

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1036 OF 2016

IN

WRIT PETITION NO.8128 OF 2015

WITH

CIVIL APPLICATION NO. 890 OF 2015

IN

WRIT PETITION NO.7248 OF 2014

WITH

CIVIL APPLICATION NO.1037 OF 2016

IN

WRIT PETITION NO.8129 OF 2015

Association of Management of
Homeopathic Medical colleges of
Maharashtra through its Competent
Authority Dr. Dhanaji Govind Bagal
& Anr.

...Petitioner

Versus

The State of Maharashtra through its
Department of Medical Education
and Drugs, Mantralaya, Mumbai &
Ors.

...Respondents

...

Mr. V.M. Thorat, i/b. Mr. P.V. Thorat for the Petitioners.

Mr. P.G. Sawant, A.G.P. for Respondent Nos.1 and 2.

Mr. Ajay Khairnar i/b. Mr. D.A. Malawade for Respondent No.3

Mr. R.V. Govilkar for Respondent No.4

Mr. Rui Rodrigues with Mr. D.P. Singh for Respondent Nos. 6 to 9.

Ms Vrushali L. Maindad i/b. Mr. A.A. Desai for Respondent No.5.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 17th JUNE, 2016.

P. C. :

Heard the learned counsel appearing for the respective parties.

2. The above writ petitions are filed for challenging the decision dated 10.2.2015 of the “*Pravesh Niyamtran Samiti*” disapproving the admission of the three students admitted by the Petitioners'-college on the basis of H.S.C. Examination. The writ petitions were placed for admission on 29.9.2015. After hearing both the sides, the Division Bench of this Court admitted the writ petitions and directed the Respondent No.4-University to accept the examination forms of the concerned students for the ensuing examination which was scheduled on October-2015 of Undergraduate BHMS Course. In pursuance of this order students of the Petitioners'- College appeared for the examination. However, it is the grievance of the Petitioners that Respondent No.4 University has not declared the result and therefore, the present civil applications are filed, seeking direction to the Respondent No.4-University to declare the result and allow them to continue their course.

3. Since those Petitioners' students were appeared for the examination, which was held in October, 2015 in pursuant of the orders of this Court, coupled with the fact that issue whether the said students could have been admitted by the Petitioner No.2 on the basis of HSC marks is subjudice in above petitions, we direct the Respondent No.4-University to declare the result of those students of Applicant-College. In case these students do not clear the said examination, the Respondent No.4-University will permit them to re-appear for examination, which is scheduled to be held on 22.6.2016 if they are otherwise eligible to re-appear.

4. Needless to mention that declaration of result will be subject to the final outcome of the petition.

5. The Civil Applications stand disposed of. Registry, is directed to place the above petitions for final hearing on **29.6.2016 at 3.00 p.m.**

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)