IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.19134 of 2026
Reserved on: 30.10.2026
Date of Decision: 04.11.2026
Date of uploading: 04.11.2026

Anjali Kaundal

.....Petitioner

Versus

State of Himachal Pradesh & Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? Yes.
For the Petitioner: Mr. Imran Khan, Advocate.

For the respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for respondents No.1 & 4-State.

Mr. Sandeep K. Pandey, Advocate, for respondents No.2 & 3.

Sandeep Sharma, J. *(Oral)*

By way of instant petition, petitioner has prayed for the following main reliefs:

> *"a. Issue an appropriate writ, order or direction, more particularly in the nature of mandamus, directing the respondents to allot/admit the petitioner to an MBBS seat in a Government Medical College in Himachal Pradesh, in accordance with her NEET-UG 2026 merit, eligibility, applicable category and other admission criteria, after taking into consideration the fact that the petitioner had deposited the requisite security fee of ₹1,00,000/- on 08.09.2026 within the prescribed period, but was prevented from participating in the choice-filling process owing to*

the non-reflection of the payment on the official counselling portal;

b. Issue an appropriate writ, order or direction declaring the exclusion of the petitioner from the second and subsequent rounds of MBBS counselling to be arbitrary and unsustainable, insofar as such exclusion resulted from the non-reflection of the payment despite the petitioner having duly initiated the prescribed transaction and promptly brought the discrepancy to the notice of the respondents;

c. Direct the respondents to verify and acknowledge the petitioner's payment of ₹1,00,000/- by examining the relevant bank statement, NEFT/RTGS transaction reference, e-challan and payment gateway records and to treat the petitioner's counselling eligibility in accordance with the applicable rules and the findings of this Hon'ble Court;

d. Direct the respondents to consider the candidature of the petitioner for admission to the MBBS/BDS course against any seat that may be available or become available pursuant to the revised provisional vacancy schedule dated 12.10.2026, subject to her eligibility and merit;

e. Direct the respondents to consider the petitioner for allotment of an MBBS seat against an available or otherwise lawfully allocable vacancy, and to grant her admission in accordance with her merit and eligibility, by providing such appropriate corrective or consequential relief as may be permissible under the applicable admission regulations and binding directions governing NEET-UG 2026 admissions;

f. Direct the respondents to produce the relevant counselling portal logs, payment reconciliation records, grievance communications and seat-vacancy position for the relevant counselling rounds, so that the petitioner's exclusion and

entitlement to consequential relief may be determined on the basis of the complete record."

2. For having bird's eye view, quintessential facts, as emerge from the pleadings as well as the documents adduced on record by the parties to the *lis*, are that petitioner herein appeared in NEET-UG examination in the year 2026 and secured 442 marks out of 720 marks, as is reflected in her result declared on 16.07.2026 (Annexure P-1). After qualifying the aforesaid NEET-UG examination, petitioner, with a bona fide intention of pursuing MBBS studies in the State of Himachal Pradesh, opted for respondent No. 2, i.e. Atal Medical and Research University, a State Government University entrusted with the relevant counselling and admission process for MBBS/BDS courses in the State, in accordance with applicable rules, prospectus and counselling schedule, having its campus at Nerchowk, District Mandi, being the competent authority entrusted with the conduct of the State-level counselling and admission process for MBBS courses, in accordance with the applicable rules and regulations.

3. Petitioner registered herself on the official online MBBS admission and counselling portal maintained by respondent No. 2 and duly furnished the requisite particulars and information as prescribed by the University. Upon completion of requisite online registration formalities, petitioner received an online registration confirmation email from respondent No. 2 on 16.08.2026, thereby confirming that

she had been successfully registered on the MBBS admission portal of the University. Petitioner was allotted User ID 2409102144 for accessing her registered account and participating in the subsequent counselling process, subject to the applicable eligibility criteria and prescribed requirements.

