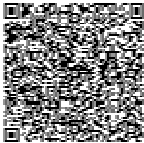


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:054641-DB



CM-14705-CWP-2025 in/and
CWP-7676-2025 (O&M)
Date of Decision: 08.04.2026

Megha Varshney ...Petitioner

Vs.

State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Saksham Mahajan, Advocate for the petitioner.
Mr. Saurabh Mohunta, DAG, Haryana.
Ms. Simran Sharma, Advocate for respondent No.3.
Mr. Ravi Sharma, Standing Counsel for respondent No.6.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-14705-CWP-2025

Application for placing on record replication, is allowed subject
to all just exceptions.

CWP-7676-2025 (O&M)

1. The petitioner is a doctor. She appeared in Postgraduate NEET
entrance exam for the academic session 2024 and qualified it. She applied
both in the All India Quota and also for the seats available in the State of
Haryana. In the All India Quota, she was allotted a seat in Assam in

Physiology stream, which she did not join. It is thereafter that the petitioner appeared in the special stray quota conducted by the State of Haryana, where she was provisionally allotted a seat. However, at the time of joining, the petitioner was not permitted to do so, as it was opined by the counselling university that having failed to avail of the seat in All India Quota at Assam, the petitioner would be ineligible to apply in the special stray counselling. It is in this context that the petitioner approached this Court with the prayer to commend the respondents to include the name of the petitioner in the merit list/allotment of seats vide communication dated 15.03.2025.

2. The writ petition was entertained and various orders were passed. It would be worthwhile to reproduce the order passed by the Division Bench of this Court on 28.05.2025, which reads as under:-

“After hearing learned counsel for the rival parties on the question of admission and interim relief and also due to failure of respondent No. 4 – Medical Counselling Committee (MCC) to clarify the variance between the last date for joining published as 20.03.2025 in “NEET - PG Special Stray Vacancy Round Schedule – 2024 All India Quota/Deemed/Central Universities and State Quota” on the one hand and “Note–3 of Appendix III [Regulation 11.2 (c)] Criteria to be fulfilled by Institutions eligible to start Post-Graduate Course(s) under Sub-Regulation (1-A) of Regulation 8, which are required to create their own facilities for setting up Departments in Basic Medical Sciences of the Post Graduate Medical Education Regulations, 2000”, which prescribes 31st May as the last date for admission/joining, this Court to protect the interest of the petitioner, who is otherwise qualified for admission, by way of interim relief directs the respondent-authorities to allow the petitioner to be provisionally admitted in MD Physiology.

However, the petitioner shall not draw any equities from this interim order which shall always remain subject to outcome of this petition.

The respondent-authorities are directed to allow the petitioner to join in MD Physiology by tomorrow.

List on 31.07.2025.”

3. Pursuant to the above order passed, the petitioner has been granted admission in MD Physiology course in respondent No.3 – university. The petitioner also completed nearly one year of the course which is virtually 1/3rd of the entire course duration.

4. When the matter is called out, learned counsel for the respondents has placed before the Court an order passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) No.9298 of 2018, decided on 29.04.2025. Paragraph 14.3 of the aforesaid judgment is relevant and is reproduced hereinafter:-

“14.3 Furthermore, in the Stray Vacancy Round, candidates who are allotted and join a seat are not permitted to resign thereafter. Those, who are allotted a seat but fail to join will forfeit their fee and be debarred from appearing in the National Exist Test (NExT) for one year, once NExT is implemented.”

5. It is urged on behalf of the respondents that since the petitioner was allotted a seat in the stray round earlier which she failed to join as such, she would not be entitled to take part in the State Stray Round in the State counselling conducted by the State of Haryana.

6. Learned counsel for the petitioner has attempted to carve out a distinction on the ground that the petitioner had not joined and the consequence of non-joining has been specified as forfeiture of fee and debarring from appearing in the National Exist Test for one year, once NExT is implemented. It is submitted that the NExT has not been implemented so far and, therefore, the petitioner ought to be allowed to continue.

7. Though we are not impressed by the arguments advanced on behalf of the petitioner inasmuch as a candidate having failed to join pursuant

to allotment of seat to her in the All India Counselling, she would not be entitled to participate in the special stray round counselling but notwithstanding such legal position, we are inclined to come to the aid of the petitioner for the reasons enumerated hereinafter.

8. First and foremost, it is noticed that the petitioner under the interim order has been allowed to continue and she has completed 1/3rd of the course. It is also undisputed that in the event the petitioner’s writ petition is dismissed, the seat currently being occupied by her would be wasted. Admittedly, fifth respondent has not participated in the counselling and none would be prejudiced by the order to be passed in the matter.

9. In such circumstances, we are inclined to dispose of the writ petition by observing that the petitioner shall be allowed to complete the course of MD Physiology from third respondent – University provided the petitioner otherwise fulfills other criteria and requisite formalities. We also provide that this order is being passed in the peculiar facts of the present case and shall not be construed as any binding precedent in other matters.

10. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

08.04.2026
rajesh

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|-------------------------------|---|--------|
| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |