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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.7794 OF 2026

Alefiyah Kachwala

...Petitioner

*Versus*

Holy Family Hospital, Mumbai

...Respondent

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Mr. Haider Tapia with Mr. Shashank Palayala for the Petitioner.

Mr. Yogesh Naidu with Dr. Anupama Sardana, Mr. Talha Siddiqui,  
Ms. Eden Ribiero and Ms. Subiya Kazi (Thru V.C.) for Respondent  
No.1.

Mr. Dhananjay Deshmukh with Mr. Snehil Rai for Respondent No.3.

Ms. Neetu Sethi, for Respondent No.5.

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CORAM : R.I. CHAGLA AND  
ADVAIT M. SETHNA, JJ.

DATE : 10TH APRIL, 2026.

**ORDER :**

1. Having heard the learned Counsel appearing for the parties, the learned Counsel appearing for the Petitioner has sought time to file additional Affidavit to the Writ Petition showing that the Petitioner had remained present on two dates viz. 26th and 27th February, 2026 in person at the Respondent No.1 Hospital within the

prescribed timeline for verification of documents and completion of admission formalities. This apart from being present on the last date viz. 28th February, 2026, on which date the Petitioner had paid the fees for the admission to the Respondent No.1 Hospital.

2. The learned Counsel for the Petitioner has relied upon the decision of the Supreme Court in *S. Krishna Sradha v. The State of Andhra Pradesh & Ors.*<sup>1</sup> which has been relied upon in *National Medical Commission v. Mothukuru Sriyah Koumudi & Ors.*<sup>2</sup>. The Supreme Court has held that, 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, then the Court under exceptional circumstances and in rarest of rare cases may 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.

3. The Petitioner shall file their additional Affidavit on or before 16th April, 2026. In the said Affidavit it shall also be stated as

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1 (2019) SCC OnLine SC 1609.

2 Civil Appeal No.3940 of 2020 dated 7th December, 2020.

to whether the Petitioner is accepting the three seats situated outside Maharashtra which are offered by the Respondent No.3 – National Board of Examinations in Medical Sciences.

4. The Writ Petition shall be placed for further consideration on 18th April, 2026 on the supplementary board.

[ ADVAIT M. SETHNA, J. ]

[ R.I. CHAGLA J. ]