4. Since petitioner had successfully completed the initial registration process on the official portal of respondent No. 2 and had taken the requisite steps to participate in MBBS admission for the Academic Session 2026, as is evident from registration confirmation email dated 16.08.2026 (Annexure P-2), she proceeded further in accordance with the counselling schedule and instructions issued by the respondents and was entitled to have her candidature processed in accordance with the applicable rules, subject to fulfilment of the prescribed eligibility and admission requirements.

5. Notice/merit list for the second round of MBBS counselling for the Academic Session 2026-27, based on the NEET-UG examination, was displayed online by respondent No. 2 on 08.09.2026 (Annexure P-3), wherein petitioner figured at serial/merit No. 1090, bearing application No. 26012446, All India Merit Rank 181581, NEET-UG Roll No. 2409103144, under the Scheduled Caste category. Vide aforesaid notice, eligible candidates, including petitioner, were notified/directed to fill in their choices and preferences for the second

round of counselling during the period commencing from 08.09.2026 to 09.09.2026 (Annexure P-3).

6. In furtherance of the aforesaid notice, petitioner submitted her online application for registration for participating in the second round of MBBS counselling for the academic session 2026-27 and deposited a sum of Rs. 1,00,000/- (Rupees One Lakh) towards the prescribed security fee through the NEFT/RTGS/e-challan payment mechanism on 08.09.2026. Relevant payment receipt, bank transaction details and e-challan are annexed as Annexure P-4.

7. Though second round of counselling was scheduled to commence on or around 11.09.2026, subject to the official schedule issued by the respondents, but to the utter shock and dismay of the petitioner, despite after her having completed all codal formalities and deposited the requisite security fee within the prescribed period, the payment status on the online counselling portal did not reflect the amount deposited by her, as a result thereof,petitioner was unable to proceed with the choice-filling process and was effectively prevented from participating in the second round of counselling.

8. Immediately after noticing the aforesaid technical hitch, the petitioner addressed representations through emails to the respondents on 09.09.2026, 10.09.2026 and 14.09.2026 (Annexure P-6 colly), apprising them of the payment made by her and specifically informing them that requisite amount had already been debited from

her bank account through the prescribed online payment mechanism. Petitioner also requested the respondents to verify the transaction from the relevant bank records, payment gateway particulars and other available financial records, rectify the discrepancy on the online portal, enabling her to proceed with the choice-filling process within the prescribed time, so that she could participate in the counselling process.

9. Despite the petitioner's timely communications, as detailed hereinabove, and the urgency of the matter, respondents failed to take effective action to verify the payment from their bank/payment records, enabling the petitioner to complete the choice-filling process within the prescribed period, as a result thereof, petitioner was deprived of a fair and effective opportunity to participate in the second round of counselling, despite having made the prescribed payment in time. Interestingly, vide email dated 10.09.2026 (Annexure P-7), respondents informed the petitioner that payment had not been received by the University.

10. Petitioner also made efforts to participate in the subsequent/third round of counselling, but she was unable to participate in the process and no effective corrective action was taken by the respondents to resolve the original payment status issue and accept the petitioner's request in accordance with the applicable counselling rules. On 14.09.2026, petitioner again approached the

respondents through email, specifically reiterating therein that security fee had already been deposited on 08.09.2026 and non-reflection of the payment on the portal had prevented her from participating in the counselling process (Annexure P-8), but no response was received.

11. Again on 15.09.2026, petitioner visited the office of the respondent/concerned authority and explained the entire factual position, including the date and mode of payment and repeated email communications. However, instead of examining the bank transaction details or taking steps to verify the payment from the relevant financial records, petitioner was informed that payment had not been received by the respondents and the officials expressed their inability to do anything further in the matter. In the aforesaid background, petitioner had no option but to approach this Court in the instant proceedings, praying therein for the reliefs, as have been reproduced hereinabove.

12. Having taken note of grouse of the petitioner and urgency of the matter, this Court, vide order dated 26.10.2026, while issuing notice to the respondents, specifically called upon Sh. Sandeep Kumar Pandey, learned counsel for respondents No. 2 and 3, to file reply or have instructions.

13. Pursuant to the aforesaid order, Sh. Sandeep Kumar Pandey, learned counsel for respondents No. 2 and 3, placed on record the following instructions:

"To

Sh. Sandeep Pandey
Advocate, High Court of H.P.
Standing Counsel, AMRU

Subject: Instructions in the matter of CWP No. 19134/2026 titled as Anjali Kaundal Vs State of H.P and Others.

Sir,

In this connection, it is submitted that the above CWP was filed by the petitioner Anjali Kaundal which is listed for 30.10.2026.

*In this connection, it is further submitted that as per the procedure provided in Section VIII (**Counselling and Admission Procedure**) of the MBBS/BDS prospectus for the year 2026-27, the instructions for participating in every round were provided. In the point No.3 of this section VIII provided the procedure for applying second round of counselling at sub point (vi), it was clearly mentioned that the candidates intending to participate in the second round or subsequent rounds of counselling must deposit a token amount of fee according to the type of institution/quota as per **Annexure R2/A (Colly)**. The petition has claimed that she has deposited Rs 1,00,000/- on dated 08.09.2026 through NEFT/RTGS Challan as per Annexure P-4.*

*It is further submitted that the online counselling process is being managed by software company Juno Software Pvt ltd. As per the information provided by the JUNO Software Pvt. Ltd that payment deposited by the petitioner was not reflected in the online ERP system within the stipulated period, due to which the petitioner was not allowed to fill the choice filling in second round of counselling. As per the detail provided by the above software company the amount deposited by the petitioner deposited/reflected on online ERP System on 29.09.2026 and the last date of choice filling for second round of counselling was **09.09.2026**.*

It is further submitted that the petitioner was allowed to participate in the third and stray round of counselling and accordingly she had participated in the above rounds when the payment was deposited/reflected in the ERP system of Juno software Pvt. Ltd. The copy of the choice filling by the petitioner in third and stray round of counselling is annexed as ***Annexure R2/B (Colly)***.

It is further brought to the kind notice of Hon'ble High Court that the admission process in the MBBS/BDS courses for the academic year 2026-27 has already been completed on 26.10.2026 as per the schedule issued by Medical Counselling Committee, New Delhi. The copy of the same is annex Annexure R2/C.

Registrar
Atal Medical & Research University
Nerchowk, District Mandi (H.P.)"

14. As per aforesaid communication, online counselling process is being managed by software company Juno Software Private Limited and as per information received from the aforesaid software company, payment deposited by the petitioner was not reflected in the online ERP system within the stipulated period, due to which the petitioner was not allowed to fill in her choices in the second round of counselling. As per details provided by the aforesaid software company, amount deposited by the petitioner was reflected on the online ERP system on 29.09.2026, whereas the last date for choice filling for the second round of counselling was 09.09.2026. There is no specific denial that petitioner had deposited a sum of Rs. 1,00,000/-

on 08.09.2026 through NEFT/RTGS challan, which fact is otherwise evident from Annexure P-4.

15. Interestingly, in the aforesaid communication, it is submitted that petitioner was allowed to participate in the third and stray rounds of counselling and she had participated in the aforesaid rounds when the payment deposited by her was reflected in the ERP system of Juno Software Private Limited, but by that time, all the seats appear to have been filled up.

16. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Imran Khan, learned counsel for the petitioner, is that since there was no fault, if any, on the part of the petitioner in depositing the requisite fee of Rs. 1,00,000/- within the time specified by respondent No. 2, coupled with the fact that proof of the same was made available to the authorities well within time, there was no occasion for respondent No. 2 not to permit the petitioner to participate in the second round of counselling.

17. Having heard learned counsel for the parties and perused the material available on record, especially communication dated 30.10.2026 placed on record by learned counsel for respondents No. 2 and 3 under the signatures of Registrar, Atal Medical and Research University, pursuant to the directions issued by this Court, this Court finds that the facts, as have been noticed hereinabove, are not in dispute, rather stand admitted. Though petitioner, through

NEFT/RTGS/e-challan payment mechanism, deposited security fee of Rs. 1,00,000/- on 08.09.2026, as is evident from the copy of e-challan placed on record as Annexure P-4, but she was not permitted to participate in the second round of counselling for the reason that payment status on the online counselling portal did not reflect the amount deposited by the petitioner.

18. Interestingly, in the case at hand, respondents made no attempt to verify the correctness of the claim of the petitioner that she had deposited the prescribed security fee through NEFT/RTGS/e-challan payment mechanism on 08.09.2026, in respect thereof she had placed on record cogent and convincing evidence in the shape of e-challan. Whatever possible steps petitioner could take after coming to know that payment status on the online counselling portal did not reflect the amount deposited by her were taken by the petitioner well within time, but, on account of the negligent approach of respondent No. 2, she was deprived of the chance of being granted an MBBS seat in the second round of counselling, despite her having procured 442 marks out of 720 in the SC category.

19. Respondents, being the authorities responsible for administering the online counselling portal and receiving/verifying the prescribed counselling fee, were under an obligation to examine the relevant transaction reference, bank debit particulars and payment gateway records before communicating that payment had not been

received. However, in the instant case, instead of undertaking such verification and taking timely corrective measures, respondents failed to resolve the payment discrepancy, failed to facilitate the petitioner's choice-filling process and failed to provide an effective remedial mechanism within the stipulated counselling period, as a consequence thereof, despite the petitioner having acted diligently and having promptly brought the matter to the notice of the competent authority, she was prevented from exercising her choices and preferences for the second round of MBBS counselling, thereby seriously prejudicing her candidature and depriving her of an opportunity to be considered for allotment of an MBBS seat for no fault attributable to her.

20. Aforesaid action and inaction of the respondents are arbitrary, unreasonable and contrary to the principles of fairness and transparency expected of a public authority conducting a time-bound process, warranting appropriate intervention by this Court while exercising power under Article 226 of the Constitution of India.

21. Though petitioner made efforts to participate in the subsequent/third round of counselling, but by that time, probably, all seats had been filled up. On 14.09.2026 and 15.09.2026, petitioner personally visited the office of the concerned authorities and explained the factual position, including the date and mode of payment and repeated email communications, but aforesaid authority failed to take prompt action to examine the bank transaction details or take steps to

verify the payment from the relevant financial records, rather petitioner was repeatedly informed that payment had not been received by the respondents and as such, they were unable to do anything further in the matter.

22. A candidate, who has deposited the prescribed amount through the designated payment mechanism and has repeatedly brought a portal-related discrepancy to the notice of the competent authority, cannot be deprived of a fair opportunity to participate in counselling merely because the online system failed to display the payment status correctly, without proper verification of the underlying transaction.

23. Interestingly, respondents orally advised the petitioner to participate in the third round of counselling, which was scheduled to commence from 22.09.2026 and later on, the date thereof was extended to 08.10.2026 vide notice dated 06.10.2026, but petitioner was once again prevented from participating in the third round of counselling on account of the failure of the respondents to take any effective steps to resolve the payment issue.

24. Since petitioner was always ready and willing to participate in the counselling process and pursue her admission and had taken all effective steps as provided by the prospectus as well as subsequent notifications, inaction and failure of the respondents deprived her of a valuable opportunity to secure admission to the

MBBS course. Petitioner cannot be penalized for administrative or technical failure concerning payment of fee, especially when she had taken timely steps to bring the matter to the notice of the respondents and had acted in accordance with their advice to participate in the third round of counselling.

25. No doubt, MBBS admissions are governed by a time-bound counselling schedule and the applicable statutory and regulatory framework, but, since there was no fault on her part and entire confusion arose on account of a technical glitch in the payment portal of the respondents, she cannot be permitted to be excluded solely on account of technical/payment status failure after having complied with the prescribed payment requirements. Since respondents, being public authorities and competent authority responsible for administering the State counselling process, are under an obligation to act fairly, reasonably, transparently and in accordance with the applicable rules, coupled with the fact that they failed to examine the petitioner's grievance despite repeated representations, prayer made in the instant petition cannot be permitted to be defeated on the ground that admission process in the MBBS/BDS course for the academic year 2026-27 has already been completed on 26.10.2026, as per schedule issued by the Medical Counselling Committee, New Delhi.

26. At this stage, it would be relevant to take note of the judgment passed by the Hon'ble Apex Court in ***Asha versus Pt. B.D. Sharma University of Health Sciences and others***, *(2012) 7 SCC 389*, wherein Hon'ble Apex Court had an occasion to consider whether cut-off date of 30th September for the relevant academic year for admission to MBBS/BDS courses is a date which admits any exception or not. In the aforesaid judgment, Hon'ble Apex Court has held that though 30th September is the cut-off date and the authorities cannot grant admission beyond the said cut-off date, which is specifically postulated, but where no fault is attributable to the candidate and he/she is denied admission for arbitrary reasons, the cut-off date per se cannot be permitted to operate as a bar to admission of such student, when it would result in complete ruination of the professional career of a meritorious candidate. Hon'ble Apex Court, in the aforesaid judgment, also observed that if a student is not at fault and he or she had pursued his/her remedies and rights as expeditiously as possible, cut-off date cannot be used as a technical instrument or tool to deny admission to a meritorious student, since the rule of merit stands completely defeated in such a situation. It was also held that before granting relief to students for grant of admission beyond the cut-off date, Court must first return a finding that no fault is attributable to the candidate, that candidate had pursued his/her

rights and legal remedies expeditiously without any delay and there is a fault on the part of the authorities.

27. Since in the case at hand, this Court, for the reasons stated hereinabove, is fully convinced and satisfied that there was no fault, if any, on the part of the petitioner, inasmuch as she made deposit of the requisite fee well within time, submission made on behalf of the respondents with regard to cut-off date deserves outright rejection. Subsequently, in the case titled ***S. Krishna Sradha versus State of Andhra Pradesh and others,*** *(2020) 17 SCC 465*, Hon'ble Apex Court considered the previous decision in ***Asha*** (supra) and held as under:

> *"12. However, the question is with respect to a student, a meritorious candidate for no fault of his/her has been denied admission illegally and who has pursued his/her legal rights expeditiously without delay is entitled to any relief of admission more particularly in the courses like MBBS the relief of compensation as held by this Court in Asha? The aforesaid question is required to be considered only to the cases where (i) no fault is attributable to the candidate; (ii) the candidate has pursued her rights and legal remedies expeditiously and without delay; (iii) where there is fault on the part of the authorities and apparent breach of rules and regulations; and (iv) candidate is found to be more meritorious than the last candidate who has been given admission."*
>
> *It then concluded as under:-*

*"13.1. That in a case where candidate/student has approached the court at the earliest and without any delay and that the question is with respect to the admission in medical course all the efforts shall be made by the concerned court to dispose of the proceedings by giving priority and at the earliest.

13.2. Under exceptional circumstances, if the court finds that there is no fault attributable to the candidate and the candidate has pursued his/her legal right expeditiously without any delay and there is fault only on the part of the authorities and/or there is apparent breach of rules and regulations as well as related principles in the process of grant of admission which would violate the right of equality and equal treatment to the competing candidates and if the time schedule prescribed 30th September, is over, to do the complete justice, the Court under exceptional circumstances and in rarest of rare cases direct the admission in the same year by directing to increase the seats, however, it should not be more than one or two seats and such admissions can be ordered within reasonable time, i.e., within one month from 30th September, i.e., cut-off date and under no circumstances, the Court shall order any Admission in the same year beyond 30th October. However, it is observed that such relief can be granted only in exceptional circumstances and in the rarest of rare cases. In case of such an eventuality, the Court may also pass an order cancelling the admission given to a candidate who is at the bottom of the merit list of the category who, if the admission would have been given to a more meritorious candidate who has been denied admission illegally, would not have got the admission, if the Court deems it fit and proper,

however, after giving an opportunity of hearing to a student whose admission is sought to be cancelled.

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.*

13.4. ***Grant of the compensation could be an additional remedy but not a substitute for restitutional remedies****. Therefore, in an appropriate case the Court may award the compensation to such a meritorious candidate who for no fault of his/her has to lose one full academic year and who could not be granted any relief of admission in the same academic year.*

> *13.5. It is clarified that the aforesaid directions pertain for Admission in MBBS Course only and we have not dealt with Post Graduate Medical Course."*
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> *(emphasis supplied)*

28. In the aforesaid case, Hon'ble Apex Court held that in a case where a candidate/student has approached the Court at the earliest and without any delay and the question is with respect to admission in medical courses, all efforts shall be made by the concerned Courts to dispose of the proceedings by giving priority and at the earliest. Under exceptional circumstances, if the Court finds that there is no fault attributable to the candidate and the candidate has pursued his/her legal rights expeditiously without any delay, and there is a fault only on the part of the authorities and/or there is an apparent breach of rules and regulations as well as related principles in the process of grant of admission which would violate the right of equality and equal treatment to competing candidates and if the time schedule prescribed for admission is over, to do complete justice, the Court, under exceptional circumstances and in the rarest of rare cases, may direct admission in the same year by directing an increase in the number of seats.

29. However, it should not be more than one or two seats and such relief can be ordered within a reasonable time, i.e. within one month from the last date of admission and under no circumstance

Court shall order admission in the same year beyond one month from the date of last admission

30. Recently, Hon'ble Apex Court, in the case titled *National* ***Medical Commission versus Srijana Thakur and others***, arising out of SLP(C) No. 18686 of 2023, decided on 17.03.2026, while placing reliance upon its earlier judgment in *S. Krishna Sradha* (supra), reiterated that where admission is directed to be granted to a meritorious candidate in exceptional circumstances, the same must be done within one month from the cut-off date and under no circumstances, the Court can direct admission beyond the period of one month from the last date of admission.

31. Since period of one month beyond the last date of admission, i.e. 26.10.2026, is yet to expire and the petitioner herein has secured 442 marks out of 720 marks in the NEET-UG Examination, 2026, under the SC category, coupled with the fact that a student having secured fewer marks than the petitioner has been granted admission to the MBBS course during the second round of counselling, prayer made on behalf of the petitioner for grant of admission to the MBBS course deserves to be allowed.

32. Consequently, in view of the detailed discussion made hereinabove as well as law taken into consideration and having regard to the conduct of the petitioner and respondents, the present petition is allowed. Respondents No. 2 and 3 are directed to grant admission to

the petitioner to the MBBS course for the academic year 2026–2027 in any Government Medical College in Himachal Pradesh, in accordance with her merit in NEET-UG 2026, eligibility, applicable category and other admission criteria. The aforesaid exercise shall be completed within a period of two weeks. Pending application(s), if any, also stand disposed of.

33. Since the petitioner has been subjected to mental agony and harassment by respondent No. 2 and has been compelled to approach this Court and engage in unnecessary and unwarranted litigation for the redressal of her grievances, despite no fault on her part, this Court deems it appropriate to award cost of ₹1,00,000/- in her favour. Accordingly, the respondent no. 2 is directed to pay the aforesaid cost to the petitioner within a period of two weeks from the date of this order.

(Sandeep Sharma)
Judge

November 04, 2026
(sunil)