

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3604/2016

(SAKET HIRALAL BANSOD **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri Vishal Anand, counsel for the petitioner.
 Shri D.P. Thakre, Additional G.P. for the R-1 to 4.

CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : JUNE 28, 2016.

By this writ petition, the petitioner seeks a direction against the respondent no.4 to allow the petitioner to submit the preference form for admission to the Health Science Courses, 2016.

The petitioner has passed the S.S.C. and H.S.S.C. (CBSE) examination from Andhra Pradesh. The petitioner is desirous of seeking admission to a medical course in Maharashtra and, hence, the petitioner had tried to submit the preference form so that he could participate in the C.A.P. round. The respondent no.4, however, refused to accept the preference form and permit the petitioner to participate in the C.A.P. round for admission to the Health Science Courses. The petitioner has challenged the action of the respondent no.4 and has sought the aforesaid direction.

It is submitted on behalf of the petitioner by referring to the gazette notification dated 03.12.2015 that the candidate desirous of seeking admission to the medical course is required to pass the S.S.C. and H.S.S.C. examination with not less than 50% marks. It is stated that the said gazette notification does not specify that a candidate desirous of seeking admission to a medical course in the State of Maharashtra should have passed the H.S.S.C. examination from the State of

Maharashtra. It is stated that since there is nothing in the gazette notification that prohibits the petitioner from applying to the Medical Courses in 2016, the respondent no.4 should have accepted the preference form of the petitioner and permitted him to participate in the C.A.P. rounds.

Shri D.P. Thakre, the learned Additional Government Pleader appearing on behalf of the respondent nos.1 to 4, has referred to Clause 1.6 of the Information Brochure of Preference System for admission to Health Science Courses for the year 2016 to submit that it would be necessary for a candidate to pass the H.S.S.C. examination from within the State of Maharashtra so as to be eligible for seeking admission to the Health Science Courses in Maharashtra. It is stated that since the petitioner had not appeared for the H.S.S.C. examination from within the State of Maharashtra and had appeared from Andhra Pradesh, the petitioner would not be able to participate in the admission process.

On hearing the learned counsel for the parties, we find that the direction, as sought by the petitioner cannot be granted and the respondent no.4 cannot be directed to permit the petitioner to participate in the admission process. It is clear from a reading of the Information Brochure, specially Clause 1.7 thereof that it would be necessary for a candidate seeking admission to the Health Science Courses to have passed the H.S.S.C. or an equivalent examination from within the State of Maharashtra. There is an exception to the said rule in Clause 1.7 but, the petitioner would not be governed by the said exception. In view of the admitted position that the petitioner had passed the H.S.S.C. (C.B.S.E.) examination from Andhra Pradesh, the petitioner is not eligible for seeking admission to the Health Science Courses in the State of Maharashtra.

Since we do not find any merit in the writ petition,
the same is dismissed with no order as to costs.

JUDGE

JUDGE

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