



Serial No. 47
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 649 of 2025

Date of Decision: 17.12.2025

Shri Vaskar Shil,
S/o Shri Mohan Basi Shil,
R/o Kunjaban Dighir Par Habitation,
East Kunjaban Gram Panchayat, Kalyanpur Block,
P.O. Kalyanpur, S.O-799203, Khowai District, Tripura

.... Petitioner(s)

Versus

1. The Union of India through Ministry of AYUSH,
Ayush Bhawan, B Block, GPO Complex, INA
New Delhi-110023.
2. The North Eastern Hill University through its
Registrar, Mawkynroh-Umshing, Shillong-793022,
East Khasi Hills District, Meghalaya
3. The North Eastern Institute of Ayurveda and Homeopathy
Through its Director, Mawdiangdiang, Shillong-793018,
Meghalaya.
4. The Director,
North Eastern Institute of Ayurveda and Homeopathy through its
Director, Mawdiangdiang, Shillong-793018, Meghalaya
5. The Nodal Officer,
North Eastern Institute of Ayurveda and Homeopathy,
Mawdiangdiang, Shillong-793018, Meghalaya
6. Miss Ankita Koushik,
C/o North Eastern Institute of Ayurveda and Homeopathy,
Mawdiangdiang, Shillong-793018, Meghalaya



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

... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s)	:	Mr. S. Sen, Adv. with Mr. M.U. Ahmed, Adv.
For the Respondent(s)	:	Dr. N. Mozika, DSGI with Ms. M. Myrchiang, Adv. (For R 1, 3-5) Ms. E. Blah, Adv. vice Mr. S. Sen, Adv. (For R 2)

i)	Whether approved for reporting in Law journals etc:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. The petitioner had applied for a PG course of MD (Homeopathy) in the North Eastern Institute of Ayurveda and Homeopathy (NEIAH), and was placed at Sl. No. 1, in the merit list. As per the instructions which had been issued by the respondent No. 3, the reporting



date and time for admission was fixed on 02.12.2025 at 10:00 A.M, at the Seminar Hall of the said Institute.

2. The case of the petitioner is that due to the fact that he reached the venue a few minutes late due unavoidable circumstances, his candidature was rejected, and though a representation was immediately made to the Director, the same has not been addressed which has compelled him to approach this Court by way of the instant writ application.

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.



4. Today when the matter is taken up, Mr. S. Sen, learned counsel for the petitioner has submitted that due to his economic background, the petitioner is not in a position to forego the stipend. He however, submits that for the marginal delay which is attributable to other factors which caused the same, some consideration can be shown by the respondent No. 3, for creation of a supernumerary seat by obtaining necessary approval from the National Commission for Homeopathy, which is the sanctioning authority. In support of his prayer, the learned counsel had relied upon some decisions of the other High Court, wherein directions have been issued for creation of a supernumerary seat, in favour of meritorious candidates, such as the petitioner. He therefore, prays that some consideration be given as the petitioner also belongs to OBC category.

5. Dr. N. Mozika, learned DSGI assisted by Ms. M. Myrchiang, learned counsel for the respondents Nos. 1, 3 to 5, has submitted that the cases cited by the learned counsel for the petitioner rest on a different facts and circumstances, wherein lapses were not directly attributable to the petitioners therein. He further submits that in the instant case, the circumstances are totally different as it is the petitioner himself, who reported late, and as the seat having been allotted to the other candidate in the merit list, there is no scope for consideration.



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.

10. As ordered above, the writ petitioner stands closed and accordingly disposed of.

JUDGE

Meghalaya
17.12.2025
"V. Lyndem-PS"