

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

WRIT PETITION NO. 6291/2015

(ROHAN GAUTAM SIRSAT **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri A.S. Dhore, counsel for the petitioner.
 Ms. P.D. Rane, A.G.P. for the R-1 & 2.
 Shri A.R. Deshpande, counsel for the R-4.

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

DATE : NOVEMBER 23, 2015.

By this petition, the petitioner has sought a direction to the respondent no.4-Radhakisan Toshniwal Ayurvedic Mahavidyalaya, Akola to grant admission to the petitioner in the Bachelor of Ayurved and Master of Surgery (B.A.M.S.) for the academic session 2015-16.

The petitioner had appeared at the MH-CET examination in Summer-2015 and was admitted to the respondent no.5-College in the B.A.M.S. course. Certain seats in the respondent no.4-College remained vacant and the Government issued a notification on 27.10.2015 granting an opportunity to the desirous aspirants to seek admission to the vacant seats. It was stated in the notification that along with the application, a candidate would be required to tender the photostat copies of the relevant certificates and the candidate would be required to produce the original documents at the time of admission on 29th and 30th of October, 2015. For the spot admissions, for the remaining vacant seats, the candidates were required to remain present on 31st of October, 2015 along with the original documents and tuition fees. Admittedly, the petitioner did not possess the original certificates either on 29th, 30th or 31st of October, 2015 though the petitioner had cancelled the admission in the

respondent no.5-College. The respondent no.4-College refused to grant admission to the petitioner on the ground that the petitioner failed to tender the original documents to the respondent no.4-College on the dates prescribed in the notification. According to the petitioner, the petitioner secured the original documents and approached the respondent no.4-College on 02.11.2015. It is stated that in the circumstances of the case, a direction be issued to the respondent no.4-College to admit the petitioner in the B.A.M.S. course.

On hearing the learned counsel for the parties and on a perusal of the notification issued by the State Government on 27.10.2015, it appears that the relief sought by the petitioner cannot be granted. By the notification dated 27.10.2015, the State Government clearly made it known to the candidates that the candidates would be required to tender the original documents and tuition fees on 29th and 30th of October, 2015 for regular admission and on 31.10.2015 for spot admission. Admittedly, the petitioner did not possess the original documents on these three dates. Certain other students tendered the documents to the respondent no.4-College and the respondent no.4-College admitted those students on the vacant seats. Since the petitioner had applied in response to the notification dated 27.10.2015, the petitioner cannot be heard to say that the respondent no.4-College should grant admission to the petitioner though the petitioner did not remain present on 29.10.2015, 30.10.2015 and 31.10.2015 along with the original documents.

Since the respondent no.4-College was justified in declining admission to the petitioner, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE