

**Serial No. 02**  
**Supplementary List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C) No. 79 of 2022

Date of Decision: 15.03.2022

Miss Bisakha Geonka                      **Vs.**      North Eastern Indira Gandhi  
Regional Institute of Health  
& Medical Sciences & Anr.

**Coram:**

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

**Appearance:**

For the Petitioner(s)                      :      Mr. H.L. Shangreiso, Sr. Adv. with  
Ms. P. Biswakarma, Adv.

For the Respondent(s)                      :      Dr. N. Mozika, Sr. Adv. with  
Ms. S. Rumthao, Adv.

- |     |   |        |
|-----|---|--------|
| 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.            Heard Mr. H.L. Shangreiso, learned Senior counsel assisted by Ms. P. Biswakarma, learned counsel for the petitioner and Dr. N. Mozika, learned Senior counsel assisted by Ms. S. Rumthao, learned counsel for the respondents.

2.            The brief facts of the case is that the petitioner an aspirant for admission into the MBBS Course at the North Eastern Indira Gandhi Regional Institute of Health and Medical Science (NEIGRIHMS), after

qualifying in the National Eligibility Cum Entrance Test (NEET) Examination, had been invited for the second e-counseling for admission into MBBS Course for the Session 2021-2022, vide notice dated 01.03.2022. The petitioner was further informed that the counseling would be on a virtual platform to be held on 07.03.2022 to fill up 4(four) vacant seats.

3. It is the case of the petitioner that though the link details for joining the Video Conference had been communicated by the respondents, the same landed in her spam mail, and the petitioner was not aware that she had received the link for the e-counseling, as the same did not appear either on her registered email id or mobile number, and as such she could not be present on the date and time, when the said e-counseling was held. Being aggrieved thereby as she had stood fourth in the merit list, and was confident that she would be allotted a seat, she has approached this Court by way of this instant application that directions be issued to the respondents to consider her case for admission.

4. On 09.03.2022, this Court after hearing the learned counsels for the parties, had directed that the case be kept on hold to await the final acceptance of the seats, for which the candidates would have to comply by 11.03.2022. On 14.03.2022 when the matter was taken up again, the petitioner had filed an affidavit stating therein that the candidate No. 4, one Arkajyoti Debnath did not report as he has already secured admission at RIIMS Imphal, as such the fourth seat was still vacant.

5. Today, the respondents have also filed an affidavit which does not dispute the fact that one seat is still vacant. It has also been averred therein, that as the petitioner was absent on the date fixed for counseling

the contention that the intimation had gone to her spam mail cannot be relied upon, and as per rule, the vacant seat should be given to the first candidate in the waiting list.

6. Having heard the learned counsel for the parties and on examination of the materials on record, this Court has given its thoughtful consideration and from the circumstances, the only short point for consideration is whether this Court can direct the respondents to consider the petitioner for filling up the vacant seat for the MBBS Course.

7. In this age of technology and in the prevalent COVID situation, a lot of such lapses have occurred especially when it concerns matters like these which involves communication through digital platforms. It is undisputed that the petitioner as per the merit list for the second counseling was placed at No. 4, and as such was assured of a seat for the MBBS Course, had she attended the counseling as scheduled, but however, due to the situation that had prevented her from appearing for the e-counseling, she is at risk of being deprived of a seat to pursue the MBBS Course.

8. In this view of the matter considering that in the normal circumstances, nothing would have prevented the writ petitioner from tendering her candidature for the said seat, the instant matter being peculiarly situated deserves consideration on a different footing.

9. As such, it is accordingly directed that the respondents shall facilitate counseling for the petitioner via physical mode or otherwise within 1(one) week from today, with prior notice to the petitioner. Thereafter, the respondents shall take into consideration the merit of the petitioner and complete the process of selection for the fourth seat

expeditiously taking into consideration the fact that the session has since commenced. It is also understood that the candidate should fulfil all the criteria as prescribed, to be allotted the said seat.

10. With the above noted directions, the instant writ petition is accordingly allowed and disposed of.

**JUDGE**

Meghalaya  
15.03.2022  
"V. Lyndem-PS"

