

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION (L) NO.15407 OF 2015**

Dr.Priyadarsh Ture .. Petitioner.  
Vs.  
The State of Maharashtra & Ors. .. Respondents.

Ms.Purnima Upadhyay for the Petitioner.  
Mr. A.I. Patel AGP for the Respondent-State.

**CORAM : MOHIT S. SHAH, C.J. &  
A.K. MENON, J.**

**DATED : 17 JUNE, 2015**

**P.C. :**

This suo motu PIL came to be initiated on the basis of an e-mail dated 9 June, 2015 from Ms. Purnima Upadhyay, a social worker in the Melghat region. Ms. Upadhyay pointed out in the e-mail that she was informed by Dr.Priyadarsh Ture, Medical Officer from PHC, Katkumbh, Taluka Chikhaldhara, Amravati District, that some students from the tribal hilly area of Melghat, Taluka Chikhaldhara in Amravati District had omitted to claim the seats under the “Hilly Area Quota” as the students availed the

services of cyber cafe operator who filled the forms for them and did not understand the requirement of online application form. As a result the word “None” was inserted in the column provided for claiming reservation.

2. In response to the notice Mr.Patel, learned Assistant Government Pleader appears and states that out of eight students from that area, three students indicated that they were claiming the seat from “Hilly Area Quota” :

- (i) Sheetal Masaram Badhaye
- (ii) Ranjana Shravan Malviya, and
- (iii) Manish Siri Pandole.

However, the following five students did not indicate in the online application that they were claiming the seats from “Hilly Area Quota” being :

- (i) Megha Satish Malviya,
- (ii) Ashok Kasdekar
- (iii) Nitin Ramsingh Dhruve
- (iv) Sandeep Jharkhande
- (v) Kiran Daulat Badhaye

3. The learned AGP, however, submits that in similar cases when the students had omitted to make any claim of reservation in their online application form and subsequently when they moved this Court, they were not granted any relief. Learned counsel has placed reliance upon the orders dated 11 July, 2012 and 13 July, 2012 in Writ Petition No.6328 and Writ Petition (L) No.1744 of 2012 respectively and also upon the order dated 28 July, 2014 in Writ Petition No.6271 of 2014.

4. Having heard learned AGP and having carefully considered the facts of the present case, we are of the view that the aforesaid decisions are easily distinguishable from this case. The concerned Petitioners in those other cases were claiming benefit of the caste certificate and there was delay on their part in getting the caste certificate and in producing the same before the admission authorities. However, in the facts of the present case, the concerned students hail from the hilly tribal area of Melghat which is a socially, economically and culturally backward area. It is an area where a large number of children have been dying on

account of malnutrition. This Court has entertained the PIL pertaining to malnutrition deaths in Melghat and in several orders this Court has noticed that the tribals in this area do not get adequate medical facilities as the doctors in the public medical / health services are not willing to go to such hilly tribal areas. It is, therefore, necessary in public interest to see that the students from the tribal hilly areas of Melghat get a chance to seek admission to the medical colleges atleast in the seats reserved for the “Hilly Area Quota”.

5. The Information Brochure of the Medical and Drugs Department, MH-CET-2015 provides for the Common Entrance Test 2015 for health science courses. The Information Brochure also specifically provides for “Hilly Area Reservation” in Annexure “F” thereto. The students in question i.e. about five students had appeared for MH-CET-2015 examination and as per above reservation policy for the hilly areas, the Competent Authority has to select the students for hilly area reservation on the basis of merit at MH-CET-2015 examination. There is no dispute about the fact that the area from which the above students hail are

classified as hilly area for purpose of reservation in Annexure “F” to the admission brochure. Respondent No.1 does not dispute the eligibility of the students in question for purpose of claiming “Hilly Area Reservation” as per Annexure “F” to the information brochure. We are, therefore, inclined to grant the prayer made on behalf of the above students in public interest.

6. Accordingly, we allow the PIL in terms of the following directions :

(a) Respondent No.1 - Directorate of Medical Education and Research shall include the names of following five students in the list of students claiming “Hilly Area Reservation”, over and above the students from the hilly areas, who have already indicated in their online application forms their claim under hilly area reservation. The students are :

- (i) Megha Satish Malviya - Application No.2015358111.
- (ii) Ashok Kasdekar - Application No.2015371078.
- (iii) Nitin Ramsingh Dhruve - Application No.2015334036.
- (iv) Sandeep Jharkhande - Application No.2015264225.
- (v) Kiran Daulat Bagaye - Application No.2015368710.

(b) It is clarified that the names of the above five candidates will be placed in the list of candidates claiming “hilly area reservation” on the basis of their merit and subject to their complying with other requirements of Annexure “F” to the admission brochure for MH-CET-2015 examination.

The PIL is accordingly, disposed of.

7. This order is passed in presence of learned AGP and also in presence of Mr.Swapnil Desai, Senior Assistant in the Directorate of Medical Education and Research, Mumbai.

An authenticated copy of this order may be made available to the parties for early compliance.

**(CHIEF JUSTICE)**

**(A.K.MENON, J.)**