

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6696 OF 2016

Vishal Anil Sanap,
Age : 19 years, Occu. Student,
R/o at post Raimoha,
Tq. Shirur (Kasar),
District Beed

PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
Health and Science Department,
Mantralaya, Mumbai
2. Admission Regulating Authority
of State, CET Cell,
305, Government Polytechnic Building,
49, Kherwadi, Aliyaware Jung Marg,
Bandra (E), Mumbai - 400 051
3. Commissioner and Competent Authority
State Common Entrance Examination Cell,
Maharashtra State, Mumbai

RESPONDENTS

Smt. Vaishali R. Deshpande, Advocate for the Petitioner
Mrs. M.A. Deshpande, A.G.P. for the respondents

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

DATE : 7TH JULY, 2016

JUDGMENT (PER : SANGITRAO S. PATIL, J.) :

Rule. Rule made returnable forthwith. With
the consent of the learned counsel for the petitioner

and the learned A.G.P., the petition is heard finally.

3. Non-consideration of the claim of the petitioner against the seat reserved for the children of Ex-Defence personnel for admission to Undergraduate Health Courses, has given rise to this writ petition.

4. The learned counsel for the petitioner submits that the petitioner filed online application for one year Undergraduate Health Sciences Course for the academic year 2016-2017. He successfully passed MHT-CET 2016 prescribed for the admission for the said courses by obtaining 167 marks out of 200. He had claimed the benefit of the reservation from N.T. (D) category and also as the ward of an ex-serviceman. However, his claim for getting admission on account of being the ward of ex-serviceman came to be rejected since he had not clicked on the option of "DEF-1" given in the other details column at serial No. 9 of the online application form. She submits that the candidature of the petitioner should not have been rejected on this hyper technical ground. According to her, for want of knowledge and due to misunderstanding in the short forms given in the online application form, the petitioner

could not click the option meant for the candidate claiming reservation for the ward of ex-serviceman. She, therefore, prays that respondent Nos. 2 and 3 may be directed to consider the petitioner for admission to the Undergraduate Health Science courses against the seats reserved for the children of Ex-Defence personnel.

5. The learned A.G.P. filed reply on behalf of the respondents and strongly opposed the petition. She pointed out the Information Brochure published by respondent No. 3 for information of the candidates filling up online application forms for MHT-CET 2016. It was specifically mentioned in clause-8 of Annexure-E of the said brochure that the candidate must claim reservation while applying online. All representations not claiming the reservation in the online application form and requesting to accept the claim of reservation afterwards, will be rejected. In clause-9 (a) of Annexure-E, there is specific mention of "DEF-1" which means ward/spouse of an Ex-Defence Service personnel, domiciled in the State of Maharashtra. The petitioner did not mark against "DEF-1" in his online application form. The learned A.G.P. submits that since the

petitioner did not claim reservation against "DEF-1" in his online application form, his subsequent claim for reservation in that category cannot be considered and accordingly, has not been considered. She, therefore, prays that the writ petition may be dismissed.

6. Undisputedly, respondent No. 3 had published Information Brochure well in advance prior to the last date for submitting online application form for MHT-CET 2016. There is no dispute that in Annexure-E of the said Information Brochure, specific instructions have been given as to the manner in which the candidates should claim reservation against the seats meant for the wards of Ex-Defence Service personnel. In clause-8 of that Annexure, it was specifically mentioned that the candidate must claim reservation while applying online and all the representations not claiming the reservation in the online application form and requesting to accept the claim of reservation afterwards, would be rejected. The petitioner was supposed to follow these instructions scrupulously when he was made aware about the serious consequences of not following the same. The petitioner did not follow the said instructions and did not claim

reservation while applying online against the seats meant for the wards of Ex-Defence personnel. If that be so, he cannot claim reservation subsequently as contained in clause-8 of the information brochure, referred to above.

7. In the above circumstances, we are not inclined to grant any relief in favour of the petitioner. The petition is liable to be dismissed. Hence, the following order.

- (i) The writ petition is dismissed.
- (ii) Rule stands discharged accordingly.
- (iii) No costs.

Sd/-
[**SANGITRAO S. PATIL**]
JUDGE

Sd/-
[**S.S. SHINDE**]
JUDGE