

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4465 OF 2015

Adarsh S/o Rammani Pandey

-vs-

The Maharashtra University of Health Sciences, thr. Its Registrar and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S. Sanyal, counsel for the petitioner.
Mr. N. Thombre, counsel for the respondent No.1.
Mr. Mdhavi Khare, counsel for the respondent No.2

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 20.10.2015.

By this petition, the petitioner challenges the communication of the respondent No.1, the Maharashtra University of Health Sciences, dated 12/12/2014 refusing to grant permission to the petitioner to appear at the first year B.A.M.S. examination as the petitioner was not eligible for being admitted to the said degree course. The petitioner seeks a declaration that the petitioner is eligible to be admitted to the B.A.M.S. degree course.

The petitioner had appeared for the Senior School Secondary Certificate Examination in the Academic Session 2012-13 that was conducted by the Board of School and Technical Education, Chhatisgarh. The petitioner desired to pursue medicine and was admitted in the first year B.A.M.S. degree course in the respondent No.2-College in the Academic Session 2014-15. The petitioner was not permitted to appear at the first year B.A.M.S. examination by the

respondent No.1 on the ground that the petitioner was wrongfully admitted in the B.A.M.S. degree course by the respondent No.2. According to the respondent No.1, the petitioner had not passed the 10 + 2 examination with English as one of the subjects and the Board of School and Technical Education, Chhatisgarh, that conducted the Secondary School Certificate Examination in which the petitioner appeared and passed is not recognized by the Council of Boards of School Education in India. The petitioner has challenged the communication, refusing permission to the petitioner to appear at the examination.

On hearing the learned counsel for the parties and on a perusal of the affidavit-in-reply, filed on behalf of the respondent No.1, it appears that the declaration sought by the petitioner cannot be granted. It cannot be held in the circumstances of the case that the petitioner is eligible to be admitted in the B.A.M.S. degree course. The petitioner ought to have passed the 10 + 2 examination that was conducted by a board that is recognized by the Council of Boards of School Education in India. The petitioner had cleared the Secondary School Certificate Examination from the Board of School and Technical Education, Chhatisgarh. We have perused the list of the Boards that are recognized by the Council of Boards of School Education in India and annexed to the affidavit-in-reply, filed on behalf of the respondent No.1. The said list does not include the name of the Board of School and Technical Education, Chhatisgarh that has conducted the Secondary School Certificate Examination of the petitioner. No material has been pointed out on behalf of the petitioner to substantiate that the Board of School and

Technical Education, Chhatisgarh is a recognized board. The petitioner cannot rely on a communication addressed by the Maharashtra State Board of Secondary and Higher Secondary Education to the Board of School and Technical Education, Chhatisgarh that the Secondary School Certificate Examination conducted by the Board of School and Technical Education, Chhatisgarh is equivalent to the board examination conducted by the Maharashtra State Board of Secondary and Higher Secondary Education. The said communication cannot have the effect of granting recognition to the Board of School and Technical Education, Chhatisgarh, when the Council of Boards of School Education in India does not recognize the Board of School and Technical Education, Chhatisgarh. Since the petitioner had not passed the Secondary School Certificate Examination from the board that was recognized by the Council of Boards of School Education in India, the impugned communication cannot be faulted with.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE