

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.6175 of 2026

Decided on: 11.08.2026

Master Advik Thakur

.....**Petitioner**

Versus

Union of India & Ors.

....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹ Yes

For the Petitioner: Mr. Prem P.Chauhan, Advocate
(through V.C.), Ms. Shikha Rajta and
Ms. Ayushi Sharma, Advocates.

For the Respondents: Mr. Balram Sharma, Deputy Solicitor
General of India with Mr. Rajiv
Sharma, Advocate.

Jyotsna Rewal Dua, Judge

Petitioner challenges the actions of the respondent-Sainik School Society and the National Testing Agency in allegedly opening, post-examination, post-result and post-medical fitness tests, multiple correction windows that allowed the candidates to alter their previously filled in particulars including applied for categories. Petitioner's grievance is that this dynamic and continuous shifting

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

altered the merit list to his prejudice and obliterated his name from the list of successful candidates in the merit list for admission to Class VI in respondent No.4-Sainik School Sujanpur Tihra, District Hamirpur.

2. The case

2(i) Respondents issued public notice on 10.10.2025, inviting online applications for All India Sainik Schools Entrance Examination (AISSEE) 2026 for admission to Class VI. As per the public notice, corrections in particulars could be carried out from 02.11.2025 to 04.11.2025. The test was to be scheduled in the month of January 2026.

2(ii) Petitioner also participated in the selection process. Admit card was issued to him on 12.01.2026. Entrance examination was conducted on 18.01.2026. The results were declared on 27.02.2026. Petitioner scored 256 out of 300 marks.

It is not in dispute that total 17 seats were to be filled up in respondent No.4- school from general category (Home-Unreserved) , on the basis of merit of the aforesaid entrance test subject to qualifying medical fitness test. Petitioner's case is that he was placed at 15th rank in the home domicile (Sainik School Sujanpur Tihra) in the

general category (Home–Unreserved). Despite being at 15th rank, petitioner could not secure admission in respondent No. 4- school.

2(iii) Petitioner instituted this writ petition on 21.04.2026 with the grievance that respondents had illegally opened multiple correction windows after the entrance exam was conducted. According to the petitioner, first correction window ran from 22.01.2026 to 21.02.2026; Second such window ran from 21.02.2026 to 28.02.2026. These windows allowed changes to the fundamental criteria, including changes to applied for category, gender as also domicile. Petitioner's further allegation is that third correction window was opened by respondents on 28.02.2026 from 10:00 a.m. to 11:50 p.m.. This window was opened after declaration of the result of the entrance test when even rankings were visible to all the candidates. During this third correction window, candidates were allowed to shift from applied for category to the general category, which resulted in pushing down petitioner's rank. Despite this, petitioner was called for & he underwent the medical examination on 23.03.2026 and was declared medically fit. Petitioner further alleges opening of fourth correction window by the respondents after the conduct of

medical tests w.e.f. 30.03.2026 till 01.04.2026. According to the petitioner, during this window, more candidates changed their applied for category to the general category (Home-Unreserved).

2(iv) Submission made for the petitioner is that as a direct result of these post-exam, post-result and post medical fitness test, category changes allowed by the respondents by opening multiple correction windows, petitioner's rank slipped from 15th to 23rd in the merit list of general category (Home-Unreserved). He was accordingly shunted out from the admission process. Learned counsel for the petitioner submitted that such recourse followed by the respondents is contrary to the Standard Operating Procedure framed by the respondents, contrary to the prescribed norms of the respondents and is also not in conformity with the well-settled legal doctrine that rules of game cannot be changed midway.

2(v) The respondents in their reply have halfheartedly refuted petitioner's assertion that he was placed at serial No. 15 in the merit list as prepared initially. According to the respondents, such rank of the petitioner, if any, was only provisional in nature. According to the respondents, initial period of 30 days from

22.01.2026 to 21.02.2026 was provided to all candidates for registration on the counselling portal. This also included the correction window. Since, the National Testing Agency had not declared the result by 21.02.2026, an extension window was granted till 28.02.2026 up to 10.00 hours. This was done in order to facilitate candidates to undertake their mandatory registration on the AISSEE counselling portal. The National Testing Agency declared the result on 27.02.2026 at approximately 18.00 hours. This left restricted time window for candidates to register on the counselling portal. Therefore, in a child-centric and equitable approach, extension window was further granted till 23:50 hours on 28.02.2026 to ensure that no eligible candidate was deprived of participation in the counselling process.

