

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10521 OF 2017

Dr. Vikram Namdev ManurePetitioner
V/s.
National Board of Examinations
& Anr.Respondents

Mr. Anant Vadgaonkar, Advocate for Petitioner.
Mr. C.P. Yadav, AGP for the Respondent-State.
Mr. R.A.Rodrigues, Advocate for Respondent.

**CORAM :- B.R.GAVAI &
SANDEEP K. SHINDE, JJ.**

DATE :- 12TH OCTOBER, 2017.

PC. :-

The Petitioner has approached this Court praying for direction to the Respondent No.3 to cancel the admission allotted to the Petitioner on 24.8.2017 in the subject of MCh (Neuro-Surgery) so as to enable the Petitioner to facilitate and pursue the same course at Respondent No.4-College.

2 It is the contention of the Petitioner that in accordance with norms laid down by the Medical Council of India, if a candidate cancels his admission prior to 14.9.2017, he is entitled to do so. It is also the contention of the Petitioner that though the Petitioner had in earlier round of the admission was granted admission to the

Respondent No.3-College, subsequently, he was also found to be eligible for admission in Respondent No.4-College.

3 Per contra, it is the contention of the learned counsel for the Respondent No.3 that the eligibility for admission to the Respondent No.3 is different than eligibility for admission in other medical college in-as-much as for being admitted in the Respondent No.3-College, candidate is also required to undergo medical fitness examination since after completion of education, such candidate is required to serve in the Armed Forces on a short service commission. It is the contention of the Respondent No.3 that the Petitioner had specifically executed a bond that in case, he cancels his admission, he will deposit an amount of Rs.6,60,000/-.

4 It is not in dispute that after the Petitioner was selected for being admitted in Respondent No.3-College, he was called for physical test on 21.8.2017 and after finding him eligible in accordance with merits as well as on account of his physical fitness, he was granted admission on 24.8.2017. The last date for admission in the Respondent No.3-College was 31.8.2017.

5 However, after the last date for admission in the Respondent No.3-College was over, the Petitioner made an application to the Respondent No.3-College on 13.9.2017 at 1.15

p.m. informing him that he had gained seat in neuro-surgery at Respondent No.4-Medical College and as such, he desires to cancel his admission. It could thus be seen that the request made by the Petitioner for cancellation of admission is after the last date for admission as prescribed by the Respondent No.3-College was over. If the request of the Petitioner is to be accepted then one precious seat in the subject of neuro-surgery and that too in prestigious institution of the Respondent No.3 goes waste. In any case, the Petitioner had willingly executed bond of the Respondent No.3-College that in case, he cancels his admission, he shall deposit an amount of Rs.6.60 Lakhs.

6 We are, therefore, of the considered view that request made by the Petitioner cannot be granted. The Petitioner has two options, either to pursue the studies with the Respondent No.3-College or if he chooses to pursue his studies with the Respondent No.4-College then to give up his claim in the Respondent No.3-College and deposit an amount of Rs.6,60,000/-.

7 In that view of the matter, no merit is found in the Petition. The Petition is, accordingly, dismissed.

(SANDEEP K. SHINDE, J)

(B.R.GAVAI, J)