

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION STAMP NO. 23821 OF 2018

Riya Anil Singh and ors. .. Petitioners
Vs.
The State of Maharashtra and anr. .. Respondents

Mr.Rizwan Merchant a/w Mr.Ramiz Shaikh, Mr.Mahesh Ahire,
M.Imdad i/b Rizwan Merchant and Associates, for the
Petitioners.

Mrs.S.D.Vyas, 'B' Panel Counsel for Respondent No.1 – State.
Mr.S.S.Patwardhan, for Respondent No.2.

**CORAM : B.R.GAVAI &
M.S.KARNIK, JJ.
DATE : 24th AUGUST 2018**

P.C. :

. The petitioners have approached this Court claiming
for directions to the respondents authority to permit them to
compete from the State quota instead of NRI quota.

2. Shri Merchant - learned Counsel for the petitioners
states that the petitioners have unintentionally and inadvertently
given their choice to get admission against the NRI quota. It is

however submitted that if their earlier application form is looked into, it would be clear that they are eligible to be admitted under the state quota and their claim is only against the seats available from the state quota.

3. In an affidavit filed on behalf of respondent No.2, this position is categorically denied. It is stated in paragraph 6 as under :

“I say that the contents of paragraphs 9 and 10 of the writ petition are not correct. It is true that the petitioners are not NRIs. They cannot, therefore, be admitted in the “NRI Quota” *per se*. They have, however, applied for admission to the vacancies in “NRI Quota”, in terms of Notice No. 10/2018 dated 20.6.2018. I say that there are in all 622 seats for “NRI Quota” in undergraduate medical colleges in the State of Maharashtra. A total 17 out of those 622 seats from the “NRI Quota” have been filled up by admitting NRI students. Remaining 605 seats are vacancies against which non NRIs can make applications for admission. The petitioners have sought admission through this route and not in the “NRI Quota”.

4. It appears to be a great coincidence that 22 petitioners have inadvertently opted for NRI quota instead of State quota.

5. From the perusal of the aforesaid paragraph reproduced hereinabove from the affidavit-in-reply of the respondent No.2, it appears that out of 622 seats from NRI quota, only 17 have been filled and 605 seats have remained vacant. Without doubting the merits of the claims of the students that they may get admission against the State quota, possibility cannot be ruled out that since the chances of getting admission against NRI quota are quite bright in view of non filling of the said seats, the students might have deliberately opted for NRI quota.

6. We clarify that we do not propose to go into the said issue as the said issue would come in the realm of disputed question of fact which cannot be decided on the basis of the averments in the Petition. In any case, in the event, request

made by the petitioners is accepted, the rights of the students who have been diligent in opting for the State quota and would be entitled to betterment of the colleges would be adversely affected. None of the students even in representative capacity has been impleaded as party respondent.

7. Apart from that the identical challenge has been rejected by the Division Bench of this Court at Aurangabad in Writ Petition No. 8971 of 2018 vide order dated 03/08/2018. SLP challenging the same has been withdrawn by the petitioner therein. Another Division Bench of this Court at Nagpur in Writ Petition No. 5209 of 2018 in similar facts has rejected the Petition filed by the petitioners therein.

8. In this view of the matter, we do not find it appropriate to interfere in the present Petition. The Petition is therefore rejected.

(M.S.KARNIK, J.)

(B.R.GAVAI, J.)