of Technical Education along with the various members, which included the Dean or representative of Goa Medical College, Bambolim or that of Goa Dental College, Bambolim.

The prospectus highlighted the schedule of admission activities including submission of application forms, display of eligibility and merit list and conduct of round of admission for various courses and it categorically stipulated that each of the stage shall be separately notified by the Directorate of Technical Education on its website and all applicants were directed be refer to the website for admission activities.

The prospectus covered 180 seats for MBBS in Goa Medical College, Bambolim, for a cumulative of five and half years and 50 seats for BDS in Goa Dental College, Bambolim, a course of five years.

4. The prospectus provide for distribution of seats for various courses and as far medicine, dentistry, etc., is concerned, it has divided the seats into various categories and it provide for reservation for Freedom Fighters (FF) in General Category in form on three seats, two in MBBS and one in BDS course.

The Rules of admission clearly specify that all Notifications to admission shall be notified on Directorate of Technical Education Website and notices related to the Notification shall be published in three newspapers of the State viz. Navhind Times (English), Gomantak (Marathi) and Bhaangarbhuin (Konkanni). The Directorate of Technical Education is authorized to release notice in the newspapers.

Clause 3.01 of the prospectus clarified that all candidates desirous of seeking education to professional courses in MBBS, BDS, BHMS (Homeopathy), BAMS (Ayurveda), Allied Health Sciences, B. V. Sc. & A.H., in the colleges within the State of Goa during the academic session 2025-2026, must appear and have a valid score in NEET UG-2025, and should fulfill other eligibility criteria for admission as specified in the prospectus. It further provided that Merit list for these courses shall be based only on NEET UG-2025 Scores/Rank.

5. The relevant clauses of the prospectus are re-produced below :

3.09 - Applicant must enter all the categories and courses in the application form he/she is eligible and wishes to apply for. Requests for change in category and course will not be entertained after last date of receipt of application form.

...

3.16 - Application forms are to be submitted as per notified schedule, before the last date specified. Enclosures of NEET/NATA/CBSE results, if not available by specified date of submission, due to non-declaration of results, are to be submitted within 08 days of declaration of these results. Other applicable enclosures are required to be submitted by specified date. However, Acknowledgment Card shall be issued to such applicants, only after complying with the requirements, within time limit specified by the Admission Committee. The decision of the Admission Committee shall be final in this regard.

3.17 Applications received after the last date shall be summarily rejected. The Admission Committee shall not be responsible for loss in transit or postal delay in receiving the application. Any correspondence in this regard shall not be entertained.

...

3.21 Only those applicants who have applied in response to prospectus of 2025-2026 and submitted their applications, in accordance with Rule 3.16, at the Directorate of Technical Education, Porvorim, Goa and other notified locations, on or before the prescribed date and time (refer to Schedule of Admission process), and have valid score in JEE-(MAIN)-2025 / (NEET UG-2025/ NATA), and satisfy the eligibility criteria laid down for respective courses, will be eligible for admission to various professional courses.

3.22 For all categories, separate provisional merit lists shall be prepared and notified as under:

- Medicine, Dentistry, Homeopathy, Ayurveda, Allied Health Sciences, Nursing, B.V. Sc. & A.H. & BNYS courses based on NEETUG-2025 SCORE/RANK.
- Engineering for all eligible candidates based on JEE (MAIN)-2025 SCORE/RANK.
- Pharmacy for all eligible candidates based on JEE (MAIN)-2025 OR NEET UG-2025 (best aggregate marks in subjects of Physics & Chemistry).
- Architecture for all eligible candidates based on valid NATA Score.

...

3.25 Merit lists will be displayed on DTE website as per the schedule notified in the prospectus.”

The most relevant clauses in the prospectus in form of clause 3.30, 3.31 and 3.39, as we are concerned with filling up of vacant seats and they read thus :

3.30 - Seats remaining vacant, for whatsoever reasons, shall be filled up in the subsequent rounds, by following the same procedure as in the first round, and as per the notified schedule. Candidates shall not approach for admissions in between the rounds.

3.31 - Unclaimed/vacant seats if any, from the reserved categories shall be de-reserved and transferred to General Category at the end of admission of reserved category in each round. Claim of the applicants from reserved category, who remained absent during any round, shall not be accepted for such de-reserved seats. In case there are no eligible applicants in any Reserved Category, these seats shall be dereserved and transferred to General Category at the beginning of the admission round.

3.39 - The last date for admission of 15% All India Quota applicants for Medical and Dental courses shall be as notified by National Medical Commission/Dental Council of India/Directorate General of Health Services for respective year of admission. In case any seat(s) of this quota remains vacant, the same shall be offered to applicants from the merit list of the General Category in the special round of admission notified separately, subject to provisions of National Medical Commission/Dental Council of India regulations/Supreme Court guidelines.

6. The prospectus in clause 5 provide for classifications of categories and this prominently include the General Category-Category-1, as it require the Applicant to have studied and passed XIIth standard or equivalent examination in schools/colleges in the State of Goa and to have resided in Goa continuously for a minimum period of ten years (five years for those whose either of the parents/grandparents is born in Goa), immediately preceding the last date/month of the

application or he be son/daughter of a Government of Goa Deputationist or employees posted outside Goa or having passed a qualified examination, CBSE or other recognized School Boards.

The other categories include the following reservation :

5.2 - Category 2 – SC (2%)

5.3 - Category 3 – ST (12%)

5.4 - Category 4 – OBC (27%)

5.5 - Category 5 – PwD

5.6 – Category 6 – FF (1%)

In addition to the above categories, there are some more categories specified but we need not include them for our consideration as we are only concerned with the Freedom Fighter category. Sub-clause (3) of clause 5.16 read thus :

‘Clause 5.16 (3) - Vacant, unclaimed seats, from within any Group viz. General, ST, OBC i.e. PwD, FF or GN shall be dereserved, and first transferred to open category within the same Group.’

It is worth to note that as far as the Freedom Fighter category for medicine and Dentistry is concerned, it fell within General Category as per clause 2.2.2 of the brochure.

7. With this background in form of the prospectus issued by the Directorate of Technical Education, Mr. Kantak, the learned Senior Counsel by relying upon the pleadings in the Petition would submit that the Petitioner was born in Goa and he has completed his primary and secondary education in the State of Goa and even completed his higher

secondary education in Goa, thus, making him eligible to secure a seat on the basis of his ranking in NEET-UG examination and since he aspired for MBBS/BDS, he appeared for the NEET-UG. It is submitted by Mr. Kantak, that the National Testing Agency (NTA) issued a bulletin on 07.02.2025 for conduct of the NEET-UG examination for the year 2025 and upon declaration of the results, the further process in so far as admission to MBBS/BDS course is concerned, it is done by the Medical Council Committee for All India quota or by an appropriate State Agency in respect of all the seats under the State quota and the designated authority for the State quota for the State of Goa, is the Directorate of Technical Education, Government of Goa i.e. Respondent no. 2.

The process of NEET-UG-2025 started w.e.f. 07.02.2025 and the cut off date for submission of application was stipulated 07.03.2025.

The Petitioner after submitting form on 13.05.2025 on paying the prescribed fees, appeared for the NEET examination and as per the merit list/revised merit list, which provided the ranking of eligible candidates, the Petitioner secured 112 marks in the merit list.

8. It is the case of the Petitioner that on 28.07.2025, the Respondent no.2 published a schedule for counselling for admission to the First Year of NEET, MBBS courses and, according to it, the first

round of counselling was to be held on 01.08.2025, but the date was re-scheduled to 05.08.2025 and it was so displayed on the website.

The Petitioner participated in the first round of counselling for MBBS/BDS held on 05.08.2025 and at the conclusion of first round, the candidate with rank 78 secured last seat in MBBS in General category and candidate with rank 108 secured first seat in BDS in General Category. According to the Petitioner, as far as rank 111 is concerned, she secured a seat of MBBS under the OBC category.

In the wake of the aforesaid situation emerging there were only two candidates ranked higher than the Petitioner, who did not secure the admission and this gave a hope for the Petitioner as the Petitioner had a chance to occupy either a seat in MBBS or BDS but his expectation is fizzled out in the wake of creation of a new quota by the State Government in form of sports quota and as the Government permitted eligible meritorious persons to prefer an application for the first time under the sports quota by fixing the cut off date 14.08.2025.

According to Mr. Kantak, this move of the State Government after publication of the ranking in the merit list and on the scheduled date of first session of Counselling, amounts to changing the Rules of the game after the game has begun. He would submit that as per the prospectus, if the candidates from CFF Category are not available, the seats fall back in the kitty of open category and the Petitioner stand a

chance for being admitted in the General Category, based on his merit ranking.

The objection of Mr. Kantak in specific is that the Respondent no. 2 at the time of issuance of prospectus did not provide any quota for sports/Sports quota and introducing such a quota for the first time after the process of filling up of the seats in the State quota has already commenced and diverting the unfilled seats under the CFF sports quota is highly arbitrary, as the prospectus and in particular clause 5.16 clearly provide that vacant and unclaimed seats within any group namely, General/ST. OBC/PwD/FF or GM shall be de-reserved and transferred to the open category within the same group and if this is strictly to be followed, the Petitioner would definitely secure a seat in the BDS category since it was declared that no candidate was available to fill up the FF category. As a consequence, according to Mr. Kantak, two seats under FF category were reserved for MBBS which would go to General Category and one seat in FF category in BDS would be transferred to General Category but now as a result of the impugned notice issued, two seats, (one for MBBS and one for BDS) is allotted to sports quota, which would disturb the whole process as at the eleventh hour, some new quota is being introduced, which has diminished the chance of the Petitioner securing admission in the BDS course in the subsequent rounds of Counselling and has adversely impacted his legitimate expectation.

9. The objection of Mr. Kantak, the learned Senior Counsel, is creation of new reservation in form of Sports quota by introducing it midway through the admission process, which according to him, is not permissible in law as it amounts to changing the existing admission process and in particular sub-clause (3) of clause 5.16, which clearly provide that the vacant and unclaimed seats shall be first transferred to open category. Mr. Kantak would also submit that the introduction of Sports quota is an infirmed action because such quota cannot be introduced midway through admission process and also on the ground that there is no intelligible differentia or cogent reasons or relevant consideration in introduction of such quota. About the merits, he would submit that the Petitioner who happens to be a meritorious candidate as per the merit list, would now be losing a seat, which he could have otherwise secured on the basis of his merit, to a candidate who is lesser in ranking merely because she/he belongs to Sports quota and this would create a discrimination between a class of people competing from general category who are otherwise entitled to take seat based on their merits.

10. Mr. Kantak would place reliance upon the decision in case of **Dr. Jagdish Saran & Ors. vs. Union of India & Ors.**¹, to submit that the quantum of reservation should not be excessive or societally injurious, measured by the over-all competency of the end-product

¹ (1980) 2 SCC 768

namely, the degree-holders. He would submit that reservation must be kept in check by the demands of competence and the shelter of reservation cannot be extended where minimum qualifications are absent and the best talent cannot be completely excluded. He would also place reliance upon the decision of the Punjab and Haryana High Court in **Devbir Singh vs. State of Punjab**², where a similar question arose in regards to the NRI quota and what was subjected to challenge was a subsequent decision to include non-genuine NRIs, after deadline for submitting admission forms and the Court pronounced upon the permissibility of such decision.

Taking us through the said decision, he would submit that the last date for applying for admissions under NEET-UG – 2024 was 15.08.2024 whereas for NRI candidates it was fixed as 19.08.2024, however, on 20.08.2024, a corrigendum was issued substituting the relevant clause, with respect to the scope and ambit of the students entitled to be considered for NRI seats and the modified clause provided that in case seat of NRIs are left vacant, the candidate who is the Ward/Nearest relation of NRI shall be considered under NRI quota. This was in utter contrast with the original clause which, in case of any seat remaining vacant under NRI quota, during/after 2nd Centralized Counselling of NRI quota in State Colleges, was to go to General category and in the Private Colleges, to the Management quota.

² CWP No. 20041 of 2024 (O & M) decided on 10.09.2024

Upon the General Category aspirants, questioning the correctness of the said corrigendum, the issue was examined and the Court also dealt with the objection of the locus standi of the Petitioners, who had no vested right to claim the seat from the general category and also examined the objection as regards the vested right of the candidates belonging to general category.

At the end of the discussion, the corrigendum and addendum were quashed and the State of Punjab was directed to complete the process of MBBS admission under the 'NRI' category in the State quota as per the original and unamended prospectus. This decision, according to Mr. Kantak, is upheld by the Apex Court when Special Leave Petition was filed by the State of Punjab was dismissed on 24.09.2024.

11. Another decision which Mr. Kantak would place reliance is in the case of **Samarveer Singh vs. State of Punjab & Ors.**³, when the Punjab and Haryana High Court considered the permissibility of an action based on the prospectus, a binding legal document, by antedated administrative letter and the issue was tested on the doctrine prescribing change of Rules midway through the game or after the game is played.

³ CWP-34334-2024(O & M) decided on 27.01.2025

Another decision in the case of **Dr. Prerit Sharma & Ors. vs. Dr. Bilu B. S. & Ors.**⁴, is also invoked by Mr. Kantak, when the State Government provided reservation for in-service doctors in superspeciality courses in final stages for admission for the academic year 2020-2021 and it was held that it cannot be permitted for the said academic session though it could be implemented from the next academic session.

12. The submissions advanced by Mr. Kantak and the contentions in the Petition are specifically contested by the learned Advocate General Mr. Pangam, who would submit that the prospectus/brochure is merely executive instructions and it is always open for the executive to fill in the gaps therein through another executive decision. He would place reliance on the decision of the Apex Court in the case of **M. R. Balaji & Ors. vs. State of Mysore & Ors.**⁵, to submit that under Article 162 of the Constitution, the executive power of the State, extends to the matter with regards to a legislature of a State has the power to make laws and if there is no legislation for covering the field of selection of candidates to medical colleges, the State Government undoubtedly be competent to pass executive orders in that regard.

According to the learned Advocate General, it is not for the first time that the State of Goa thought of introducing quota for Sports

4 (2022) 2 SCC 751

5 AIR 1963 SC 649

persons and in fact he would submit that as early as in the year 2009, the State formulated Goa Sports Policy – 2009, which was approved by the Council of Ministers so as to encourage physical education and sports activities with the background that Goa had predominantly excelled in football in the past two decades, and also made a mark in other sports disciplines, and therefore it sought to define a specific sports policy to be initiated and implemented to identify, define and merge the roles of different agencies engaged in the promotion of the cause of sports in India.

With the Mission Statement, 'to create an ambience in which talent, skill and excellence in sports flourish and from which great sportsperson and sports administrators of tomorrow emerge', he would submit that the policy provided for reservation of 3% seats in schools, higher secondary schools and at all levels of graduate studies to outstanding sports person, who have represented the State and won medals at the recognized National and International Championship.

He would thus submit that for considerable length of time, the talks for introduction of sports quota was under discussion and he would invite our attention to the communication from the Ministry from Sports and Youth Affairs dated 20.01.2025, as regards introduction of the 'State Sports Quota', by reserving the seats for sports athletes in colleges having professional degrees courses in Medicine, Engineering, Architecture, etc. He has placed before us

representations received from various sport associations including the Goa Football Association dated 15.07.2025 for implementation of 'State Sports Quota' Policy for reserving seats at colleges having professional degree courses in the State of Goa, as also the representation on 22.07.2025 by the Yatching Association of India and the Modern Pentathlon Association of Goa, who preferred a representation on 14.07.2025 along with the Goa Netball Association, and demanded certain percentage of reservation in the professional courses. The learned Advocate General would thus submit that it is within the power of the State to introduce such a quota in the professional degree course and, considering the long pending demand, the sports quota has been introduced and in any case, he would submit that the first round of the admission process was to commence on 05.08.2025 and a notification is issued declaring two seats to be filled in from sports category person on 01.08.2025. The learned Advocate General would place heavy reliance upon clause 3.53, 3.54 to 3.56 of the prospectus which reads to the following :

“3.53 - All nominating agencies/Governments should send the candidates so as to join within one month of the date of starting of the academic session or the last date notified, whichever is earlier failing which the University may or may not grant the term due to possible "shortage of attendance". Directorate of Technical Education, Goa shall not be held responsible for such admissions.

3.54 - In the event, seats remain vacant after conducting the above specified rounds, Directorate of Technical Education is authorised to formulate and notify additional rounds of admission, as per schedule to be drawn up in consultation with University/Admission Committee, after taking into consideration all relevant aspects.

3.55 - In the event of any mandatory directives from National Level Regulatory Bodies, Central/State Government, Hon. Supreme Court/High Court, rules of admissions, as well as other provisions in this prospectus may be suitably modified, with Government approval, and duly notified.

3.56 - DTE reserves the right to modify any of the provisions related to admission procedures, in order to facilitate smooth conduct of admission process.”

13. In any case, Mr. Pangam would submit, that the Government has decided to allot one vacant seat from FF category to MBBS category and one vacant seat to BDS category and Petitioner has no right to object as in general merit category he could not secure a seat and he would submit that rather the State was considerate in only allotting two seats to be filled in by the sports quota category candidate, which any case has no impact on the right of the Petitioner. He would submit that the Petitioner shall make no grievance as regards to admission to sports quota because even the Petitioner who is competent for a seat in general category is also a reservation in clause 5.1, as these seats of general category are reserved for applicants from the State of Goa and who had passed their XIIth standard qualifying examination from the institute in State, thereby reserving certain percentage of seats for a specific category of persons to the exclusion of competency on merits.

14. We have also heard learned Senior Advocate Mr. Nitin Sardesai for the Applicant in Application No. 2214 of 2025(F) filed by one Pearl Milind Colvalkar, who has bagged a silver medal in the International competition in sport of 'Sailing' and, according to Mr. Sardesai, the

Applicant is an aspirant in the wake of the notice issued on the website by the Respondent no. 2 on 01.08.2025, as she fulfill the criteria specified therein, being an Indian team athlete and secured her form -1 for all the international events as she had participated from the National Federation of Yatching Association in India for the year 2022-2023. According to him, she is entitled for the opportunity to secure a seat in MBBS based upon the said credentials and if this quota is introduced, even on 01.08.2025, this do not amount to changing the rules of the game.

By relying upon the decision in the case of **Tamil Nadu Medical Officers Association and Ors. vs. Union of India & Ors.**⁶, he would press into the service Entry 25 of Schedule VII List III, to throw emphasis on the legislative competence of States to provide reservation for in-service doctors in the State quota in postgraduate degree/diploma medical courses.

Heavy reliance is placed by Mr. Sardesai on the decision of the Apex Court in the case of **Tej Prakash Patak & Ors. vs. Rajasthan High Court**⁷, to submit that the well known doctrine of change in rules in the midst of recruitment process has now been diluted and this decision according to him has prescribed the extent to which the change is permitted and also at to what stage and on what aspect. He would thus submit that the criteria for eligibility cannot be changed

⁶ (2021) 6 SCC 568

⁷ (2025) 2 SCC 1

midway through the recruitment process unless the extant Rules so permit but it is permissible to fill in the gaps by administrative instructions where the rules are non-existent or silent as placement in the select list gives no indefeasible right to appointment. He would also rely upon the decision **Neil Aurelio Nunes (OBC Reservation) & Ors. vs. Union of India and Ors.**⁸ to submit that the candidates registered for the examination have a particular seat matrix in mind and that if there is going to be a change in the seat matrix after registration, they are not entitled to claim it to be the legitimate expectation, as regards the eligibility criteria and the selection/appointment based upon the said criteria but not as regards the seat matrix.

We will be referring to the said decisions as we deal with the contention of the parties.

In any case, it is the submission of Mr. Sardesai that since the Petitioner is not in any way securing the seat, the Court may not entertain the Petition only for academic purpose, as it is not open for the Courts to entertain the Petition merely for academic indulgence. He would submit that as far as present Petition is concerned, for him the game has started when the FF seats became available and not from the date when the prospectus was published.

⁸ (2022) 4 SCC 1

15. Somehow similar arguments are advanced by Mr. Amonkar for the Applicant in Application No. 2233 of 2025(F) and the learned Counsel Mr. A. Gomes Pereira in Application No. 2218 of 2025(F). Mr. Pereira would submit that the sports add value to the professional education and Goa has an inclusive policy for allowing sports culture but it is not implemented so far. According to him, the policy formulated by Goa in 2009, is 'Law' under Article 13 of the Constitution, and step taken by the Respondent no. 2 to introduce it in the professional degree is most welcome.

Mr. Nigel Fernandes in Application no. 2232 of 2025 for Goa Fencing Association, would submit that many States like Punjab and Haryana, Karnataka, Telangana, Tamil Nadu, have already sports quota and, therefore, when the State of Goa has introduced it, at the stage when the education process is on, it would not impact the Petitioner.

16. We have given our thoughtful consideration to the submissions advanced before us in the backdrop of the facts involved.

At the outset, we must note that the admission process for the professional degree course 2025-2026 commenced by issuance of a prospectus which comprised the details including the conduct of the NEET-UG examination by the National Testing Agency and the prospectus determined the manner in which an eligibility of a person shall be determined for appearing for the entrance examination and as

to how the score in the said examination would determine the merit list, which shall form the basis for admission. It is a well accepted principle, that the Prospectus or the Information Brochure has the force of law and is binding on the Authority conducting of the admission process as well as the students. The prospectus or the information brochure which govern the admission procedure has sanctity in law and it is binding on all persons, as far as the process of admission is concerned. The eligibility of admission to a course has to be seen according to the prospectus issued before the entrance examination and the admissions necessarily are to be based on the instructions given in the prospectus.

The object in issuing the prospectus/information brochure is evidently clear, being to appraise the students/applicants or the participants in the process to know before hand as to how they shall participate in the process, which commences with conduct of the NEET-UG examination. Right from the schedule of admission activity including the submission of application forms, display of eligibility and merit list, conduct of rounds of admissions as well as the number of seats available for particular curriculum in the institute as well as the percentage of reservation in those seats is clearly spelt out in the prospectus.

The eligibility of candidate appearing in NEET-UG was contained in the information bulletin and counselling scheme

published by the Medical Counselling Committee (MCC) covering the All India quota of 15%. While publishing the information bulletin, MCC made it clear that merely for registering for NEET-UG counselling, did not confer at any automatic right to secure an under graduate seat and the candidate would be admitted subject to fulfilling the merit, the admission criteria, eligibility and such criteria as may be prescribed by the respective Universities, medical institutions, Medical Council of India, State/Central Government.

Worth it to note that the information bulletin by MCC, clarified that the data entered by the candidate at the time of registration at the NTA portal would be prepopulated and used for counselling purposes and it prescribed the eligibility condition for declaring a candidate eligible for NEET-UG 2025.

The NEET-UG counselling by MCC is proposed for allotment of under graduate (MBBS/BDS seats) to the eligible and qualified candidates for the 15% of All India quota in participating Government and Medical and Dental Colleges of the Country, where the allotment is made on the basis of NEET-UG examination conducted by the National Testing Agency. As far the role of MCC in NEET is concerned, it is clear from the information brochure that MCC will be conducting counselling from 15% AIQ, 100% being Universities, Central Universities (Delhi University, AMU, BHU), including

institutional/domicile quota and ESIC AFMC and IP University as well as AIIMS.

The role of MCC is thus limited to allotment of seats to the participant candidates as to their merit list and choice, after the list/date information of successful candidates from the National Testing Agency is received. Though the learned Advocate General had made an attempt to canvas before us that the timelines for State quote are also subject to the MCC guidelines, we do not find substance in the said submission as the information bulletin by MCC make it evidently clear.

Instead, we find that the common prospectus framed by Directorate of Technical Education, Government of Goa, govern the admission process for the 85% seats, excluding the 15% All India Quota and even this prospectus make it clear that the vacancies of All India quota shall be filled as per the directives of Government of India/MMC/Ayush. However, the prospectus for professional degree courses 2025-2026 published by the Directorate of Technical Education for admission of MBBS and BDS along with other streams like Engineering, Pharmacy, Architecture, etc., the authority conducting the process is the Directorate of Technical Education and the admission is to be governed by the common prospectus published by the State Authority, as it set out the manner in which the applications shall be made and even the application form for admission

is also a part of the common prospectus with a clarification that mere submission of the admission form, according to the prospectus, does not confer any right/claim to the applicant for admission amounting to any professional courses in the colleges.

The application form to be submitted to the Directorate of Technical Education and other notified locations, has to be submitted before the due date as clause 3.14 of the prospectus clearly stated that the “applications shall not be accepted after last date notified. Any request for granting extension of time for submission shall not be entertained.”

Clause 3.17 reads further, 'Applications received after the last date shall be summarily rejected.' Clause 3.19 specifically state that 'Eligibility will be finalized as per the provisions of this prospectus, irrespective of whether or not verification of marks has been completed by the examining authority.' It is also relevant to take notice of clause 3.21, which reads thus :

“Clause 3.21 - Only those applicants who have applied in response to prospectus of 2025-2026 and submitted their applications, in accordance with Rule 3.16, at the Directorate of Technical Education, Porvorim, Goa and other notified locations, on or before the prescribed date and time (refer to Schedule of Admission process), and have valid score in JEE-(MAIN)-2025 / (NEET UG-2025 NATA, and satisfy the eligibility criteria laid down for respective courses, will be considered for admission to various professional courses.”

17. One more clause which is relevant and must be taken note of is clause 3.30, which we have re-produced above, which make it clear that 'seats remaining vacant, for whatsoever reasons, will be filled up in the subsequent rounds by following the same procedure as in the first round and the candidates shall not approach for admission in between the rounds.'

The aforesaid clauses in the information brochure specifically determine the Rules of admission, make it clear that the timeline is the essence of the admission procedure, as it contemplate the applications to be preferred before a particular date, which only will deserve consideration as per notified schedule for securing admission to specific courses. The applicant claiming seat in the reserved category shall ensure compliance of the requirements specified in the prospectus in form of annexures and only upon submission of the form completing in all aspects, the candidature shall deserve consideration.

18. It is worth to note that the entire admission process operates in a cascading manner, as after the completion of the first round, the seats that fall vacant will be considered for counselling in the second round and a round thereafter. It is in this scheme of prospectus where the seats are reserved for distinct categories in clause (5) for the General Category, as well as to accommodate reservation provided by the Constitution i.e. SC/ST/OBC, etc., reservation for PwD in accordance

with the Rights of Persons with Disabilities Act, 2016 and the Freedom Fighters Reservation, providing reservation for the children of registered Freedom Fighters of Goa, if they meet the other conditions of General category, with a specific provision in the form of clause no. 3.31 read with clause 3.30, which clearly prescribe that any unclaimed/vacant seats, if any, from the reserved categories, shall be de-reserved and transferred to General Category at the end of admission of reserved category in each round. This clause being read with clause 3.30, which stated that, 'Candidates shall not approach for admissions in between the rounds, emphasis on following of the process set out in the prospectus, with the timelines stipulated therein and the procedure to be followed when seats from certain reserved categories fall back. As far as the 15% All India Quota is concerned, clause 3.39 has clearly provided that the last date of admission of 15% All India Quota shall be recognized by the National Medical Commission and in case any seat(s) of this quota remains vacant, the same shall be offered to applicants from the merit list of the General Category in the special round of admission notified separately, subject to provisions of National Medical Commission/Dental Council of India regulations/Supreme Court guidelines.

19. The learned Advocate General has laid emphasis upon clause 3.54, which, according to him, is a source of power of the Directorate of Technical Education, to introduce the sports quota and this clause read

with clause 6.56, which reserve the right to modify any of the provisions related to admission procedures, in order to facilitate smooth conduct of admission process. According to us, the clause do not confer, the power upon the Directorate of Technical Education to introduce particular quota midway when the admission process has already begun. A reading of the said provision, in isolation, to achieve the desired result in justifying the reservation of seats for Sports quota by inviting applications, according to us, do not inspire confidence.

We reach this conclusion on reading of the entire prospectus and specifically Rule 3, providing for admission, which clearly state that the admission process shall be governed by the common prospectus and as far as MBBS/BDS/ BHMS etc. is concerned, admission would be based upon the score in the NEET-UG examination and subject to the fulfillment of the eligibility criteria as prescribed in Rule 4 and with the reservation of seats, as prescribed in Rule 5. This very part of the prospectus clearly provide that application forms shall be submitted as per notified schedule, before the last date specified and the applications received on the last date of submission will be summarily rejected. It also clarified that only those applicants who had applied in response to the prospectus 2025-26 and submitted their application in accordance with clause 3.26 to the Directorate of Technical Education, Porvorim Goa, and at other notified locations and have valid score (NEET- UG

2025) and satisfy the eligibility criteria laid down for the respective courses shall be considered for various professional courses.

It is in continuation of these Rules, the prospectus provide that unclaimed/vacant seats if any from the reserved category, shall be de-reserved and become available for General category at the end of each round. Similar is the process which is applicable in respect of 15% All India quota, which of course shall be governed by norms prescribed by the National Medical Commission.

20. Rule 3 and 3A of the Prospectus are the instructions for the candidates. Whereas Rule 3B are instructions for Institutes which would constitute the admission Committee which will be responsible for receipt of application forms, verification of original documents, reporting for vacancies, cancellations, pre-payment details in respect of candidates admitted to respective institutions, etc.,

In continuation, Rule 3C is for States/Agencies and it include Clause 3.54 to 3.56, which we have already reproduced above.

Clause 3.54 is a contingency, where seat remains vacant after conduct of specified rounds, after the Directorate of Technical Education is authorized to formulate additional rounds of admissions, after taking into consideration of the relevant aspects and this definitely would cover the contingency where the seats could not be filled in and have remained vacant. Apart from this, clause 3.55 contained a provision prescribing that whenever there are any

mandatory directives issued from the National Legal Regulatory Bodies (NLRB), Central of the State Government, Hon'ble Supreme Court/High Court, Rules of admission as well as the provisions in the prospectus may be suitably modified with the Government approval and it being duly notified.

It is in continuation of this directive, clause 3.56 further reserve, the right in Directorate of Technical Education to modify any of the provisions related to 'admission procedure', in order to facilitate smooth conduct of admission process.

We must express that the aforesaid clause 3.56 cannot be read de hors or in isolation without consideration of the previous clauses contained in Rule 3. Undisputably, if the Apex Court or the High Court or the Central Government or State Government issue mandatory directives, it would be necessary to amend the prospectus with the Government approval but Rule 3.55 prescribe that this modification shall duly notified, conveying that every participant in the process must be made aware of the same.

21. We do not accept the argument of Mr. Pangam, that clause 3.56 by itself confer a power on the Directorate of Education, to modify the provisions in prospectus as it has been attempted to be done by the impugned notice issued by the Directorate of Technical Education invoking the sports quota.

It is urged before us that the NEET-UG examination was conducted for the academic sessions on 04.05.2025 and the notice was issued by the Directorate of Technical Education inviting submission of application forms to the professional courses including MBBS/BDS between 07.05.2025 to 16.05.2025 by clarifying that the forms will be submitted irrespective that the NEET results were declared or not. On 14.06.2025, NEET results were declared and on 14.07.2025, the merit list was declared by Directorate of Technical Education. The first round of counselling notified by notice dated 14.07.2025 was slated from 01.08.2025, but it was postponed to 05.08.2025. It is on 01.08.2025, the Government of Goa published a notification declaring that the Government has approved that if there are no eligible applicants, vacant seats under the Children of Freedom Fighters (CFF) up to one seat in each institution shall be allotted to eligible meritorious sports person fulfilling the conditions set out therein.

This notice permitted fresh applications to be submitted under the Sports quota along with applicable documents by 14.08.2025.. Worth it to note that the first round of counselling was held on 05.08.2025 and the applications were permitted to be submitted till 14.08.2025.

22. In the aforesaid sequence of events, it is evident that without amending the prospectus or without notifying the modification in the prospectus, straightaway applications are invited from sports quota

persons, as the seats from CFF category remained vacant. Here, the Government adopts a 'U' turn, as what impression it had given in the prospectus, which was duly published and has binding effect, is that the seats shall be de-reserved and shall be filled in by General Category candidate but now, they are sought to be filled in by introducing a new category of reservation of 'sports category' which is not at all prescribed in the sports quota.

We may make it clear that at this juncture, we are not getting into the validity of prescribing such a quota and though the learned Advocate General has placed before us a policy decision taken on behalf of the State of Goa as early as in 2019, reserve certain seats in the colleges in education field including graduation courses, this policy remained dormant till date and has not been implemented. Had it been a case that this reservation has been included in the prospects, we would have determined justifiably in providing the reservation in form of sports quota by testing it under the parameters of Article 14, as we would have expected the State to establish the reasonable classification between the persons for whom certain seats are reserved in the prospectus and the persons belonging to the field of sports and this would involve establishing rational nexus with the object sought to be achieved. But, in any case, at this stage, we are not required to get into this aspect, as we find that even though State might have formulated a policy within its executive power to provide reservation for sports

person, we are only confronted with an objection, whether this policy could have been implemented midway, when the admission process for the professional degree courses for the year 2025-2026 has already commenced with the publication of the brochure/prospectus for admission to the courses.

23. In Mahatma Gandhi Missions Institute, Aurangabad vs. State of Maharashtra & Ors.⁹, the Full Bench of the Court in no uncertain terms, described the brochure as a complete and composite document dealing with the document of entrance examinations, declaration of results and method of admissions, etc.. The relevant observations in paragraphs 26 to 28 deserve reproduction and we note the same :

“26. For ensuring adherence to proper appreciation of a academic course, it is essential that the method of admission is just, fair and transparent. The first step in this direction would be publication of a brochure on the basis of which the applicants are supposed to aspire for admission to various institutions keeping in mind their merit and preference of colleges. Brochure, whether information or admission, firstly has to be in conformity with law and the statutory scheme notified by the competent authority. It is a complete and composite document as it deals with the scheme for conducting their entrance examinations, declaration of results, general instructions and method of admission, etc. This brochure is binding on the applicants as well as all the authorities. This brochure or admission notification issued by the State or other competent authority cannot be altered at a subsequent stage particularly once

⁹ 2008 (5) Mh.L.J. 913

the process of admission has begun. There is hardly any exception to this accepted rule of law.

27. The Full Bench of the Punjab and Haryana High Court in the case of Raj Singh vs. Maharshi Dayanand University, 1994 (4) Recent Services Judgments 289, following the earlier Full Bench of the Court in the case of Amardeep Singh Sahota vs. The State of Punjab, etc. (1993-2) Punjab Law Reporter 212, held that the brochure is binding on the applicant as well as the institute and has the force of law.

28. The view of the Full Bench was diluted to some extent by the Supreme Court in the case of Rajiv Kapoor and others vs. State of Haryana and others, AIR 2000 SC 1476, where the Court held that the Government may have the power to issue directions laying down any criteria other than the one contained in the prospectus, but such criteria essentially has to be within the limits and even if the modified criteria envisaged under the earlier order is to be eschewed from consideration, the earlier order providing for criteria and the manner of assessment of merit could not be given a go bye. In other words, the variation of a public notification has to be essentially at the appropriate stage and within the limits prescribed by law.”

24. We would also take note of a decision in case of **United Tribals Association Alliance & anr. vs. State of Goa, through its Chief Secretary & Ors**¹⁰ dealing with a Writ Petition filed as a PIL Writ Petition at the instance of the registered society, whose objective included Protection of Rights of Scheduled Tribes in the State of Goa and the question that question that arose for consideration was in respect of the 15% All India Quota, which would be filled in by the

10 2020 SCC OnLine Bom 938

uniform/qualification(s) applied in the country without reference to the laws of individual States concerning reservations. The undergraduate Medical seats in Goa were originally part of All India Quota and were reverted to the State and the State had made different provisions for allotment of original State quota seats including the reservation of 12% for Scheduled Tribes. Clause 4.37 of the common prospectus for admission provided that seats reverted from All India Quota have to be offered to the General Category students without any reservation.

On being confronted with the said issue, there was diversion of opinion as Justice Dama Seshadri Naidu (as His Lordship, was then), held that the original rule of reservation which apply to the State quota would also apply to seats reverted to the State from All India Quota and must be governed by the States' own stipulation of reservation, which included 12% of reservation for Scheduled Tribes contained in the Notification. On the other hand, Justice M. S. Sonak, arrived at a conclusion that the reverted seat could go by the stipulation in clause 4.37 of the prospectus, the clause being a Law made by the State in exercise of its executive power under Article 162 of the Constitution, just as the Notification dated 07.09.2007.

On account of diversion of views, the matter being referred to the third Judge, Justice S. C. Gupte (as His Lordship then was), on 14.09.2020, found favour with the view expressed by Justice M. S. Sonak, when he considered the fact of clause 4.37 included in the

prospectus providing the manner the seats become available to the State upon reversion from All India Quota. While dealing with the legal sanctity Rule contained in the prospectus, by invoking the expression 'law' used in Article 13, Justice S. C. Gupte, held thus :

“8.Rules of admission by the State, both by Notification of 7 September 2007 and Clause 4.37 of the prospectus, are laws made accordingly by the State in exercise of its executive power under Article 162. They are mandatory and uniformly enforceable. Even otherwise, that is to say, even if they or any of them were to be treated as simple executive orders, they are nevertheless legally binding and cannot be derogated from.

9. I am fortified in this view by a judgment of a Full Bench of our court in the case of Ashwin Prafulla Pimpalwar v. State of Maharashtra. The Full Bench was dealing with the legal character of certain G.Rs issued by the State dealing with admissions to post graduate courses in Government Medical Colleges in the State. These G.Rs. could not be traced to any statute, but were said to have been issued in exercise of the State's power under Article 166. Neither the form nor the formalities attached thereto gave the slightest indication about their being statutory rules. In that context, whilst considering administrative instructions on the one hand and statutory rules on the other, this Court, after referring to various Supreme Court rulings on the issue, held that rules governing admissions to Government Medical Colleges run at public expense can, by no stretch of imagination, be held to be mere guidelines or executive instructions having no statutory force. The court observed that it had been well established that administrative instructions also confer rights or impose duties; the Government was bound to faithfully follow the norms prescribed

in these instructions, even if they were administrative instructions or executive orders.”

25. Though we are not concerned with the issue dealt on merits, we must note that the referral Judge Justice S. C. Gupte while rejecting the contention advanced on behalf of the Petitioner, arrived at a conclusion that it is quite apparent that MCI had made no policy for provisions in its regulations covering medical admissions and when the seats reverted from All India Quota, come to the State, it will be a matter of the State to decide and if the law of the State of Goa provided that reverted seat should go to the General merit candidates and not in the reservation affecting the original State Quota seats, the contention raising a challenge to clause 4.37 of the prospectus was found to be without any merit.

In conclusion, it was held that the State had made Rule of reservation prescribed for State quota seats originally available for State allotment shall not apply to seats reverted from All India Quota, no such seats become available to the State for allotment as it has made a particular law in that regards, namely, clause 4.37 of the prospectus and the conclusion was recorded in paragraph 22 in the following words :

“22. There is, accordingly, no merit in the contention of the Petitioners in so far as their challenge to Clause 4.37 of the prospectus is concerned. Rule of reservation prescribed for State Quota seats originally available to the State for allotment, does not

apply to the seats reverted from All India Quota, though such seats are available to the State for allotment; it has made a particular law in their behalf, namely, Clause 4.37 of the prospectus; and it is that law, valid as it is, which applies to them. I would answer the issue accordingly and dismiss the petition. Let the record be accordingly returned to the Division Bench with this opinion.”

26. The learned Senior Counsel Mr. Kantak, has placed reliance upon the decision of the Punjab and Haryana High Court in **Devbir Singh vs. State of Punjab** (supra), when a new criteria for admitting candidates to the 15% seats reserved for NRI was delayed after the deadline for submission of admission form and the issue that arose for consideration was whether it was permissible.

Reflecting the Schedule for admission to NEET-UG 2024, with the last date of applying for Online admission application form being fixed as 15.08.2024 and for NRI candidates at being fixed at 19.08.2024, when the corrigendum substituting the clause prescribed in the prospectus for determining the criteria for filling up the post in NRI quota was modified and now it permitted the seats of NRI left vacant now permitted to be filled in by the Ward/Nearest relation of NRI instead of seats reverting back to the General category, the Division Bench of Punjab and Haryana High Court, recorded thus :

“X. EXERCISE OF ENABLING POWER AFTER THE LAST /
DATE OF SUBMISSIONS OF THE APPLICATIONS:-BONAFIDE
OR NOT?

3.13 On 20.08.2024, the process of submitting applications had already come to an end wholly. The subsequent amendment amounts to the substitution of a new clause while defining the category of NRI which has resulted in fundamental changes. This amendment has been brought against the observations made by the Court from time to time. In para 17 of a Full Bench judgment in **Amardeep Singh Sihota vs. State of Punjab, 1999(4) R.S.J., 667**, declared that the prospectus cannot be subsequently changed by the Government to the detriment of the students to benefit other students. It is also against the public interest because the paramount consideration while imparting the medical education is to improve the facility of availability of good doctors, so that poor health standards of the country are taken care of. Meritorious doctors are the need of the hour, as they play a crucial role in developing the health of the nation. The substitution of the expanded category of NRI cannot be made applicable to the applications which had already been submitted and the process of admission to the college had reached at an advance stage. Moreover, no plausible explanation has been put forth that explains the necessity to make changes in the policy after the process of admission of students had made substantial progress. The reasons disclosed by the Government in its written statement also do not justify changes made in midstream. It is not appropriate for the Government to take cover of the prospectus issued by the NMC because that prospectus only relates to 15% 'All India quota' seats. The State is well within its power to regulate the reservation of seats with respect to State quota. The regulations made by MCI does not affect the competence of the States to make provisions with respect to reservation.

Reliance in this regard can be placed on the judgment passed by the Constitutional Bench in **Tamilnadu Medical**

Officers Association and others vs. Union of India and others (2021) 6 SCC 568 and **Modern Dental College and Research Centre vs. State of Madhya Pradesh, (2016) 3 CC, 353**. By making changes the underlying principles for admission had been changed after the admission process had commenced which should not be permitted. By the evening of 19.08.2024, the total number of eligible candidates, who had claimed admission through the original NRI category were known. The subsequent change indicates that six(6) private medical colleges in the State may have influenced the process to increase their financial gain. Hence, changes made after the admissions had commenced are not permissible in the eyes of law and principles of natural justice.”

This above view being upheld by the Hon'ble Apex Court, has become a binding precedent.

27. Another decision from the very same High Court in case of **Samarveer Singh vs. State of Punjab** (supra), involve a letter/order dated 11.12.2024, when the respondent no. 4 cancelled the admission of the petitioner on the basis of administrative instructions contained in letter dated 14.09.2025, which declared that the adopted child is not entitled to the benefit of the said reservation.

Pronouncing upon the action of respondent no. 4 in cancelling the admission of the petitioner on the basis of the said instructions, heavy reliance was placed upon the prospectus which highlighted the reservation provided in clause 24, which provided that the said Notification superseded all the Notifications for admission to to

MBBS/BDS courses and therefore a 1995 letter, had no legal effect, the binding effect of a prospectus was underlined by clearly stating that this legal document cannot be sub-planted or undermined by an ante dated administrative letter (1995), which became inoperative only to a specific provision in form of clause 24 contained in the prospectus. The relevant observations of the Division Bench are re-produced below :

“.....The unequivocal conclusion, thus, is that the stipulations contained in the Prospectus have binding force and no deviation can be made therefrom. In other words, the conditions contained in the Prospectus have to be scrupulously adhered to and no party can be extended any latitude to vary them. In other words, "*Rules of Game*" must not be changed once the game has begun, during the course of game or after the game has been played. Such course of action is impermissible in law. Ergo, the plea raised by State of Punjab that reservation criteria/condition as contained in the Prospectus in question is circumscribed by the letter/communication dated 14.09.1995 is misfounded and, hence, calls for rejection.

10. It is not in dispute that the father of the petitioner namely Shri Prabhjeet Singh was adopted by one Shri Boorh Singh in adoption ceremony on 17.07.1986, *qua* which the adoption deed was later on executed on 17.07.1988. The veracity of the said Adoption-deed is not in dispute. Further, the factum of Shri Boorh Singh being a freedom fighter and his progeny being entitled to the benefit of freedom fighter quota is also not in dispute. However, the State of Punjab has proceeded to annul the admission granted to the petitioner, primarily, on the strength of the 1995 letter. This letter/communication stipulates that the children adopted by a freedom fighter shall be accorded the benefit only if such freedom

fighter did not have any biological child. In essence, the cause pleaded by the State of Punjab for cancellation of admission of the petitioner is that, since Shri Boorh Singh had five daughters, therefore, his having adopted the father of the petitioner will not result in any benefit to the father of the petitioner as also the petitioner. The Clause 15(ix) as contained in the Prospectus encapsulating reservation for children/grandchildren of freedom fighters is drafted in clear and unequivocal terms. It explicitly provides for 1% reservation in favour of children/grandchildren of freedom fighters, without drawing any distinction between adopted and biological children/grandchildren. The language of the Clause is unambiguous and leaves no room for interpretative deviation, ensuring that the benefit of reservation is equally extended to all the eligible children/grandchildren of freedom fighters, irrespective of their biological status. This demonstrates the intent to provide uniform reservation without any discrimination between the adopted and biological children/grandchildren.”

28. Another decision of the Punjab and Haryana High Court in the case of **Ibadat Sekhon vs. State of Punjab & Ors.**¹¹, which contained a proposition that it cannot be said with certitude, that under no circumstances, no change whatsoever can be brought about in the admission process and would particularly rely upon the observation in paragraph 8.2 of the said decision, which considered the prerogative to modify the terms in the prospectus and the relevant paragraph reads thus :

“8.2. - A critical analysis of the factual matrix of the case in hand reflects that 10.03.2023 notification came to be initially brought out by the respondent-authorities stipulating therein the

11 CWP-18657-2023 (O&M) decided on 20.02.2025

reservation criteria for sports category seats. Clause 21 of the said notification clearly stipulates that the State Government reserved its right to amend any clause and procedure for admission. Still further, the Note-1 of the Schedule of dates in the Prospectus 2023 encapsulates that any subsequent notification/notice/amendments/corrigendum issued by the Government of Punjab/University will be followed in letter and spirit. To similar effect are the eligibility conditions as enumerated in the Prospectus 2023, which explicitly provide that eligibility of a candidate would be subject to subsequent amendment(s)/corrigendum(s). The respondent-authorities, on the basis of these stipulations, appear to have issued the impugned Corrigendum dated 01.08.2023. Ergo, the extant rules applicable to the admission process in question provide for a change as the one which has been brought in. In the facts of the present case, when the Prospectus unequivocally incorporates a provision permitting amendments to effect necessary changes, then the very exercise of such an expressly sanctioned power could not be construed as a violation of the Prospectus itself. A duly incorporated amendment Clause vests the issuing authority with a prerogative to modify the terms in furtherance of procedural fairness and administrative exigencies. Therefore, any alteration effected within the ambit of this enabling provision cannot be impugned as ultra vires or contrary to the sanctity of the Prospectus, as it operates within the contemplated framework of permissible modifications.”

29. Dealing with the contention that the action of Respondent No.2 in including the persons belonging to Sports quota after the process for admission to the professional courses has begun, and in the words of Mr Kantak, the rules of the game have been changed after the process had begun, he would refer to the decision of the Apex Court in the case

of **Parmender Kumar & Ors. vs. State of Haryana & Ors.**¹², which pertain to admission for the postgraduate medical sources and the prospectus providing the eligibility for reservation would be determined according to the Haryana Government Letter dated 05.12.2008, which provided that a doctor should have '3 years regular service with successful completion of period of probation' and but one day before counselling on the Government website wherein the length of service was changed from 3 to 5 years, and the challenge was raised, and the Apex Court observed thus:

“26. From the facts as disclosed, the only question which emerges for decision in these appeals is whether the State Government had any jurisdiction and/or authority to alter the conditions relating to admission in the postgraduate or diploma courses in the different disciplines in medicine which had earlier been indicated in the Prospectus, once the examination for such admission had been conducted and the results had been declared and a select list had also been prepared on the basis thereof. In other words, once the process of selection had started on the basis of the terms and conditions included in the Prospectus, was it within the competence of the State Government to effect changes in the criterion relating to eligibility for admission, when not only had the process in terms of the Prospectus been started, but also when counselling was to be held on the very next day, which had the effect of eliminating many of the candidates from getting an opportunity of pursuing the postgraduate or diploma courses in the reserved HCMS category.”

12 (2012) 1 SCC 177

30. Mr Sardesai, the learned Senior Counsel has placed reliance upon the decision in the case of **Tej Prakash Patak** (supra), a Constitution Bench decision involving the doctrine prescribing change of Rules midway through recruitment process or after recruitment process and this decision cited by him as it is predicated on Rules against arbitrariness enshrined in Article 14 of the Constitution.

We have carefully gone through the said decision, which pertain to the recruitment process which was initiated with issuance of advertisement, coming to an end with filling up of notified vacancies involving various steps like inviting applications, scrutiny, rejection, elimination of non-eligible candidates, conduct of examination, calling for interview or viva voce and preparation of list of successful candidates for appointment.

The Constitution Bench was called upon to decide the correctness of a decision of the Apex Court in the case of **K. Manjushree vs. State of A. P.**¹³ as it had failed to notice an earlier decision in the case of **State of Haryana vs. Subash Chander Marwaha**¹⁴ as a three Judge Bench while accepting the salutary principle that once the recruitment process commences the State or its instrumentality cannot tinker with the 'rules of game' in so far as the prescription of eligibility

13 (2008) 3 SCC 512

14 (1974) 3 SCC 220

criteria was concerned, posed a question whether it should also apply to the procedure of selection.

Dealing with the submissions advanced in support as well as the strict applicability of the doctrine, 'changing the rules of game after the game is played', the ambit of the procedure for selection was thoroughly determined, the arguments advanced being twofold; one which propounds that after commencement of the recruitment process, the stipulated procedure (i.e., rules of the game) for selection cannot be changed mid-way, or after the game is played, and the other which propounds, that it is permissible to change/alter the stipulated procedure or method for selection to ensure that the most meritorious person, who is suitable for the post, gets appointed.

31. In answering the said issue, the Constitution Bench reflected its findings upon the following issues:

“21. To effectively analyse and adjudicate upon the questions referred, we would divide our discussion into following parts:

21.1. (a) When the recruitment process commences and comes to an end;

21.2. (b) Basis of the doctrine that "rules of the game" must not be changed during the course of the game, or after the game is played;

21.3. (c) Whether the decision in K. Manjusree? is at variance with earlier precedents on the subject;

21.4. (d) Whether the above doctrine applies with equal strictness qua method or procedure for selection as it does qua eligibility criteria;

21.5. (e) Whether procedure for selection stipulated by Act or Rules framed either under the proviso to Article 309¹⁴ of the Constitution or a statute could be given a go-by;

21.6. (f) Whether appointment could be denied by change in the eligibility criteria after the game is played.”

32. The basis of the doctrine was identified as principle of fairness in action requiring the public authorities to be held accountable for their representations. In specific terms, the Apex Court found the basis of the document and pronounced upon the same, as below :

“25. Candidates participating in a recruitment process have legitimate expectation that the process of selection will be fair and non-arbitrary. The basis of doctrine of legitimate expectation in public law is founded on the principles of fairness and non-arbitrariness in government dealings with individuals. It recognises that a public authority's promise or past conduct will give rise to a legitimate expectation. This doctrine is premised on the notion that public authorities, while performing their public duties, ought to honour their promises or past practices. The legitimacy of an expectation can be inferred if it is rooted in law, custom, or established procedure.

26. However, the doctrine of legitimate expectation does not impede or hinder the power of the public authorities to lay down a policy or withdraw it. The public authority has the discretion to exercise the full range of choices available within its executive power. The public authority often has to take into consideration diverse factors, concerns, and interests before arriving at a particular policy decision. The courts are generally cautious in interfering with a bona fide decision of public authorities which denies legitimate expectation provided such a decision is taken in the larger public interest. Thus, public interest serves as a

limitation on the application of the doctrine of legitimate expectation.

27. Courts have to determine whether the public interest is compelling and sufficient to outweigh the legitimate expectation of the claimant. While performing a balancing exercise, courts have to often grapple with the issues of burden and standard of proof required to dislodge the claim of legitimate expectation.”

Referring to the decision in case of **K. Manjushree** (supra) where the recruitment exercise was for selection and appointment for the post of District & Sessions Judge(s), the extant Rules prescribing the eligibility qualifications but being silent on the procedure for selection which was therefore to be decided by the High Court for every selection as and when the vacancies are notified.

Upon the vacancies being notified, the Administrative Committee of the High Court resolved to conduct the written examination for 75 marks and interview for 25 marks. The merit list was prepared on the basis of marks obtained in written examination out of 100 and marks secured in interview out of 25 i.e. total out of 125. By adopting the said procedure, the list of candidates was prepared and the Administrative Committee approved the selection of 10 candidates as per the merit and reservation. However, the Court did not approve the select list and a Committee of Judges was constituted for preparing a fresh list which recommended that in case of 100 marks for written examination and 25

for interview, the candidate should be evaluated on 75 marks for written examination and 25 marks for interview.

The Committee also recommended the minimum pass percentage to be applied for the written examination to determine the eligibility of candidates for appearance in interview and those who fail to secure minimum marks in that interview shall be considered to have failed.

The two candidates whose name were found in the first list but who got excluded in the second list filed Writ Petitions claiming that High Court's decision to prepare select list by prescribing minimum qualifying marks for interview were arbitrary and illegal. The Petitions were dismissed by the High Court and the Apex Court while granting leave and allowing the appeal of the writ petitioners held that the High Court, though was correct in scaling down the marks of the written examination from 100 to 75, it was not justified in directing that only those candidates would be placed in merit list who obtained such minimum marks in the interview as was specified by the Committee.

The relevant observation involving the 'rules of game' is to be found in paragraph 33 of the said decision :

“ 33. ... We may clarify that prescription of minimum marks for any interview is not illegal. We have no doubt that the authority making rules regulating the selection, can prescribe by rules, the minimum marks both for written examination and interviews, or prescribe minimum marks for written examination but not for

interview, or may not prescribe any minimum marks for either written examination or interview. Where the rules do not prescribe any procedure, the Selection Committee may also prescribe the minimum marks, as stated above. But if the Selection Committee wants to prescribe minimum marks for interview, it should do so before the commencement of selection process. If the Selection Committee prescribed minimum marks only for the written examination, before the commencement of selection process, it cannot either during the selection process or after the selection process, add an additional requirement that the candidates should also secure minimum marks in the interview. What we have found to be illegal, is changing the criteria after completion of the selection process, when the entire selection proceeded on the basis that there will be no minimum marks for the interview." (emphasis supplied)"

Recording that the ratio in **K. Manjushree** (supra), that the criteria for selection is not to be changed after the completion of the selection process, though in absence of rules to the contrary, the selection committee may fix minimum marks either for written examination or for interview but if such marks are to be fixed, it must be done before the commencement of the selection process.

The principle laid down in **K. Manjushree** (supra) was crystallized in **Tej Prakash Pathak** (supra) in the following words:

“36. What is important in K. Manjusree is that the minimum marks for the interview was fixed after the interviews were over. In that context, it was observed:

(a) that the game was played under the rule that there was no minimum marks for the interview, therefore introduction of the requirement of minimum marks for

interview, after the entire selection process consisting of written examination and interview was completed, would amount to changing the rules of the game after the game was played; and

(b) if the interviewers had to proceed on the basis that there were minimum marks to be secured in the interview for being considered for selection and that the marks awarded by them would have the effect of barring or ousting any candidate from being considered for selection, the awarding of marks might have been markedly different.

The above observation (b) lends credence, to the submission made before us that a change in the eligibility cut off, after evaluation is done, denies the evaluator an opportunity to modulate the marks for placing the candidate in a category to which he/she, in the view of the evaluator, is entitled to be placed.”

33. As far as decision in **Subash Chander Marwaha** (supra) is concerned, it laid down the proposition of law that the mere fact that the candidate's name appeared in the list will not entitle him to a mandamus that he be appointed and if the State Government while making the selection for appointment has departed from the ranking given in the list, there would have to be a legitimate grievance on the ground that the State Government had departed from the rules in this respect.

The Constitution Bench while dealing with the decision in **Subash Chander Marwaha** (supra) recorded that the said decision would disclose that there would be no change in the rules qua the eligibility of the list, as the list was in extant rules, which did not create

an obligation on part of the Government to make appointments against all notified vacancies and the Court had opined that the State to take a policy decision not to appoint candidates who have secured minimum 55% marks. On the other hand, it was noted that in **K. Manjushree** (supra), the eligibility criteria for placement in the select list was changed after interviews were held which had a material bearing on the select list and it was noted that the ratios flowing from the the two decisions were distinct as **Subash Chander Marwaha** (supra) dealt with the right to be appointed from the select list whereas **K. Manjushree** (supra) dealt with the right to be placed in the select list and therefore there were completely two different issues. The principle emerging and the conclusion drawn is specifically mentioned in paragraph 52 and 53 of the decision which read thus:

“52. Thus, in our view, the appointing authority/recruiting authority/ competent authority, in absence of rules to the contrary, can devise a procedure for selection of a candidate suitable to the post and while doing so it may also set benchmarks for different stages of the recruitment process including written examination and interview. However, if any such benchmark is set, the same should be stipulated before the commencement of the recruitment process. But if the extant Rules or the advertisement inviting applications empower the competent authority to set benchmarks at different stages of the recruitment process, then such benchmarks may be set any time before that stage is reached so that neither the candidate nor the evaluator/examiner/interviewer is taken by surprise.

53. The decision in K. Manjusree does not proscribe setting of benchmarks for various stages of the recruitment process but mandates that it should not be set after the stage is over, in other words after the game has already been played. This view is in consonance with the rule against arbitrariness enshrined in Article 14 of the Constitution and meets the legitimate expectation of the candidates as also the requirement of transparency in recruitment to public services and thereby obviates malpractices in preparation of select list.”

34. The conclusion drawn by the Constitution Bench clearly record thus:

“65 – We, therefore, answer the reference in the following terms :

...

65.5. Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However, where the rules are non-existent, or silent, administrative instructions may fill in the gaps;

65.6 - Placement in the select list gives no indefeasible right to appointment. The State or its instrumentality for bona fide reasons may choose not to fill up the vacancies. However, if vacancies exist, the State or its instrumentality cannot arbitrarily deny appointment to a person within the zone of consideration in the select list.

35. Applying the aforesaid ratio, it is evident that if the prospectus prescribing the procedure for filling seats in professional courses is considered to be law, it also prescribe the eligibility criteria as well as the reservation of the seats, we do not deem it permissible to allow change in the rules, as what is sought to be done by the impugned publication is, instead of the unfilled seats from reserved category being reverted to open category, they are being diverted to the persons from Sports quota, which nowhere find a mention in the prospectus

and for the first time, such a quota is created, carving out the seats only for the persons fulfilling the eligibility criteria specified in the notice and that by permitting applications to be invited between 01.08.2025 to 14.08.2025, much after the date of filing of the applications and its scrutiny is over i.e. much after the cut-off date and even after the date when the counselling had commenced.

36. Another decision on which reliance is placed by Mr Sardesai is the decision in case of **Neil Aurelio Nunes** (supra), where the question that arose for consideration was with regards to provision for reservation within the All India quota seats and, reservation for OBC (non-creamy layer) and holding that the reservation for OBC candidates in AIQ in UG and PG medical and dental courses is constitutionally valid as Article 15(4) and Article 15(5) are not exception to Article 15(1), which itself set out the principles of substantive equality and had become a restatement of a particular passage of rule of substantive equality set out in Article 15(1).

The observations in the said decision, focus upon the fact that merit cannot be reduced to narrow definitions of performance in an open competitive examination which only provides formal equality of opportunity and that competitive examinations assess basic current occupancy to allocate educational resources but are not reflective of excellence, capabilities and potential of an individual which are also

shaped by lived experiences, subsequent training individual character. It is also observed that high scores in an examination are not proxy for merit as merit should be socially contextualized and re-conceptualized as an instrument that advances social groups like equally that we as society value.

With the aforesaid observations, it was noted that the scheme of AIQ was devised to allot seats from medical and Dental Institutions from which the students of country would compete and despite observations in **Pradeep Jain & Ors. vs. Union of India**¹⁵, that the AIQ seats must be filled with merit, it was not held that reservation in AIQ seats is impermissible. In any case what is relevant to note is that i.e. in paragraph 85.8 of the decision, it was observed thus :

“85.8 - Clause 11 of the Information Bulletin specifies that the reservation applicable to NEET-PG would be notified by the counselling authority before the beginning of the counselling process. Therefore, the candidates while applying for NEET-PG are not provided any information on the distribution of seat matrix. Such information is provided by the counselling authority only before the counselling session is to begin. It thus cannot be argued that the rules of the game were set when the registration for the examination closed.”

37. In our considered opinion, we agree with Mr. Sardesai in his submission that merit do not only mean the score in the written examination or interview and merit would be subjective, as it has to be

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tested qua with candidates from a particular strata/class and when we talk of merit, the merit for SC and ST may differ from the merit of OBC category which is again different from merit of open category. We also have acknowledged the achievements of the Petitioner Pearl Milind Colvakar in the Civil Application filed by Mr. Sardesai seeking intervention and we have no difficulty in accepting the proposition advanced by the learned Advocate General that State is competent to introduce reservation of certain number of seats in the professional courses by an executive fiat and in fact the State of Goa has also formulated a policy to that effect long back in the year 2009 but the question before us is about the stage at which the policy has to be implemented. The prospectus for professional courses is published by Respondent no. 2 inviting the applications for admission to the first year to professional courses including MBBS and BDS and this definitely happened before the NEET examination was conducted in March/April of 2025 and an impression was given that the entire admission process would be conducted in accordance with the said prospectus/Rules.

Cut off dates were prescribed for filling up of the applications and even the merit list by applying the criteria prescribed in the Rules was published on 30.07.2025. The first round for counselling was scheduled on 01.08.2025 which was postponed to 05.08.2025 but in the meantime, a new category of sports quota has been introduced and

this has disturbed the legitimate expectation of those who had participated in the process, including the Petitioner, who could not make up to the seat for MBBS and BDS, as a candidate from General category but his hopes remained alive when the Freedom Fighters' Category did not fetch any candidate and as per the prospectus, the seat ought to be treated as unreserved, thereby reverting it to candidate from General category and the Petitioner stand a chance to occupy the said seat but instead by issuing the Notification, the reversion of the seat to the General Category is diverted to the Sports quota, which in fact was not a reservation provided. Had it been a case that the Sports quota reservation was already indicated in the prospectus, we must make it clear that we would not have interfered as it was for the State Authority to determine in whose favour the reservation would lie or upon a candidate from particular category not being available, the seat shall go to which category.

However, we do not find that the State has provided any quota for Sport category person and though we need not doubt the bonafides of the State Government in reserving a number of seats for persons belonging to Sports background so as to compensate them for the laurels which they have brought for the nation by participating in various sports events and at times at the costs of the studies and therefore they failed to acquire the necessary merit which would have otherwise entitled them for a seat in the professional courses.

38. By no stretch of imagination, do we doubt the permissibility of the State to provide such reservation and even by executive fiat but we are surprised by the method that is adopted by the State Government that despite the declaring the Sports Policy in the year 2009, all these years the State Government did not try to implement the same by providing reservation in the MBBS/BDS courses for so long and all of a sudden, a halfhearted exercise is being taken as we see that instead of providing a quota for three percent, out of the three seats that become available on non-filling of the seats from FFs category, two of them have decided to be filled in by the persons belonging to Sports category.

This according to us, amounts to changing the Rule of the Game which we do not permit as we note that the issue is not whether the Petitioner become eligible for the post or not but we are determining the issue from a larger point as to whether the midway change in the method of filling the seats can be accepted and permitted.

We do not agree with the submission of Mr. Sardesai that only if the eligibility criteria was changed, the doctrine would apply and not that the seat matrix has undergone a change. It is a legitimate expectation for every participant in the process who has applied pursuant to the prospectus and has strictly followed the instructions in the prospectus, which is binding upon the students as well as the authority conducting the admission process, we do not take it rightly and for this reason, we are not inclined to permit implementation of the

Notification issued by the State Government permitting the eligible meritorious Sports person filing their application, for being considered for admission for 'Sports quota' as this quota is not a part of the prospectus and visa viz a General Category candidate, it cannot stand in absence of it being a part of the selection process for admission to MBBS/BDS. As we have already made it clear that we are not concerned that the Petitioner takes the seat which falls in the open category but we are not satisfied with the manner in which the Respondent no. 2 has permitted the entry of Sports quota in an halfhearted manner, that too at a stage when the merit list is already displayed and the process is at the stage of counselling and permitting consideration of such candidature, would result in changing the rules of the game, after the game has begun.

Though we leave it to the State Government to consider as to how the Sports persons, who have received applaud for their achievements shall be brought into the main stream of education and this may be done by providing some reservation but with a rider, that it must be a part of the prospectus with sufficient notice to all concerned and shall not be eleventh hour affair.

39. For the discussion as aforesaid, we are satisfied that the conversion of two seats falling vacant from the Freedom Fighters Category into Sports quota, when the admission process has already commenced, cannot be sustained as it is in contradiction of the

prevalent norm that Rules of game cannot be changed once the game has begun and we find the said decision introduced midway to the admission process to be arbitrary. As we have not pronounced upon the entitlement of the State to introduce Sports quota in the admission to the professional degree courses, we leave the issue open for consideration as and when the Government introduces such a policy in the prospectus, since inception of the admission process to be conducted.

In the result, Writ Petition is made absolute in above terms, by quashing the impugned Notification.

The Misc. Civil Applications seeking intervention in the Writ Petition are accordingly disposed off.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.

40. At this stage, on pronouncement of the Judgment, the learned Counsel for the Intervenor makes a request to stay the judgment, which we refuse since we have already held that the introduction of the Sports quota in the midway is not sustainable.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.