It has been emphatically pleaded by the respondents that since correction window had already been provided during the initial period of 38 days (w.e.f. 22.01.2026 to 28.02.2026), the extension of correction facility was made available only to such candidates who had registered afresh during the extended period. Re-editing or modification of credentials was not permitted to those candidates who had completed their registration

earlier. The correction windows granted by the respondents were intrinsically linked with the registration process.

Despite above pleaded stand, the respondents have simultaneously also admitted opening yet another registration and correction window with effect from 5.00 hours on 30.03.2026 to 23.50 hours on 01.04.2026. According to the respondents, this extension window was opened strictly in accordance with an order passed by the Hon'ble Delhi High Court on 27.03.2026 in WP(C) No. 3469/2026. (*Nishant Garoliya Vs. Sainik School Society and Anr.*) Under the aforesaid final extension window, registration and correction chance was given to the candidates 'Pan India'.

The stand of the respondents is that correction windows were not irregular or arbitrary, but were integrally linked with the registration process for counselling and were provided in accordance with applicable instructions released for the candidates on counselling portal. They were also in conformance to the orders of the Hon'ble Delhi High Court in *Nishant Garoliya*.

3 During hearing of this writ petition from time to time, learned counsel on both sides have placed on record further instructions having bearing on the subject matter.

4 Consideration

4(i) A Candidate could have applied for admission to respondent No.4 -school under different categories depending upon the eligibility for different seats earmarked for such categories. It is not in dispute that 17 seats in Class VI in the respondent No.4-school were to be filled in from General Category (Home-Unreserved). Petitioner had applied under this category.

4(ii) The respondents are admittedly governed by 'Standard Operating Procedure (SOP) for All India Sainik Schools Admission Counselling (AISSAC-2026)' for effecting admissions. Clause 19 thereof gives an insight to the category tags of candidates eligible in different categories. 19.1 pertains to Home Unreserved. Under this category, candidates belonging to Home General, Home OBC, Home SC, and Home ST categories are eligible. Clause 19.5 pertains to Home Defense category. Candidates falling under Home Defense are eligible to apply under this category. It is also an admitted position that Home Unreserved is a different Category from Home Defense.

As per para 4 of the SOP, 'admission is based upon performance of candidates in the entrance examination. The admission of candidates will be carried

out on the basis of e-counselling as per rank secured by the candidates in the school-wise, gender-wise, category-wise merit list of the examination, from medical fitness approved by the competent medical authorities, verification of original documents and payment of fee'. The clause is as under:-

“4. All India Sainik School Entrance Examination (AISSEE). Admission is based on the performance of candidates in the All-India Sainik Schools Entrance Examination (AISSEE). The admission of candidates will be carried out on the basis of e-counselling as per rank secured by the candidates in the school wise, gender wise, category wise (Home State and Outside State) Merit List of AISSEE-2026, medical fitness approved by competent medical authorities, verification of original documents and payment of school fees.”

Clause 32 of the SOP pertains to conduct of medicals. As per Clause 32.6 thereof, “a candidate who is declared medically unfit or who remains absent for the medical examination, shall not be eligible for counselling or admission to Sainik Schools.”

4(iii) The respondents have also notified ‘Amplifying Instructions Admission Counselling Procedure At Sainik Schools and New Sainik Schools’. Clause 1 thereof pertains to registration of candidates and Clause 2 is about

verification of details and correction window. Being relevant, these clauses are extracted herein below:-

*“AMPLIFYING INSTRUCTIONS ADMISSION COUNSELLING
PROCEDURE
AT SAINIK SCHOOLS & NEW SAINIK SCHOOLS*

REGISTRATION OF CANDIDATES

1. Registration on the All-India Sainik Schools Admission Counselling (AISSAC) portal shall be undertaken by candidates as a one-time mandatory activity. This requirement applies to all candidates who have registered for All- India Sainik Schools Entrance Examination (AISSEE)-2026.

1.1 The portal for registration of candidates for AISSAC-2026 is <https://pesa.ncog.gov.in/sainikschoolecounselling>.

1.2 Action by candidates for registration.

1.2.1 AISSEE-2026 Application Number is to be entered on the portal. Hence, AISSEE-2026 candidates are advised to keep their admit card handy, before the start of the registration process.

1.2.2 One Time Password (OTP) will be sent on the mobile number/ email ID registered during AISSEE-2026 registration on the NTA portal.

1.2.3 After entering OTP, Candidates will also be required to set their password. Thereafter, candidates need to log in with their application number as their User ID and enter the password set by them.

1.2.4 Upon successful login, the candidate's details will automatically be fetched from the database of AISSEE-2026 registration.

1.2.5 Candidates will be asked to re-confirm the details. Only after confirmation of details, the candidates' registration will be considered successful.

1.2.6 Candidates not registering on AISSAC-2026 portal, will not be considered for the allocation of seats in any of the schools.

1.2.7 Registration on the online portal is free of cost, i.e. candidates are NOT required to pay any fee.

VERIFICATION OF DETAILS & CORRECTION WINDOW

2. A correction window was provided during the registration process for AISSEE- 2026 to allow candidates to amend certain details by NTA.

2.1 Candidates are advised to carefully verify their personal details while completing their registration on the AISSAC-2026 portal.

2.2 During registration on the AISSAC-2026 portal, candidates will be provided with a one-time opportunity to correct specific information such as domicile state, gender, and category.

2.3 Once a candidate has corrected their details, such corrections shall be final and irrevocable. No request for any further change shall be entertained at any stage under any circumstances.

2.4 However, personal details including the candidate's name, father's, mother's or guardian's name and date of birth cannot be altered during the correction window on AISSAC-2026 portal."

As per Clause 1.2.6, candidates having not registered on AISSAC-2026 Portal were not to be considered for the allocation of seats in any of the schools. As per Clause 2 correction window was made available during registration process for AISSEE-2026 to allow candidates to amend certain details by the National Testing Agency. During registration on AISSAC-2026 Portal, candidates were to be provided with one-time opportunity to correct specific information such as domicile State, gender, and category. In terms of Clause 2.3, once a candidate had corrected his details, such correction would be final and irrevocable. No request for any further change was to be entertained at any stage under any circumstances.

4(iv) During hearing of the case, it was not disputed that after registration for the purpose of e-counselling, the candidate was to be allowed only one opportunity for correcting his details. After such correction, the same was to be treated as final and irrevocable. No request for any further change could have been entertained by the respondents under any circumstances.

4(v) Even if the opening of multiple correction windows by the respondents up to 28.02.2026 is to be ignored, then also no justification has come forth from the respondents for opening the correction window not just post declaration of result, but also post conduct of medical examination. This specific window was opened with effect from 30.03.2026 to 01.04.2026. It is in this window that certain candidates namely, Akshaj Sharma, Ajitesh Sharma, Arnav Jaswal and Shaurya Chauhan, who had already registered, who had not been left behind from registration, who had already exercised their rights of registration for e-counselling and had already furnished their category, gender and domicile details were allowed to shift their category. These candidates, who had by that time (30.03.2026 to 01.04.2026) the opportunity to go through the results/ marks scored by all the candidates category

wise, were permitted to change their erstwhile opted categories and in the process they shifted to the unreserved Home General Category, thereby pushing the rank of the petitioner down in the merit list (23rd rank), as these candidates had more marks than the petitioner. These facts have been fairly admitted by learned Deputy Solicitor General of India. The merit list prepared by the respondents as placed on record during hearing of the case by the learned Deputy Solicitor General of India is as under, wherein names of above four students figure at serial numbers 5,7,13 and 14 and name of petitioner at Sr. No. 23:-

S.N.	Class	Roll	App no	C. Nam.	F. name	M. name	AI rank	Total marks	Final domicile
1	Class VI	3804016105	261810017779	Kavesh Vats	Puneet Sharma	Babli Sharma	950	275	H.P.
2	Class VI	1403016077	261810016490	Tanish Kapoor	Maan Singh	Neelam Kapoor	1547	271	HP
3	Class VI	1409016045	261810071767	Agrim Thakur	Anil Kumar	Anjna Kumari	1924	270	HP
4	Class VI	2401016131	261810096664	Arjun Vashist	Sunil Kumar	Bandana Sharma	2048	269	HP
5	Class VI	2001026219	261810000493	Akshaj Sharma	Ashish Sharma	Seema Kumari	2762	266	HP
6	Class VI	2404016339	261810046877	Aaryan Rana	Jagat Pal	Rekah Devi	2793	266	HP
7	Class VI	2403026247	261810011158	Ajitesh Sharma	Anil Kumar	Sarika Kumari	2857	265	HP
8	Class VI	2403016364	261810011014	Akshad Kapoor	Rajesh Kumar	Madhu Devi	2868	265	HP
9	Class VI	2407026089	261810107659	Rajveer Thakur	Madan Lal	Veena Devi	3432	263	HP
10	Class VI	2409016037	261810011432	Lakshit Kanwar	Ranvir Singh	Savita Kumari	3505	263	HP
11	Class VI	2403026395	261810132489	Priyansh Kaundal	Ajay Koundal	Meenakshi Sharma	3556	263	HP
12	Class VI	2407026113	261810048789	Ayush Patial	Anil Patial	Nisha Rana	3604	262	HP
13	Class VI	2407016002	261810009100	Arnav Jaswal	Amit Kumar Verma	Rashi Verma	3832	262	HP
14	Class VI	2407016427	261810153584	Shaurya Chauhan	Lakhan Pal	Anu Radha	4033	261	HP
15	Class VI	2701026437	261810087815	Aarish Pathania	Abhishek Pathania	Nindiya Parmar	4985	261	HP
16	Class VI	2409016057	261810000533	Kush Chandel	Sanju	Reena Devi	4099	261	HP
17	Class VI	2401016227	261810192068	Sidhant Shukla	Raj Kumar	Kalpana Sharma	4777	258	HP

