

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

WRIT PETITION NO. 6196/2015

(DIKSHA RAGHUVIRSINGH BAIS **VERSUS** DIRECTORATE, MEDICAL EDUCATION AND
RESEARCH, MUMBAI & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.W. Sambre, counsel for the petitioner.
Shri N.R. Rode, A.G.P. for the R-1.
Shri R. Dhande, counsel for the R-3.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : NOVEMBER 24, 2015.

By this petition, the petitioner challenges the action of the respondents in refusing admission to the petitioner in the respondent no.3-College for non-production of the original certificates.

The petitioner had appeared in the MH-CET examination in Summer-2015. Though the petitioner desired to secure admission in the B.D.S. course, to be on the safer side, it is the case of the petitioner that the petitioner secured admission in the Government College of Pharmacy. B.D.S. seats in certain dental colleges remained vacant and a few seats also remained vacant in the respondent no.3-College. A notification calling the eligible aspirants for securing admission in the B.D.S. course in the respondent no.3-College was issued. The petitioner applied for a seat in the respondent no.3-College. The spot admissions were scheduled on 31.10.2015. On the said date, the petitioner did not possess the original certificates as the said certificates were tendered by the petitioner in the Government Pharmacy College, where the petitioner had secured admission in the Academic Session 2015-2016. The respondent no.3 refused to admit the petitioner in the respondent no.3-College for the B.D.S. course as

the petitioner had failed to produce the original certificates and certain other candidates and produced the same and secured admission in the respondent no.3-College in the B.D.S. course. The petitioner has challenged the action on the part of the respondent no.3-College in refusing admission to the petitioner in the first year B.D.S. course.

On hearing the learned counsel for the parties and on a perusal of the rules for admission to the M.B.B.S. and the B.D.S. course, it appears that the relief sought by the petitioner cannot be granted. There is nothing wrong in the action of the respondent no.3-College in refusing to admit the petitioner in the absence of the original certificates. It is clearly mentioned in the rules for admission that it would be necessary for the candidates to produce the original certificates at the time of the rounds for admission and/or at the time of spot admission. The petitioner admittedly did not possess the original certificates at the time of the spot admission, on 31.10.2015. The production of a *bona fide* certificate from the college, where the petitioner was admitted, that the petitioner had tendered the original documents in the said college, would not be enough for securing the admission in the B.D.S. course. The rules clearly prescribe for the production of the original certificates and documents at the time of admission. In a similar matter, this Court has refused to set aside the action on the part of the management in refusing admission to the B.A.M.S. course by referring to the relevant rules. It would be worthwhile to refer to the order dated 23.11.2015 in Writ Petition No.6291 of 2015, in this regard.

Since no case has been made out by the petitioner for seeking the relief, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE