

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 8971 OF 2018

DIPALI D/O BHARAT GAPAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. V. D. Patnurkar.
APP for Respondent/State: Mr. M. M. Nerlikar.
Advocate for Respondent : Mr. S. G. Karlekar.

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CORAM : **T. V. NALAWADE &
K. L. WADANE, JJ.**

DATE : 03rd August, 2018.

ORDER:

. Notice is already given to the Respondents. The learned counsel for the competent authority is present and he is heard. He strongly opposed the writ petition.

2 In short, the contention of the Petitioner, who had applied for getting admission in MBBS course is that, by mistake she gave choice for the seats reserved for NRI quota. She was considered as a candidate from NRI quota, but she did not get the seat from NRI quota. Now she wants that she should be considered for the State quota and it is her contention that she is a State candidate.

3 The learned counsel for Respondent drew the attention of this Court to the selection process, which is a part of broacher of NEET UG 2018. Clauses 10.2.1 to 10.2.3 are relevant and they show that if preference from multiple choices is given at the time of submitting the application by clicking the button, there is no provision to change the preference. The clauses show that separate prefixes like 'S' and 'N' were given in the form. 'S' suffix indicates State quota and 'N' suffix indicates NRI quota. Admittedly, the Petitioner had used 'N' and so she was treated as a candidate aspiring for a seat from NRI quota. The Petitioner now wants she to be treated as a candidate from State quota and it can be said that she is doing it as she could it to get the seat atleast from first round in NRI quota. In view of the aforesaid clauses, this Court holds that no change can be allowed. If such change is allowed for Petitioner only, it will be doing injustice to all the candidates, who have committed such mistakes and other mistakes. In such cases, provisions of clause 10.2.1 needs to be treated as mandatory.

4 The learned counsel for Petitioner places reliance made on some orders by this Court in **Writ Petition No.8383 of 2018** (Areej Khan d/o Abdul Rahman Khan Vs. The State of Maharashtra and

others) at this Bench and **Writ Petition (Stamp) No.19728 of 2018** (Shashi Saraswat Vs. The State of Maharashtra and another) decided at the Principal Seat. In the case decided at Principal Seat, the candidate was from State quota and she was listed in State quota as per the marks secured in NEET and in ordinary course in that quota, she was expected to get a seat in view of the marks secured by the candidate. The candidate was not claiming change of the quota. There was a problem like, choice of selection of colleges not given. In Writ Petition No.8383 of 2018, decided at this Bench, some contentions were made that system was not properly working etc. The Court considered some interim orders made in the past and submission was made for the Petitioner that they were claiming admission in private institution and they were not disturbing the claim of other meritorious students and the admission process was not going to be disturbed. In view of the facts of this matter, the direction was given to the authority to consider the application of the Petitioner for the private college in State quota without disturbing the admitted students.

5 In view of the aforesaid specific procedure, which needs to be strictly adhered, this Court holds that if relief is granted to the

present Petitioner, injustice may be done with other students, who may be more meritorious. In the result, the writ petition is dismissed.

6 Authenticated copy allowed to both the sides.

[K. L. WADANE, J.]

[T. V. NALAWADE, J.]

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