

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 9920 OF 2016**

Zainab Taherim d/o Hamid Shaikh

**.. PETITIONER**

**VERSUS**

State of Maharashtra  
& others

**.. RESPONDENTS**

Mr. Kalpalata Patil Bharaswadkar, advocate for petitioner.

Mr. A.B. Girase, GP for the State.

Mr. S.B. Deshpande, ASG for respondent no. 4.

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**CORAM : R.M. BORDE &  
K.K. SONAWANE, JJ.  
DATE : 7<sup>th</sup> OCTOBER, 2016.**

**PER COURT :**

1. Learned GP has invited our attention to the order passed by the Hon'ble Supreme Court on 06.10.2016. On consideration of application presented by the State of Maharashtra, the Hon'ble Supreme Court has extended last date for admission upto 07.10.2016 with clear understanding that no further extension of time will be granted. Learned GP for the State further informs that there are 46 surrendered seats from All India Quota available for admission to MBBS degree course whereas 28 seats are available from surrendered seats of All India Quota for BDS degree course. In order to fill in the aforesaid seats, the Commissioner and the Competent Authority has published notice on 06.10.2016 prescribing program for counseling to be held on 07.10.2016 at Mumbai. In view of development as referred above, the grievance raised in the instant petition stands substantially redressed. It would be open for the petitioner to participate in

counseling to be held on 07.10.2016.

2. Under the directions of the Commissioner and the Competent Authority, the students desirous of securing admission are instructed to bring original documents alongwith them and it is further instructed that in the event of failure, the claim of the candidate will not be considered for admission. It must be noted that the Hon'ble Supreme Court has passed the order on 06.10.2016 and thereafter notice has been published on the website prescribing the date of counseling to be 07.10.2016 at 12.00 noon. It would be highly impossible for a candidate hailing from one corner of Maharashtra to reach Mumbai alongwith original documents within the time prescribed by the competent authority. There are cases wherein the students have secured admission for different courses and the original documents are presented to concerned college while securing admission. It would be highly impossible for the candidates to collect original documents from such college and present the same at the time of counseling.

3. In the circumstances, some workable solution to the problem shall have to be prescribed. The Competent Authority shall grant relaxation in respect of production of original documents at the time of counseling, in the event any of the candidates desirous of securing admission expresses difficulty in producing original documents. It would be obligatory on the candidate to submit self-attested photostat copies of the documents at the time of counseling and the Competent Authority shall grant three days time for bringing original documents and producing the same with the

Competent Authority. Admission to the selected candidate shall not be denied only on the ground of his failure to submit original documents. It would also be open for the Commissioner and the Competent Authority to secure an undertaking from the candidate to produce original documents within three days. Learned counsel for petitioner points out that the DMER has issue separate notification in respect of availability of six more seats out of the State Quota i.e. 85% seats. The direction in respect of grant of relaxation relating to production of original documents would be applicable in respect of filling of such seats also.

4. With the directions as above, writ petition stands disposed of.

**( K. K. SONAWANE )**  
**JUDGE**

**( R. M. BORDE )**  
**JUDGE**

dyb