					Shukla				
18	Class VI	3804016098	261810092058	Priyansh Sehgal	Anshul Sehgal	Priyanka Soni	4891	258	HP
19	Class VI	2402016005	261810081940	Raghav Thakur	Dalip Kumar	Meena Kumari	4921	258	HP
20	Class VI	2404016163	261810003643	Priyansh Kumar Thakur	Rishi Thakur	Anita Kumari	4965	258	HP
21	Class VI	2401016192	261810218407	Ritvik Sharma	Vijay Sharma	Rekha Sharma	5184	257	HP
22	Class VI	2404016045	261810088790	Advik Thakur	Ravinder Thakur	Shivani Thakur	5249	257	HP
23	Class VI	2403016417	261810066764	Advik Thakur	Abhinav Thakur	Jyoti Guleria	5604	256	HP

The respondents have justified their action of opening the correction window from 30.03.2026 to 01.04.2026 on the ground that this was done on the basis of the judgment passed by Delhi High Court, in *Nishant Garoliya (minor) through natural guardian/father versus Sainik School Society and another*, W.P.(C) 3469/2026 decided on 27.03.2026 (Annexure R-2). The grievance in the aforesaid case was that the petitioner, therein, had been left out from registration and consequent participation in the counselling process for admission to Class VI for academic session 2026. It was the case of the petitioner therein that due to lack of awareness and the counselling schedule being effectively disconnected from the result declaration, the petitioner could not register before the closure of registration at 10.00 hours on 28.03.2026. During the pendency of the aforesaid petition, the respondents on their own came up with a public notice dated 27.03.2026, extending the registration window from 05:00 hours on

30.03.2026 till 23:50 hours on 01.04.2026. The three-days' extension was professed as the final opportunity for the qualified candidates who missed completing their registration within the allotted time to complete the mandatory required formalities, that is registration, correction and choice filling of schools on the portal. Even assuming the aforesaid extension of registration window to such candidates, who had missed completing their registrations within the allotted time to be a genuine and bona fide attempt of the respondents in child-centric approach, there was no justification for the respondents in extending the same facility to those candidates who stood already registered and availed/not availed the multiple correction windows which were provided to them previously. Admittedly neither there was any such direction of Hon'ble Delhi High Court to the respondents nor any such candidate was before the Hon'ble Delhi High Court desiring change in the applied for category after having already registered on portal and exercised his discretion for change of category provided during multiple correction windows already made available to him. The public notice dated 27.03.2026 being relevant is extracted herein below:-

*“ALL INDIA SAINIK SCHOOLS ADMISSION COUNSELLING
(AISSAC) - 2026
PUBLIC NOTICE FOR EXTENSION OF REGISTRATION WINDOW
27 MAR 26 (FRIDAY)*

- 1. In view of WP(C) 3469/2026, the registration window on the AISSAC portal, including the correction window and choice filling of schools. will be re-opened 03 days. This provides an opportunity for AISSEE-2026 qualified candidates who due to unforeseen circumstances, were unable to complete their registration by 28 Feb 26, to now complete all mandatory required formalities (i.e. registration, correction & choice filling of schools) on the portal.*
- 2. The extended window will start at 05:00 hrs on 30 Mar 26 (Monday) and close at 23:50 hrs on 01 Apr 26 (Wednesday) to complete all mandatory required formalities (i.e. registration. correction & choice filling of schools) on the portal. This extension has been issued towards AISSEE-2026 qualified candidates who missed the earlier registration period of 38 Days from 22 Jan to 28 Feb 26, as a one-time measure only, in a child-centric approach to facilitate the academic aspirations of the candidates, and should not be treated as a precedent.*
- 3. This 03-day extension is the final opportunity for qualified candidates who missed completing their registration within the allotted time to complete all mandatory required formalities (i.e. registration, correction and choice filling of schools) on the portal. No further extension s will be granted. Medical examination for these candidates will be conducted, provided their candidature figures in the merit list during the online rounds of counselling which is subject to inter se merit.*
- 4. Admissions of Sainik Schools and New Sainik Schools will be conducted strictly on the basis of inter-se-merit of qualified candidates, taking into account*

category-wise, gender-wise, and domicile-wise vacancies at each school, to ensure a fair and transparent selection process.

5. This notice is for the information of general public.

-Sd-

(Sainik Schools Society)

Note:

INFORMATION FOR QUALIFIED AND REGISTERED CANDIDATES

1. Qualified candidates who have already registered on the portal need not register again.

However, during the extended window of three days w.e.f. 05:00 hrs on 30 Mar 26 (Monday) till 23:50 hrs on 01 Apr 26 (Wednesday), they can correct or update the following: -

1.1 Corrections to their domicile, category, or gender.

1.2 Update their priority of schools/ choice of schools.”

The contention of the respondents that benefit of public notice dated 27.03.2026 was given PAN-India will not justify the illegality of the such public notice. No such order from the Hon'ble Delhi High Court has been placed on record, directing the respondents to give such opportunity to already registered candidates. At the sake of brevity, it may again be noticed that the petitioner before the Hon'ble Delhi High Court was the candidate who had missed out on his registration. Instead of confining the opening of window either to the petitioner therein or to similarly situated candidates like the petitioner therein, the respondents of

their own accord opened the extension window for correction of domicile, category or gender to all such candidates who had already exercised their rights under the applicable SOPs/ guidelines/ applicable norms/ instructions. The consequence of this was a de novo roller coaster ride wherein after actually visualizing the result, four candidates named above, who otherwise had applied in Home Defense category and could not have changed their applied for categories, availed the chance given to them under public notice dated 27.03.2026 and were allowed to migrate to Home General category. It is in this process that petitioner's rank has gone down. This is evidently in breach of well settled legal principle that rules of game cannot be permitted to be changed during middle of the game (***Reference:-Tej Prakash Pathak and others Vs. Rajasthan High Court and others***²)

It is an admitted position that in case merit list is prepared by excluding the four candidates named above, who were wrongly allowed shifting of their category from Home Defense to Home General, in such eventuality, the petitioner will figure at serial number 19 of the merit list of Home General. It has also been admitted during

² (2025)2 SCC 1

hearing of the case by the learned Deputy Solicitor General of India that out of 19 remaining candidates, two candidates in the merit list, namely Aarish Pathania at Sr. No.15 and Siddhant Shukla figuring at Sr. No.17 did not undergo medical test. These two candidates, therefore, are liable to be removed from the merit list. In such situation, in view of the applicable provisions of the SOP, the petitioner would figure at serial number 17 of the merit list or in other words, he would be eligible for admission to Class VI in respondent No. 4- school. Had the respondents not committed the illegality of allowing the already registered candidates to carry out corrections in their categories pursuant to wrongly issued public notice dated 27.03.2026, petitioners would have made it to the list of successful candidates. In the given facts, it has to be held that respondents had changed the rules of game midway. Such illegal act caused prejudice to the petitioner as undue and illegal advantage was drawn by the four candidates named above. However, at this stage, keeping in view that public notice dated 27.03.2026 was issued by the respondent 'Pan India' and any order passed in that regard, at this stage, may affect the selection process carried out by the respondent 'Pan India', also keeping in

view the fact that the other candidates who have been permitted to change their categories pursuant to the aforesaid notice dated 27.03.2026, have already commenced their studies, it is neither deemed appropriate to implead them as parties to this writ petition nor to affect their admission.

Learned counsel for the parties have pointed out Clause 27 of the SOP of the respondents which enables the respondents to create supernumerary seats though in somewhat different context. The clause reads as under: -

“27. In the event that there are fewer number of seats available under a particular category in a school, than the number of candidates with the same category-wise rank seeking admission to the same school, then all those candidates will be offered seats by creating a requisite number of supernumerary seats after exhausting inter-se-merit of candidates as per Para 13.8 of AISSEE-2026 Information Bulletin issued by NTA.”

In the interest of justice, in the instant case, in view of facts and circumstances, it is deemed appropriate to direct respondents to create supernumerary seat for the petitioner for his admission to Class VI in respondent No.4 School. This exercise be completed within one week. List

for compliance on 21.08.2026. The writ petition to stand disposed of accordingly.

Pending miscellaneous application(s), if any, also to stand disposed of.

August 11, 2026
R.Atal

Jyotsna Rewal Dua
Judge