

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6800/2016

(Nikita D/o Satish Mude, Yavatmal vs. The Competent Authority and Commissioner and another)

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

Court's or Judge's order

Shri V.N.Patre, Advocate for the petitioner
Shrimati Geeta Tiwari, Asst. Govt.Pleader for Res.No.1
Shri Khubalkar, Advocate for respondent no.2

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

DATED : 20th December, 2016.

Heard.

By this Writ Petition, the petitioner seeks a direction against the respondents to admit the petitioner to BAMS course for the academic session 2016-17, in the respondent no.2-College.

According to the petitioner, though the petitioner was entitled to be admitted in the respondent no.2-College, in view of her selection in the counselling-round, the respondent no.2 wrongfully denied admission to the petitioner, on the ground that the petitioner had not tendered the original transfer certificate to the respondent no.2-College.

Mrs.Tiwari, the learned Assistant Government Pleader appearing for the respondent no.1-Competent Authority and Shri Khubalkar, the learned counsel for the respondent no.2-College, submit that during the course of the day, i.e. 30th November 2016, the petitioner could not produce the original

transfer certificate, though it was mandatory for the petitioner to produce the same while seeking admission to the BAMS course. It is submitted that the petitioner was waiting in the respondent no.2-College on 30.11.2016 so that her relatives could bring the certificate from the College, in some other town where she was admitted but the same was not brought and submitted to the respondent no.2, before the stipulated time, on 30.11.2016.

We are not inclined to grant the relief, as sought by the petitioner in the circumstances of the case. It is admitted by the petitioner that the petitioner did not possess the transfer certificate when in the counselling-round, she was held to be entitled to admission in the respondent no.2-college as the same was not secured from the College where she was admitted. It is the case of the petitioner that she secured the certificate from the other College and tried to submit it to the respondent no.2-College at the end of the day, but the respondent no.2 refused to accept the same. However, it is the case of the respondents that the petitioner was permitted to submit the original transfer certificate before the stipulated time, on 30.11.2016, but the petitioner did not submit the same. There is word against word and since the petitioner admittedly did not possess the original transfer certificate when she was entitled to be admitted in the respondent no.2-College, it would be necessary to believe the case of the respondents that the petitioner failed to produce the same as the same could not be secured from the other College in the other town and tendered to the respondent no.2-College, before the stipulated time on 30.11.2016. In the circumstances of the case, after all the seats in the respondent no.2-College are filled, a direction cannot be issued

against the respondent no.2 to admit the petitioner to the BAMS course in the said College.

In the circumstances of the case, we dismiss the Writ Petition, with no order as to costs.

JUDGE

JUDGE

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