

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. _____ OF 2026
(Arising out of SLP(Civil) Nos.15659-15660/2026)

MALYAVI GUPTA

Appellant(s)

VERSUS

STATE OF HARYANA & ORS. ETC.

Respondent(s)

O R D E R

1. Leave granted.
2. The issue brought before this Court concerns admission to a Post Graduate Seat in M.S. Obstetrics-Gynecology in the Maharishi Markandeshwar College of Medical Science and Research, Sadopur, Ambala (respondent no.5) under the Maharishi Markandeshwar University Sadopur, Ambala.
3. The notification for admission to the subject course was issued by the Government of Haryana on 10.11.2025. Admittedly, the appellant and respondent no.6, *Rushali Singhal*, both have participated in the selection process for

a seat reserved for the NRI quota. While the appellant was first allotted the subject seat in the NRI quota in the 3rd round of counselling, the same was later cancelled on the ground that the appellant had deposited the fees initially from a domestic account/ Indian account and subsequently also the amount was deposited from an Indian NRI account.

4. The candidature of the sixth respondent, *Rushali Singhal* was also rejected on the ground that she is not eligible to participate in the subject selection process from an NRI quota. In this situation, the appellant and the sixth respondent, *Rushali Singhal*, both preferred Writ Petition before the High Court.

5. In the impugned order, the High Court has observed that the sixth respondent, *Rushali Singhal*, is not eligible to compete for an NRI seat as under the applicable definition of an NRI candidate, she is not qualified. However, the High

Court found that the sixth respondent, *Rushali Singhal*, has better merits than the appellant and therefore, the sixth respondent's Writ Petition was allowed directing the official respondent(s) to admit her in the subject PG seat.

6. During pendency of this appeal, this Court, vide order dated 10.06.2026, permitted the appellant to deposit the entire required fee from an NRI account through RTGS and we are informed that such payment has been made by the appellant and accepted by the concerned College. Thereafter, vide order dated 25.06.2026, this Court allowed the appellant to attend the classes in the PG (O&G) seat in Maharishi Markandeshwar College of Medical Science and Research, Sadopur, Ambala and we are informed that the appellant has been allowed to take classes and has also been admitted to the hostel.

7. Having heard the learned senior counsel appearing for the parties and on careful scrutiny of the material papers,

it is found that the High Court has recorded a finding that denial of appellant's claim for participation in the stray round was not in accordance with law because the appellant was never allotted a seat, but, in fact, the allotment was already cancelled before the stray round counselling could take place. Therefore, the allotment of the same seat to the sixth respondent, Rushali Singhal, in the stray round counselling was not proper. The denial of the college to allow the appellant to participate in the stray round counselling having been found to be improper, we are of the view that the appellant has been meted out with injustice inasmuch as if the sixth respondent, Rushali Singhal, would not have been allowed to participate in the stray round for the same seat for which the dispute has arisen, the appellant would have succeeded in place of the sixth respondent.

8. At the same time, it is significant to

notice that the sixth respondent, Rushali Singhal, has been admitted to the course on 16.04.2026 and is continuously attending the classes thereafter for about three months.

9. In view of the above fact situation, Mr. P.S. Patwalia, learned senior counsel appearing for the appellant would submit that in the peculiar facts and circumstances of the case, this Court should exercise its powers under Article-142 of the Constitution of India to accommodate both the candidates, the appellant as also the sixth respondent, *Rushali Singhal*, so that the admission granted to the sixth respondent is not cancelled and at the same time, appellant is also accommodated by creating a supernumerary seat or against a seat for which admission process is likely to start in the forthcoming Academic Session.

10. Mr. P.S. Patwalia, learned senior counsel appearing for the appellant, would refer to the following judgments rendered

by this Court in support of his contention for creation of supernumerary seat.

10.1 In the matter of Atul Kumar v. Chairman (Joint Seat Allocation Authority) and Others, 2024 SCC OnLine SC 2684, this Court directed the creation of supernumerary seat at IIT Dhanbad so that no existing student shall be disturbed in consequence. Following is held in paragraph 7:

"7. We accordingly order and direct that the petitioner should be granted admission to IIT Dhanbad against the seat which was allotted to him in the branch of Electrical Engineering. The petitioner will be admitted to the same batch to which he would have been admitted in pursuance of the order of allotment. The petitioner is ready and willing to pay fees of Rs. 17,500, which may be paid over personally at the time when admission is granted to him. A supernumerary seat shall be created for the petitioner, if so required, for the purpose of complying with this order and no existing student shall be disturbed in consequence. The petitioner would be entitled to all the consequential benefits of admission, including allotment of hostel accommodation and other facilities."

10.2 Thereafter, in Om Rathod v. Director General of Health Services & Ors., (2024 19 SCC 70), this Court, in exercise of powers under Article 142 of the Constitution of India, directed for creation of supernumerary seat at AIIMS, Nagpur by observing thus in paragraph 74.2:

“F. Conclusions

74. Our conclusions in light of this case are formulated in the following terms:

...

74.2. A supernumerary seat shall be created at AIIMS, Nagpur and the seat shall be allocated to the appellant, provided that he has not already secured a seat at a college of his choosing;”

10.3 Yet again, in the matter of S. Krishna Sradha v. State of Andhra Pradesh & Ors., (2020) 17 SCC 465, this Court in exercise of its powers under Article 142 of the Constitution of India to do justice with a meritorious candidate who has been denied admission in MBBS course illegally,

observed thus:

"13. In light of the discussion/observations made hereinabove, a meritorious candidate/student who has been denied an admission in MBBS course illegally or irrationally by the authorities for no fault of his/her and who has approached the Court in time and so as to see that such a meritorious candidate may not have to suffer for no fault of his/her, we answer the reference 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 court concerned 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 restitutorial 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 to admission in MBBS course only and we have not dealt with postgraduate medical course."

11. From the judgments referred above, it can be clearly elicited that whenever occasion so arises when this Court finds that injustice has been done to a candidate by denying admission in a wrongful manner, this Court has exercised its power under Article-142 of the Constitution of India to compensate the candidate by creating an additional seat or by accommodating the candidate in any other manner.

12. In the case at hand, the High Court has found that the appellant was wrongly denied participation in the stray round counselling. Thus, the appellant had a better claim for the subject seat and has been denied the admission in a wrongful manner.

13. On the previous date of hearing, i.e. on 25.06.2026, this Court inquired from the concerned University as to whether any Post Graduate seat is vacant in any of the

college under the University. Today, we have been provided a chart showing availability of an NRI seat in the MD-Community Medicine in the same College in which the subject seat has been allotted to the sixth respondent, *Rushali Singhal*.

14. Learned counsel appearing for the National Medical Commission (NMC) would strenuously urge that this Court may not direct creation of a supernumerary seat because that will set a wrong precedent and there will be flood of litigation making such requests in subsequent academic years.

15. We are alive to a situation that creation of a supernumerary seat in every situation may not be warranted and the same can be done only in the extreme situations where an apparent injustice has been meted out to a candidate and even in such a situation, this Court has to first find out a way as to whether any vacancy is available in other discipline in the same University and if such vacancy is

available, the candidate can be accommodated as against that seat by allowing him/ her to continue to study in the subject seat for which there is competing claims by the candidate.

16. Since, in the present case, an NRI seat is available in a different discipline in the same college, we exercise our powers under Article-142 of the Constitution of India to direct that the said NRI seat in the MD-Community Medicine shall be converted into a seat in M.S. (Obstetrics-Gynecology) in the same category as one time measure and thus, both the candidates will be permitted to pursue their MS course in Obstetrics-Gynecology in the same college.

17. In view of the above and in the afore-stated terms, the Civil Appeals are disposed of.

18. This order shall not be treated as a precedent.

19. Pending application(s), if any, shall stand disposed of.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(SANJEEV SACHDEVA)

New Delhi
14-07-2026

ITEM NO.301

COURT NO.13

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).15659-15660/2026

[Arising out of impugned final judgment and order dated 06-04-2026 in CWP No. 5859/2026 06-04-2026 in CWP No. 8173/2026 passed by the High Court of Punjab & Haryana at Chandigarh]

MALYAVI GUPTA

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS. ETC.

Respondent(s)

IA No. 121772/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 14-07-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

For Petitioner(s) :

Mr. P.S. Patwalia, Sr. Adv.
Ms. Natasha Dalmia, AOR
Mr. Gaurav Patwalia, Adv.
Ms. Anisha Jain, Adv.
Ms. Shambhavi Singh, Adv.
Ms. Prerna Cheema, Adv.

For Respondent(s) :

Mr. Shekhar Raj Sharma, A.A.G.
Mr. Akshay Amritanshu, AOR
Ms. Nidhi Narwal, Adv.
Ms. Srishti Jain, Adv.
Mr. Sarthak Srivastava, Adv.

Mr. S K Garg Narwana, Sr. Adv.
Mr. Sahil A Garg Narwana, Adv.
Mr. Amrendra Kumar Mehta, AOR
Mr. Dipesh Singhal, Adv.
Mr. Himanshu Arya, Adv.
Mr. Kesri Nandan V Atri, Adv.
Mr. Honey Yadav, Adv.

Mr. Jay S, Sr. Adv.*
Mr. Vaibhav Pachauri, Adv.
Sameer Kumar, AOR

Ms. Mithu Jain, AOR*
Ms. Diksha Arora, Adv.
Mr. Kunal Rana, Adv.
Mr. Shubham Agarwal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.
2. The appeals are disposed of in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)
COURT MASTER(SH)

(signed order is placed on the file)

(AKSHAY KUMAR BHORIA)
COURT MASTER(NSH)