

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6048 OF 2016
(Ashnar Shaikh Eshaq and another Vs. The State of
Maharashtra and another)

AND

WRIT PETITION NO. 6323 OF 2016
(Pralhad Uttamrao Patil Vs. The State of Maharashtra and
another)

Mr. Subodh P. Shah, Advocate for the Petitioner
in Writ Petition No. 6048/2016
Mr. Vinod Prakash Patil, Advocate for the petitioner
in Writ Petition No. 6323/2016
Mr. S.K. Kadam, A.G.P. for the respondents in
both writ petitions

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 20th JUNE, 2016

PER COURT :

Heard learned counsel for the petitioners and
the learned A.G.P. for the respondents/State.

2. It is common contention of the learned counsel
for the petitioners in both writ petitions that the
admissions for the Medical and Dental courses were
supposed to be dependent upon the merit in the NEET-I
(i.e. National Eligibility-cum-Entrance Test – I), as
observed by the Hon'ble Supreme Court of India in its

order dated 28th April, 2016 in the case ***Sankalp Charitable Trust and another Vs. Union of India and others (Writ Petition (C) No. 261 of 2016)***. It is further submitted that in view of the said observation by the Hon'ble Supreme Court, the students like the present petitioners, who were expected to appear for the MHT-CET-2016 could not prepare themselves properly and attempts were halfhearted and therefore, the respondents may be directed to conduct the MHT-CET afresh. It is submitted that the Hon'ble Supreme Court in the case of ***Medical & Dental College and another Vs. Union of India and others (Interlocutory Application No. 2 in Transfer Case (C) No. 7 of 2013)*** and group of other petitions, considered the prayer of the students for conducting NEET-II on the ground that the students who have either applied for NEET-I but could not appear or who appeared but could not prepare fully, thinking that the preparation was to be only for 15% All India seats and there will be further opportunity to appear in other examinations. The Supreme Court, therefore, directed the respondents to conduct NEET-II and allow those students who had apprehension in mind due to confusion created as stated hereinabove, to appear in NEET-II,

subject to seeking an option from the said candidates to give up their candidature for NEET-I. It is submitted that though the students appeared for NEET-I, by the said order, the Hon'ble Supreme Court allowed the students to appear for NEET-II. Therefore, by adopting the said course, the respondents may be directed to conduct the MHT-CET – II afresh.

3. The learned A.G.P. appearing for the respondents, on instructions, submits that the results of MHT-CET-2016 are already declared. The petitioners had appeared for the said examination and after declaration of the results thereof, they have filed these writ petitions. It is submitted that the students who have already appeared for the said examination, the admission process is already set in motion. The students are to start registration from 2nd July, 2016, counselling is also in process and from 2nd July, 2016, there will be displaying of colleges which are to be allotted to the students. In such situation, it would not be appropriate to direct the respondents to conduct the MHT-CET-II.

4. We have heard learned counsel for the petitioners and the learned A.G.P. It is true that the Hon'ble Supreme Court of India ordered to conduct the NEET-II. However, it appears that the results of NEET-I are not yet declared and the results of both NEET-I and NEET-II will be declared at one and the same time. In the facts of the present case, as rightly submitted by the learned A.G.P., the students have already appeared for the MHT-CET-2016, the results thereof are already declared and issuing any direction to the respondents to conduct the MHT-CET-II would affect upon the students who have already appeared and who are participating in the admission process. In that view of the matter, we are not inclined to entertain these writ petitions. Hence, both the writ petitions stand rejected.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

