

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7546 OF 2015

Nikhil Suresh Shinde

Petitioner

versus

State of Maharashtra and others

Respondents

Mr.Abhijeet A. Desai for petitioner.

Mr.V.B.Thadani, AGP for State.

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

DATE : 2 September 2015

PC :

The petitioner who suffers from visual impairment, applied for first year MBBS course on a seat reserved for candidates for visual disability.

2. It has been pointed out in the affidavit-in-reply dated 11 August 2015 of the Competent Authority & Director, Medical Education and Research, Mumbai that the petitioner has scored only 69 marks out of 200 marks in MH-CET-2015, whereas, petitioner was required to obtain minimum 90 marks out of 200 marks i.e. minimum 45% marks. Therefore, the petitioner is ineligible to be admitted to MBBS course from the seat reserved for the persons with visual disability in the open category.

3. The advocate for the petitioner submits that since the affidavit-in-reply indicates that at the end of second selection process 29 seats are still vacant from the quota as eligible candidates are not available, the petitioner's case may be considered by the respondents.

4. We are not in a position to accept the above submission as the minimum marks required for admission to MBBS course is 90 marks under Rule 4.9 of MH-CET-2015. Since the petitioner has scored 69 marks, he was not granted the seat. Even if eligible candidates from the persons with disability are not available after second round of admissions, the remaining 29 seats would naturally be made available for other students in accordance with Rules MH-CET-2015.

5. The petition is accordingly dismissed.

(CHIEF JUSTICE)

(A.K.MENON, J.)