

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2323 OF 2015

Dr.Omkar Pratap Kulkarni & Ors.)... Petitioners

V/s.

State of Maharashtra & Anr.)... Respondents

WITH

WRIT PETITION NO.2347 OF 2015

Dr.Sneha Ratanlal Peswani)... Petitioner

V/s.

State of Maharashtra & Anr.)... Respondents

Mr.Anil V.Anturkar, Sr.Advocate along with Mr.Sandip Phatak for
petitioners in Writ Petition No.2323/2015.

Mr.A.S.Rao along with Prashant Kamble for petitioner in Writ Petition
No.2347 of 2015.

Mr.A.B.Vagyani, GP along with C.P.Yadav AGP for respondent nos.1 & 2

**CORAM: ANOOP V.MOHTA &
K.R.SHRIRAM, JJ.**

DATED : 27.3.2015.

ORAL JUDGMENT : (Per : Anoop V.Mohta,J)

Rule. Rule returnable forthwith. Heard finally by consent
of parties.

1 In both these petitions, petitioners are praying to quash
and set aside Notification dated 27.2.2015 issued by the respondent
no.2 declaring Revised Provisional Result of PGM-CET-2015 and
the Rank List/Final Merit List published based upon the Revised
Provisional Result and further prays to follow the Notification
published dated 30.1.2015 for the purpose of taking steps as
per the calendar mentioned in the Information Brochure by

respondent nos.1 & 2.

2 The petitioners have filed these petitions on 3.3.2015. This court issued notice on 11.3.2015. By a reasoned order however, this court has not granted any interim relief though prayed for but directed the respondents to file affidavit in reply. Respondent nos.1 & 2 by reply dated 24.3.2015 resisted the petitions on every aspect and submitted that no case is made out to disturb and/or interfere with the impugned Notification as the same was prepared after taking into consideration the respective objections so raised within the prescribed period as announced i.e., 9.2.2015 to 12.2.2015. Therefore, the contentions that the Notification which was published by taking objections beyond the period so prescribed is unacceptable.

3 Both the counsels for the petitioners in the two petitions raised basic submission revolving around the entertainment of objections so stated to be filed after 12.2.2015. The same are unacceptable in view of the positive averments made in paragraph-6 of the affidavit in reply filed by respondent no.1 and respondent no.2, which is as under :-

“ I say and submit that after declaration of provisional result various groups of students who raised the objections during the earlier prescribed period also again submitted representations between 09/02/2015 to 12/02/2015 that their objections were not fully considered pertaining to 25 to 28 questions on which they have raised the objections. As the majority of these objections were on the same line as that of earlier

objections raised during prescribed period, the Competent Authority decided to clarify the correctness of objections under rule 20 of PGM-CET 2015 Information Brochure by conducting 2nd, third party validation from expert committee belonging to Armed Force Medical College, Pune to consider the correctness of the objections. I say that in view of the above decision the Competent Authority gave the notification on 14/02/2015 and informed the concerned that the final result and merit list is postponed till further notice. The copy of the said notification is already annexed as Exhibit-F to the abovesaid writ petition.”

4 The submission of the petitioners that the respondents be directed to show particular records about the objections so received within the prescribed period and/or the representations so made also need not be considered as the affidavit so filed by the Government need to be accepted unless contra material is put by the petitioners. The learned AGP also submitted that they have decided the objections which they have received prior to the date so fixed though the representations so made in a given case were after 12.2.2015 because there were specific objections, which the Government ought to have taken note of at the relevant time along with the first objection so decided but did not and therefore, they have taken this step and it was within their power and authority to do so. Accordingly after taking decision on objections declared, the list/notification dated 25.2.2015 was released.

5 Another factor which just cannot be overlooked in such matters is the State has already published the rank/merit list on

27.2.2015. As per the admission procedure the concerned students have all applied taking note of their marks/rank. The on-line procedure of selection of respective institution must have proceeded further. Statement is made that 30.3.2015 is the date fixed for allotment of seats/admission based upon the applications received on-line whereby respective candidates/applicants must have mentioned the respective choice of institution referring to their subjects.

6 The Hon'ble Supreme Court has already fixed medical/dental schedule for Academic Year 2015-2016 by which apart from other schedule respective State and/or other authorities are required to follow the schedule so fixed including to hold first round of counseling/admission by 5.4.2015 so far as the State Government is concerned and the last date for joining the allotted college will be of 8.4.2015.

Therefore, also we are not inclined to entertain these petitions at the instance of these petitioners though statement is made that more than 200 students will be affected by this notification, in the background of the fact that more than 2000 students have already applied to the respective institution based upon the revised schedule and on the basis of impugned revised merit notification. Therefore, taking overall view of the matter, for the above mentioned reasons, the Petitions are dismissed. No costs.

(K.R.SHRIRAM, J.)

(ANOOP V.MOHTA,J)