

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

WRIT PETITION NO. 10068 OF 2014

Syeda Afreen Fatima Amjad Hussain

... Petitioner

v/s

The State of Maharashtra & ors.

... Respondents

Mr.Rajaram Vaman Bansode for the petitioner.

Mr.C.P. Yadav for the respondent Nos.1 and 2.

Mr.Prathamesh Gokhale and Sanket Telang for the Resp. No.3.

Mr.S.B. Shetye for the respondent No.4.

Ms.Sheetal M. Ubale for the respondent No.5.

***CORAM: SMT. VASANTI A. NAIK &
SHRI C. V. BHADANG, JJ.***

DATED : 2ND MARCH, 2015

P.C.:

Heard.

By this petition, the petitioner impugns the communication of the respondent No.4 University rejecting the request made on behalf of the petitioner by the respondent No.5 college that the admission of the petitioner should not be considered from the Other Backward Class category.

According to the petitioner, there were only three seats from the N.R.I. quota and the petitioner was admitted to the B.H.M.S. Course in the respondent No.5 college in the said quota. Before submitting the application form for admission, the petitioner has wrongly ticked the column "O.B.C." in stead of column "Open". It is the case of the petitioner that the petitioner does not belong to the O.B.C. and belongs to the caste which falls in the Open category. Since a mistake was committed by the petitioner and the college also committed the same mistake, the college wrote to the University to consider the admission of the petitioner in N.R.I. quota from the Open category and not from the O.B.C. The application of the respondent No.5 college was, however, rejected by the respondent No.4 University. The order of the University is impugned in the instant writ petition.

On hearing the learned counsel for the parties, it appears that the impugned order cannot be sustained and is liable to be quashed and set aside. Merely because the petitioner had committed an inadvertent mistake while filling the form for admission to the B.H.M.S. Course, the petitioner cannot be penalized, more so, when the petitioner has been admitted to the course on the seat reserved post for the N.R.I. category. It is submitted on behalf of the petitioner and it is also not disputed by the University that reservation criteria is not applied to the seats in the N.R.I. category and the seats in the N.R.I. category in the said college were only

three. In such circumstances, the respondent No.4 University ought to have granted the request made on behalf of the petitioner and considered the admission of the petitioner to be one from the N.R.I. (Open) category.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned order is quashed and set aside. The admission of the petitioner should be considered by the University from the N.R.I. (Open) category. It is needless to mention that, in view of the aforesaid order, the result of the petitioner should be declared forthwith.

Order accordingly. No costs.

(C. V. BHADANG, J.)

(VASANTI A. NAIK, J.)