



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 8 of 2026

Date of Hearing: 05.06.2026

Date of Decision: 28.07.2026

Shri. Vaskar Shil
S/o Shri. Mohan Basi Shil

:::Petitioner

-Vs-

1.The Union of India
Through Ministry of AYUSH
Ayush Bhawan, B Block, GPO Complex
INA, New Delhi – 110023

2.The National Commission for Homeopathy
Through its Secretary
C/o Jawaharlal Nehru Bhartiya Chikitsa
Avum Homeopathy Anusandhan Bhavan,
No. 61-65 Institutional Area, Opp. D. Block
Janakpuri, New Delhi – 110058

3.The Homeopathy Education Board,
Through its President
C/o Jawaharlal Nehru Bhartiya Chikitsa
Avum Homeopathy Anusandhan Bhavan,
No. 61-65 Institutional Area, Opp. D. Block
Janakpuri, New Delhi – 110058

4.The Ayush Admissions Central Counselling
Committee (AACCC)
National Commission for Indian System of Medicine
Represented by its Director, Dhanwantri Bhawan,
Punjabi Bagh (West), New Delhi – 110026



5.The North Eastern Hill University
Through its Registrar
Mawkynroh – Umshing
Shillong – 793022, East Khasi Hills
District, Meghalaya

6.The North Eastern Institute of Ayurveda
and Homeopathy
through its Director, Mawdiangdiang,
Shillong – 793018, Meghalaya

7.The Director, North Eastern Institute of Ayurveda
and Homeopathy, Mawdiangdiang, Shillong – 793018
Meghalaya

8.The Deputy Director,
North Eastern Institute of Ayurveda and Homeopathy,
Mawdiangdiang, Shillong – 793018, Meghalaya

9.The Nodal Officer,
North Eastern Institute of Ayurveda and Homeopathy,
Mawdiangdiang, Shillong- 793018, Meghalaya

10.Miss Ankita Kaushik
D/o Shri. Bhupendra Nath Sarma,
C/o North Eastern Institute of Ayurveda and
Homeopathy, Mawdiangdiang, Shillong-793018
Meghalaya

:::Respondents



Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Sen, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. C. Jala, Adv. (For R 1-4, 6-9)
Mr. S. Sen, SC NEHU with
Ms. S. Dhar, Adv. (For R 5).

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER

1. The brief facts of the case are that the petitioner had applied for the Post Graduate course of MD (Homeopathy) in the North Eastern Institute of Ayurveda and Homeopathy (NEIAH) and had featured at Serial No. 1, in the merit list. The candidature of the petitioner however, was rejected due to his belated reporting for admission. Aggrieved thereby, the petitioner had preferred WP(C) No. 649 of 2025, before this Court for creation of a supernumerary seat in his favour. By judgment dated 17.12.2025, this Court directed the petitioner to file a fresh representation before the respondent No. 6, who in turn was directed to forward the same



to the National Commission for Homeopathy to explore the possibility of creation of a supernumerary seat. The petitioner then accordingly submitted a representation on 22.12.2025, before the respondent No. 6, which by letter dated 08.01.2026, denied any relief on the ground that the admission process for the academic year 2025-26, was already over on 22.12.2025.

2. However, 5(five) days thereafter, the National Commission for Homeopathy issued a notification dated 13.01.2026, extending the cut-off/last date to 23.01.2026, for admission to the PG course in Homeopathy for the academic year 2025-26. The petitioner's case is that the proposal to extend the last date of admission till 23.01.2026, was within the knowledge of the respondents on being contemplated by the Respondent Board and Commission well before the representation was rejected, and as such, the action of the respondents was highly arbitrary. A further fact that is important to note is that, the respondents No. 1-4 and 6-9, in their affidavit in the present case, had revealed that vide a letter dated 16.06.2025, the National Commission for Homeopathy had granted the Respondent Institute provisional permission with an intake capacity of 63(sixty-three) seats for the UG course and 8(eight) seats for the PG course, but the institute had advertised only 2(two) PG seats. As such, the petitioner has prayed for admission into the next academic session on the basis of the marks secured in the AIAPGET exams held in July, 2025.



3. Mr. S. Sen, learned counsel on behalf of the petitioner has submitted that the rejection of the petitioner's representation was solely on the ground that the admission process had already concluded, whereas within days of the rejection, the Ministry of AYUSH had extended the admission cut-off date by 1(one) month. Further he submits, it has emerged from the respondent affidavit itself that though the National Commission for Homeopathy had sanctioned 8(eight) PG seats, the respondent Institute had advertised only 2(two) seats, a material fact that was deliberately withheld in the earlier proceedings, inasmuch as, had this Court been informed of the actual sanctioned intake capacity, it would not have directed exploration for creation of a supernumerary seat, as vacant sanction capacity was already existed.

4. The main contentions of the learned counsel for the petitioner therefore are that the respondent Institute had suppressed material facts regarding the sanctioned intake capacity, had failed to faithfully implement this Court's earlier direction, and had arbitrarily rejected the representation, despite the extension of the admission deadline, which has resulted in the denial of admission through an unfair and unreasonable administrative action. Learned counsel submits that as the 2025-26 academic session has substantially progressed, the respondents in the circumstances, be directed to afford admission to the petitioner, in the next academic session based on



his AIAPGET 2025 score. In support of his submissions, the learned counsel has placed reliance on the case of ***S. Krishna Sradha vs. State of Andhra Pradesh & Ors.*** reported in ***(2020) 17 SCC 465***, which he submits has recognised the powers of Courts to mould relief by directing admission in a subsequent academic year, in a case where a meritorious candidate has been illegally denied admission. Reliance has also been placed in the cases of ***Dr. Shireen Dkhar vs. State of Meghalaya*** reported in ***2024 SCC OnLine Megh 1088***, and ***Shreya Kumari Tirkey vs. The State of Jharkhand & Ors.*** passed in ***SLP (Civil) No. 27139 of 2024***, to underline and emphasise that procedural lapses should not defeat substantive rights, and that equitable relief may be granted where authorities have acted unfairly.

5. With regard to the judgments placed by the respondents, learned counsel submits that the case of ***Medical Council of India vs. Madhu Singh & Ors.***, reflects older jurisprudence, while ***Chandigarh Administration & Anr. vs. Jasmine Kaur & Ors.***, has been held to no longer represent good law, as by a larger bench the Supreme Court in the case of ***S. Krishna Sradha vs. State of Andhra Pradesh & Ors.(supra)***, admission to the next academic year was specifically permitted. The other case cited by the respondents that is ***Sadhana Yadav vs. Union of India & Ors.***, he submits, is factually completely dissimilar, as in the instant case,



there exists an entirely unique set of facts, wherein the respondent Institute suppressed and failed to fairly disclose its already existing intake capacity for the PG course, resulting in this Court's direction for exploring the possibility of creation of a supernumerary seat. The learned counsel in conclusion has prayed that directions be issued for grant of admission to the next academic session on the strength of his AIAPGET 2025 score, as a one-time equitable measure to remedy the injustice caused to the petitioner.

6. In reply, Dr. N. Mozika, learned DSGI assisted by Ms. C. Jala, learned counsel for the respondents No. 1-4 and 6-9, has submitted that the entire situation is the creation of the petitioner himself, who had failed to report on time for admission, which resulted in the rejection of his candidature. The petitioner he submits, was fully aware of the reporting date and time fixed for counselling, and the reasons cited for not reporting on time that is due to traffic congestion, delay at fuel station and mechanical issues with the vehicle are personal circumstances, that cannot override the admission rules. The learned DSGI has stressed that the NEIAH prospectus expressly provides that failure to appear on the scheduled counselling date, results in cancellation of the candidature, and therefore the Institute had acted strictly in accordance with the prescribed regulations.



7. With respect to the extension of the admission cut-off date by the National Commission for Homeopathy, it is submitted by the learned DSGI that though the cut-off date was extended to 23.01.2026, the extension was intended only for conducting additional grounds of counselling to fill vacancies, and as NEIAH had already completed the admission process, and filled all available seats, the extension did not authorise re-opening of concluded admissions. The petitioner's representation it is submitted, had also been rejected before the extension on the ground that the admission process had already concluded. The learned DSGI has also sought to explain that though the National Commission for Homeopathy had sanctioned 8(eight) PG seats, NEIAH had advertised only 1(one) seat because of insufficient faculty strength and inadequate infrastructure, in compliance with regulatory requirements.

8. The learned DSGI has also vehemently opposed the petitioner's alternative prayer for admission into the next academic session by relying on the judgments of *Medical Council of India vs. Madhu Singh & Ors.* reported in (2002) 7 SCC 258, *Chandigarh Administration & Anr. vs. Jasmine Kaur & Ors.* reported in (2014) 10 SCC 521, and *Sadhana Yadav vs. Union of India & Ors.* reported in (2025) 3 HCC (Del) 196, and has submitted that it would not be proper to issue directions to adjust students of one academic year in any subsequent academic year, as the same would



affect other meritorious candidates, who will be aspiring to get admission in the subsequent years. Further it is submitted, it is an admitted fact that the petitioner had reported late for the counselling session, and was therefore at fault, which cannot be attributable to the respondent authority. The relief prayed by the petitioner, he submits, can only be granted where the authorities are at fault, whereas in the present case, the petitioner alone was responsible for arriving late, and the seat had already been allotted to the next academic candidate in order of merit.

9. It has also been argued by the learned DSGI, that the AIAPGET 2025 score is expressly valid only for admissions to the 2025-26 academic session, and therefore cannot be relied upon for admission in any subsequent academic year. The admission process he submits, was conducted strictly in accordance with the applicable rules and regulations, and the allegations that there was arbitrariness or illegality on the part of the authorities/respondents is misplaced and incorrect. The writ petition he contends, being bereft of any merit is liable to be dismissed.

10. On hearing the learned counsel for the parties, the issues that arise for determination by this Court can be summed up as follows:

- (i) Whether the rejection of the petitioner's representation on the ground that the admission deadline had expired is sustainable, in view of the extension of the very deadline to 23.01.2026.



- (ii) Whether the denial of admission to a highly meritorious student belonging to OBC category only on the ground of a marginal delay is reasonable.
- (iii) Whether the petitioner can be accommodated in the next academic session using the same AIAPGET 2025 score.

11. Before advertng to the issues and facts of the present writ petition, it would be relevant to note that this Court in the earlier round of litigation by order dated 17.12.2025, passed in WP(C) No. 649 of 2025, had disposed of the case by allowing the petitioner to file a fresh representation and directing the respondent No. 3, to take the same into consideration and also to explore the possibility for the creation of a supernumerary seat. Paragraph – 6 to 9, being relevant are reproduced herein below.

“6. Having heard the learned counsel for the parties and also on perusal of the instructions, which are annexed at Page-46 to the writ petition, at Instruction No. 2 thereof, it has been clearly stated as follows, “Reporting date & time is 02.12.2025 till 10:00 am at Seminar Hall, NEIAH (after which no one will be allowed to report on any grounds)”. At Instruction No. 4 thereof, it has also been given that “If a candidate does not report on the said date & time, his/her seat will be automatically offered to the next candidate in the merit list. No claim after due date/time will be entertained at



any cost". The petitioner therefore being in receipt of the instructions, was well aware of the stipulations, to which he was to abide by, in order to take admission in the PG course.

7. As such in view of these instructions, this Court cannot direct for creation of supernumerary seat, inasmuch as, the lapses were directly attributable to the petitioner himself. However, looking into the totality of the circumstances, wherein an aspiring candidate has been deprived of pursuing a PG course, for which he had legitimately qualified, his case merits some redressal.

8. Accordingly, it is directed that the respondent No. 3, on a fresh representation being filed by the writ petitioner shall take the same into consideration and take appropriate steps to forward the said grievances to the National Commission for Homeopathy to explore the possibility of creation of a supernumerary seat, in favour of the petitioner. This direction is being passed in view of the fact that there is no redressal mechanism, when such situations arise.

9. It is expected that the representation be addressed and disposed of within a period of 4(four) weeks, from the date of this order, and the petitioner is directed to file the same by 22.12.2025."



12. It also would not be out of place to remark that in the same judgment itself, the respondent counsel on instructions had submitted that only 2(two) seats had been sanctioned by the Council, which however, in view of the statement made in the present affidavit does not appear to be the case. Para – 3, which is relevant is also reproduced herein below.

“3. When the matter was taken up on 09.12.2025, Dr. N. Mozika, learned DSGI for the respondents Nos. 1, 3 to 5, submitted that the instructions being clear with regard to the reporting time for counselling, and the same also having provided that should the candidate be absent, the same would go to the next candidate in the merit list, there is no scope for consideration, that too, coupled with the fact that only 2(two) seats have been sanctioned by the Council, which also carries a stipend of Rs. 75,000/- (Rupees Seventy-Five Thousand) only. He has also submitted that the seat had already been offered and since filled up by the next candidate in the merit list. This Court considering the fact that the delay was marginal, had then enquired from the respondent No. 3, as to whether a supernumerary seat could be created to accommodate the petitioner, and also whether the petitioner is willing to forego the stipend.”

13. Coming back to the facts at hand, it is important to note that after filing the fresh representation as allowed by this Court, the petitioner



received a response on 13.01.2026, which included a letter informing that the creation of a supernumerary seat could not be considered, apart from stating the ground for rejection being based on the admission guidelines issued by the AYUSH Admissions Central Counselling Committee for the 2025-26 academic year, which was over on 22.12.2025. Thus, the entire premise for rejection or refusal by the respondents was that the consideration could not be extended to the case of the petitioner due to the deadline that had passed. However, the entire events took a turn, in view of the fact that, on the very same day, the petitioner received his response that is 13.01.2026, the respondent No. 2, had issued a new notification announcing that the Ministry of Ayush had approved an extension of the admission cut-off date to 23.01.2026. To the mind of the Court therefore, the extension being in place, there should have been no impediment for the respondent No. 3, to consider the representation of the petitioner.

14. Another aspect that merits consideration, is the fact that a pointed statement had been made before this Court in the earlier writ petition, as to the availability of only 2(two) sanctioned PG seats, which has been quoted in Para - 12 above, whereas, it appears that as per a letter dated 13.06.2025, annexed as Annexure – A, to the affidavit of the respondents filed in the present writ petition, the intake capacity for PG course (MD) is 8(eight) seats in 4(four) subjects. The situation of the facts therefore, as on the date



of rejection of the petitioner's candidature, from the discussions and observations made hereinabove, would show that the reasons for rejection were non-existent.

15. On the other issue with regard to the other reason for rejection of the petitioner's candidature on the ground of delay, firstly, this Court is to examine as to whether strict adherence to reporting time in the instant case can be used against the petitioner. This observation is made in view of the fact that, the petitioner was late by about 2 minutes to reach the venue due to traffic congestion and other factors. This fact is evidenced by the representation made on the spot itself on 02.12.2025 (Annexure – 8 to the writ petition). The writ petitioner's delay cannot be held to be deliberate nor mischievous, and on his candidature being rejected had sought immediate redressal before the respondents, and by way of writ proceeding before this Court. Further, the fact that the petitioner a deserving candidate belongs to the OBC Category also cannot be ignored, and denying him the chance to continue his degree on account of a slight procedural irregularity would surely cause severe injustice.

16. As there is no question of the writ petitioner being accommodated in the current academic session of 2025-26, this Court in consideration of the facts as they pertain today, where it can safely be discerned that there has been a large element of arbitrariness on the part of the respondents in



dealing with the case of the petitioner, would take recourse to rely upon the decision rendered in ***S. Krishna Sradha vs. State of Andhra Pradesh(supra)***, wherein at Paragraph – 13.3, it has been held as follows:

“13.3. In case the Court is of the opinion that no relief of admission can be granted to such a candidate in the very academic year and wherever it finds that the action of the authorities has been arbitrary and in breach of the rules and regulations or the prospectus affecting the rights of the students and that a candidate is found to be meritorious and such candidate/student has approached the court at the earliest and without any delay, the court can mould the relief and direct the admission to be granted to such a candidate in the next academic year by issuing appropriate directions by directing to increase in the number of seats as may be considered appropriate in the case and in case of such an eventuality and if it is found that the management was at fault and wrongly denied the admission to the meritorious candidate, in that case, the Court may direct to reduce the number of seats in the management quota of that year, meaning thereby the student/students who was/were denied admission illegally to be accommodated in the next academic year out of the seats allotted in the management quota.”



17. It would also be useful to refer to the judgment cited by the learned counsel for the petitioner that is *Shireen Dkhar vs. State of Meghalaya(supra)* wherein at Paragraph – 11 and 12, it has been held as follows:

“11. In the present case, the private respondent being more meritorious, in the considered view of this Court deserves the same concession, that is to the moulding of the relief and to direct for admission to be granted in the next academic year into the MDS PG Course with the same NEET score. It is further noted that though the judgment refers to the admission in the MBBS Course only, the same principle would apply to the instant case which involves admission to Post Graduate Medical Course.

12. It is thus ordered accordingly, that the State respondents shall make provision for accommodating and allocating a seat in MDS PG Course from the State quota to the private respondent in the next academic year 2025-2026 with the same NEET score. This order is being passed considering the peculiar nature of the case and to balance the equities and not to serve as a precedent.”

18. In the totality of the circumstances therefore, and noting the fact that the benefit of the extension of the cut-off date was not afforded to the



petitioner, coupled with the fact that there is a sanction of 8(eight) PG seats which would eliminate the necessity of creating a supernumerary seat, and the nature of infraction on the part of the petitioner which though attributable to him, is at the most only a marginal lapse, this Court is therefore inclined to mould the relief, as prayed.

19. Accordingly, this Court in exercise of powers under Article 226 of the Constitution of India, as a one-time relaxation and not to create any precedent, directs the Respondent Institute to grant admission to the petitioner in the next academic session on the basis of the marks obtained in the AIAPGET examinations held in the month of July, 2025.

20. The writ petition is allowed and accordingly disposed of.

Judge

Meghalaya
28.07.2026
"D.Thabab-PS"