

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4396 OF 2019

Snehal D/o Laxman Shinde

Age: 24 years, Occ. Doctor/ BDS student,

R/o Matoshri Nagar, Khadkat Road,

Ashti, Tq. Ashti, Dist. Beed

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Social Justice and Special Assistance Department
Mantralaya, Mumbai-32

2. Director, Medical Education and Research,
Maharashtra State,
St. George Hospital Compound., V.T.,
Mumbai

3. The Commissioner,
State Common Entrance Test Cell,
Maharashtra State, Mumbai

4. District Caste Certificate Scrutiny Committee,
Beed, Dist. Beed
Through its Member Secretary

..RESPONDENTS

Mr D. A. Mane, Advocate for Petitioner;

Mrs V. N. Patil - Jadhav, A.G.P. for respondent No.1, 2 & 4;

Mr Sujit Karlekar, Advocate for respondent No.3

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 25th April, 2019

ORAL ORDER:

The petitioner is competing in NEET-MDS 2019 and was already selected for admission to the Post Graduate course in open category.

(2)

2. The submission of the learned Counsel for petitioner is that the petitioner holds a validity as belonging to 'Maratha' which is Socially and Educationally Backward Class. The certificate was issued by the competent authority on 10th April, 2019, whereas the admission Rules, particularly Rule 8.8 of the said Rules contemplates production of validity certificate at the time of verification of the documents. Rule 8.8 reads as under:

"8.8. The candidate belonging to Backward Classes / SEBC / EWS must have claimed so in his online registration form, of Maharashtra State quota seats, failing which such a claim will not be entertained subsequently. The candidate belonging to above categories should produce the Caste Certificate, Caste Validity Certificate and Non-Creamy Layer Certificate (wherever applicable) at the time of physical Document Verification process. Candidate who fails to produce above said certificates will be considered as Open Category Candidate provided he/she fulfills the eligibility criteria of NEET-MDS 2019."

3. What could be noticed from the fact of the present matter is that though the petitioner applied for reserved category i.e Socially and Educationally Backward Class (SEBC) based on the caste certificate, she, at the relevant time, was not holding the validity certificate. The petitioner, though applied for grant of validity in the month of January and it is claimed in the petition, the procedure which is required to be adopted for

(3)

verification, took some time and as such, the validity certificate is issued in the month of April, by which time, the date of submission of the validity certificate was already over.

4. It was open for the petitioner after having applied for issuance of validity, to approach this Court for getting the validity proceedings expedited.

5. Apart from above, Mr Karlekar, learned Counsel for respondent No.3 - admission authority has informed us that the claim of the petitioner is already considered from open category and the petitioner is selected from open category and secured the seat in Chandrapur District. He has also rightly impressed upon us to demonstrate that, in case of extra-ordinary jurisdiction at this stage, if we cause interference in the admission process, the same will adversely affect the selection and joining of the candidates, who are already given placement .

6. In the aforesaid background, we refrain ourselves in showing indulgence in exercise of the extra-ordinary jurisdiction. The petition, as such, fails and same is dismissed accordingly.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)