

hvn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3027 OF 2016

IN

WRIT PETITION NO. 4324 OF 2016

Mansi Diknesh Darji

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Ms. Pooja Thorat with Mr. Anukul Seth i/by Mr. M.V. Thorat for the petitioner.

Mr. R.V. Govilkar for R. No. 3.

Ms. Nisha Mehra, AGP for R. Nos. 1 and 2.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.**

DATED : DECEMBER 08, 2016.

P.C.

Not on board. In view of urgency, taken on admission board.

2. Learned counsel for the petitioner submits that earlier when the interim relief was prayed and rejected, it was a prayer to stay the operation of the order dated 3.2.2016. She submits that thereafter the petition has been amended and as per averments made in paragraph 17(A), the petitioner has got admission in open category on the basis of merit inspite of the fact that she

claimed herself belonging to OBC category. She submits that in the circumstances, in view of Rule 2(4) of the brochure and taking the note of the fact that the admission of the petitioner was on merits, the petitioner be permitted to appear for the ensuing examination of first year B.P. Th. Examination.

3. Having considered the submissions advanced by the learned Counsel for the petitioner, we dispose of this civil application by directing respondent nos. 3 and 4 to accept the examination form of the petitioner/applicant for the first year B.P.Th. examination scheduled to be commenced from 17.12.2016 and permit the petitioner to appear in the examination. However, the result of the applicant/petitioner shall not be declared without the leave of the court. It is also made clear that on the basis of this interim order, the petitioner shall not be entitled to claim any equity. Civil Application is disposed of.

4. Parties to act on authenticated copy of this order.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)