



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14120 OF 2025
WITH
CIVIL APPLICATION NO.5747/2026
IN WP/14120/2025

Siddhant Vijay Avahane,
Age : 24 Years, Occu.: Student,
R/o. Near L.I.C. Office, Civil Colony,
Deulgaon Raja, Tq. Deulgaon Raja,
Dist. Buldhana

... PETITIONER

VERSUS

1. State of Maharashtra
through Medical Education
Department, Mumbai.
2. Directorate of Medical Education and
Research, St. George's Hospital
Compound, Mumbai – 400 001.
3. State Common Entrance Test (CET)
Cell, Government of Maharashtra,
through its Commissioner 8th Floor,
New Excelsior Building, A.K. Nayak
Marg, Fort, Mumbai – 400 001.
4. Dean, Smt. Sakhubai Narayanrao Katkade
Medical College and Research Centre,
Mumbai – Nagpur Highway, At Kokamthan,
Tq. Kopargaon, Dist. Ahilyanagar (Ahmednagar)
423 601
5. Gorane Nilkanth Rajendra,
Age – Not Known, Occ : Student,
C/o Smt. Sakhubai Narayanrao Katkade
Medical College and Research Centre,
Mumbai – Nagpur Highway, At Kokamthan,
Tq. Kopargaon, Dist. Ahilyanagar (Ahmednagar)
423 601
6. Kadam Sanskruti Narayan
Occ : Student, R/o New Chhatrapati
Colony, Ladgaon Road, Vaijapur,
Tq. Vaijapur, Dist. Chhatrapati
Sambhajinagar 423701

... RESPONDENTS

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Advocate for the Petitioner : Party – in – Person

AGP for Respondent Nos. 1 and 2 : Mr. M.K. Goyanka

Advocate for Respondent No.3:Mr. P.D. Bachate h/f. Mr. S.G. Karlekar

Advocate for Respondent No.4 : Mr. A.D. Sonkawde

Advocate for Respondent No.5 : Mr. Chandrakant A. Jadhav

Advocate for Respondent No.6 : Mr. N.D. Sonavane

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CORAM : **NITIN B. SURYAWANSHI**
AND
ABASAHEB D. SHINDE, JJ.

Reserved on : **13.08.2026**

Pronounced on : **24.08.2026**

FINAL ORDER (PER : ABASAHEB D. SHINDE, J.) :

1. The party-in-person has invoked the jurisdiction of this Court under Article 226 of the Constitution of India seeking following main reliefs :

“(1) This Hon'ble Court may kindly be pleased to quash and set aside the consideration and selection of the Respondent No.5 for the 2nd residual vacancy by the Respondent No.4 - College, being illegal and arbitrary and further appropriate order / directions may kindly be passed regarding this vacancy, in the interest of justice.

(2) This Hon'ble Court may kindly be pleased to direct the authorities to grant admission to the Petitioner to MBBS course, in this Academic year, in the peculiar facts and circumstances of this case and in the interest of justice.”

2. The case of the petitioner is that, being desirous of seeking admission to the MBBS course, he appeared for the NEET (UG) Examination-2025 and successfully qualified in the said examination

on 14.06.2025, securing 340 marks and an All India Rank of 340844. On 17.11.2025, Respondent No. 3, i.e. the CET Cell, conducted counselling for filling up the vacant seats in the MBBS course in colleges situated in the State. In view of the vacancies, Respondent No. 3 published Notice No. 27, along with the Rules and Conditions for filling up the vacant seats in the MBBS course through the Institutional Level Stray Vacancy Round. Accordingly, on the same day, Respondent No. 3 published the Seat Matrix indicating the vacancies available in the said round.

3. Pursuant to Notice No. 27, the petitioner on 18.11.2025, applied to Respondent No. 4 through e-mail within the stipulated period and in the prescribed format. On 18.11.2025 itself, Respondent No. 4—College published the Merit List of the candidates along with the Select List comprising of two candidates on its website. However, as those two candidates did not join, the Respondent No. 4—College, on 19.11.2025, once again published a Waiting List along with a Select List consisting of two other candidates out of the Waiting List published on 18.11.2025.

4. It is further case of the petitioner that, owing to the existence of residual vacancies and being a wait-listed candidate, he reported to Respondent No. 4—College on 20.11.2025. Thereafter,

Respondent No. 4—College completed the process for filling up the residual vacancies. However, to the utter shock and surprise of the petitioner, Respondent No. 5, who was not even a wait-listed candidate in the Merit Lists published by Respondent No. 4 on 18.11.2025 and 19.11.2025, was shown in the Select List, as a result of which the petitioner has been deprived from being selected against the second residual vacancy. The petitioner, therefore, has approached this Court.

5. The party-in-person submits that, when the Merit List was published on 18.11.2025, neither the name of Respondent No.5, nor the newly added Respondent No.6, figured in it. Respondent No.4 – College, therefore, has committed an error in selecting Respondent No.5, who, has not even applied either on 18.11.2025 or 19.11.2025. He would therefore submit that, this change in Merit List amounts to alteration in the selection process, which is not permissible in the midst of the said process.

6. To substantiate his submission, he has relied upon the judgment of the Hon'ble Apex Court in the case of *Divjot Sekhon Vs. State of Punjab and others* ; 2026 SCC OnLine SC 17, in the case of *Vansh s/o Prakash Dolas Vs. The Ministry of Education and the Ministry of Health and Family Welfare and Others.*; (2024) 3 S.C.R. 705 and the judgment of this Court in the case of *Tejaswini Vs. State*

of Maharashtra; 2018(5) Mh.L.J. 78. He, therefore, urged that the writ petition deserves to be allowed.

7. Learned counsel appearing for Respondent No.4 – College would submit that, on 18.11.2025, the college received emails from 295 candidates, out of which 249 were reflected in the regular inbox, whereas the remaining 46 emails had been classified as ‘Spam’. The college administration, therefore, could not verify the emails received from those 46 candidates. Respondent No.4 – College, eventually published the Final Merit List of 249 candidates and Provisional Select List of two candidates on 18.11.2025. However, those two candidates did not report, and the same was duly acknowledged by the Selection Committee.

8. He would further submit that, on 19.11.2025, Respondent No.4 discovered 47 emails in the Spam folder, whereupon the Admission Committee decided to include the names of those candidates who had sent their emails on or before 18.11.2025 at 5:30 pm, in the waiting list. Accordingly, on 19.11.2025, a residual waiting list comprising of 294 candidates was published.

9. He would further submit that, on 20.11.2025 after including the names of 48 candidates whose emails were found in the updated Spam folder, a waiting list comprising of 295 candidates was

accordingly published. On that day, a total of six candidates were physically present, including the petitioner. Therefore, the allegations that the two candidates, including respondent No.5, have been illegally selected, is devoid of any substance.

10. He further submits that the entire selection process was conducted in the presence of two observers deputed by respondent No.3 – CET Cell, therefore there is no illegality or irregularity in the selection process.

11. Learned counsel for Respondent No.3 – CET Cell would submit that, certain complaints were received regarding the Institutional Level Stray Vacancy Round and Respondent No.3 had conducted a thorough inquiry in that regard, however, nothing objectionable was found in the said selection process.

12. Learned counsel appearing for Respondent No. 5 and learned counsel appearing for Respondent No. 6 have adopted the submissions advanced by learned counsel appearing for Respondent Nos. 3 and 4.

13. We have heard the party-in-person, learned AGP for the State, and learned counsel appearing for respondent Nos. 3, 4, 5 and 6 at length and have perused the record.

14. No doubt, the respondent No.4 – College had published a

waiting list of 249 out of 295 candidates; however, the record reveals that respondent No.4 could not verify the mails received from 46 candidates on 18.11.2025 and therefore, their names could not be included in the select list. The record further reveals that the Respondent No. 5 had applied online through email on 18.11.2025 at 02:17 pm, however, his email was found in Spam folder. Likewise, two candidates whose names were published separately in the selection list were also amongst those candidates whose mails were found in the Spam folder.

15. The fact remains that the candidates including respondent No.5 who were selected, were found to be more meritorious than the petitioner, as the last selected candidate, i.e. respondent No.5, has secured 405 marks, whereas the petitioner has secured 340 marks in the NEET examination. It is not the case of the petitioner that the candidates selected in his place were less meritorious than him. We, therefore, find that the explanation offered by respondent No.4 – College is plausible and quite acceptable.

16. Admittedly the entire selection process was conducted in the presence of two observers of CET Cell. So also in the enquiry conducted into the complaints regarding the Institutional Stray Vacany Round, no illegality or irregularity was found in the selection process.

So far as judgments relied upon by the party-in-person are concerned, in the case of *Divjot Sekhon Vs. State of Punjab* (*supra*), the issue before the Hon'ble Apex Court was with regard to change in admission rules in the midst of the admission process. It would be apt to reproduce the relevant observations of the Hon'ble Apex Court which read thus :

18. It is well-settled that the Rules of the game cannot be altered once the game has begun. In Maharashtra State Road Transport Corporation and Ors. v. Rajendra Bhimrao Mandve and Ors.; (2001) 10 SCC 51, this Court observed that "the Rules of the game, meaning thereby, that the criteria for selection cannot be altered by the authorities concerned in the middle or after the process of selection has commenced". The same principle was followed subsequently by a 3-Judge Bench in K. Manjusree v. State of Andhra Pradesh and Anr. ; (2008) 3 SCC 512 and by a Constitution Bench in Tej Prakash Pathak and Ors. v. Rajasthan High Court and Ors. ; (2025) 2 SCC 1. This principle is just as applicable to admission processes to educational courses as it would be to recruitment processes. Just as modification of recruitment norms is forbidden in law after the recruitment process has begun, it is equally illegal for an admission process to not be fully defined in all its contours before its commencement, so as to leave room for the authorities concerned to stipulate norms later on to suit their own interests or to permit nepotism. The transparency of such a process is paramount to ensure fairness and prevent arbitrariness.

"32. In Sivanandan C.T. and Ors. v. High Court of Kerala and Ors. (2024) 3 SCC 799, a Constitution Bench observed as under:

"45. The underlying basis for the application of the doctrine of legitimate expectation has expanded and evolved to include the principles of good administration. Since citizens repose their trust in the State, the actions and

policies of the State give rise to legitimate expectations that the State will adhere to its assurance or past practice by acting in a consistent, transparent, and predictable manner. The principles of good administration require that the decisions of public authorities must withstand the test of consistency, transparency and predictability to avoid being regarded as arbitrary and therefore violative of Article 14.”

17. Similarly, so far as the judgment in the case of ***Vansh s/o Prakash Dolas*** (*supra*) is concerned, the same pertains to cancellation of MBBS admission. The relevant paragraph of the judgment reads thus :

“27. This Court in the case of S. Krishna Sradha v. State of Andhra Pradesh and Ors. ; (2017) 4 SCC 516 examined the issue of wrongful denial of admission in a medical course, and propounded the theory of 'restitutive justice' by holding as below:-

“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 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 to Admission in MBBS Course only and we have not dealt with post graduate medical course.”

(emphasis supplied)

18. The aforesaid judgments in our considered view would not be applicable to the case in hand. As far as the judgment of the Coordinate Bench of this Court in the case of *Tejaswini Vs. State of Maharashtra* (*supra*) is concerned, in that case, the Management had admitted a student who was less meritorious than the petitioner therein, and it is in this context that this Court directed the Management to pay compensation of Rs. 20,00,000/- (Rupees Twenty Lakh only) to her. We find that, even the said judgment, being distinguishable on facts, does not render any assistance to the petitioner in the present case.

19. In view of foregoing discussion, we are convinced that

there was no illegality or irregularity committed by respondent No. 4 - College in conducting the admission process at the stage of filling up the residual vacancies. We do not find any substance in the writ petition. The same sans merit and is accordingly dismissed. The pending civil application also stands disposed of. Rule is discharged.

(ABASAHEB D. SHINDE, J.)

(NITIN B. SURYAWANSHI, J.)

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