

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 WRIT PETITION NO.12421 OF 2019

ASHWINI MAHADEO SHELKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr Girish K. Thigale(Naik) And
Digraskar Yogini S.

Addl.GP for Respondents State: Mr P S Patil
Advocate for Respondent No.1 : Mr M D Narwadkar

CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE : 15th October, 2019

ORDER:

1. Heard Mr Thigale-Naik, the learned Advocate for the petitioner.

2. The learned counsel submits that respondent Nos. 3 and 4 be directed to confirm the admission granted to the petitioner pursuant to the admission dated 27.09.2019 for the course of BAMS in Government Ayurved College, Jalgaon. The learned counsel submits that the petitioner had got admission for the BAMS Course at Government Ayurved College, Jalgaon. The petitioner had also filled in the Retention Form. It is because of the mistake of the college, the retention form was not uploaded. Learned counsel submits that the petitioner has deposited the requisite fees on 27.09.2019. In view that, for the fault

of the college, the petitioner cannot be made to suffer.

3. The learned counsel for the petitioner, in the alternative, submits that the petitioner be allowed to participate in the institutional round. Name of the petitioners has appeared at Sr No.3 in the merit list made open for institutional round.

4. Mr Narwadkar, the learned counsel submits that retention form was not filled in by the petitioner or was not uploaded within the time stipulated. In the next round the petitioner was given the better preference. The petitioner had given preference to Ayurved College Jalgaon as preference No.13. The vacancy was available at Ayurved College, Boradi Dist. Dhule. The petitioner had given preference at Sr. No.12 to Boradi College. The petitioner was allotted better preference and the petitioner has taken admission at his preference No.12 college i.e. Ayurved College Boradi, now she cannot be considered.

5. It is not disputed that the petitioner is given admission in the Ayurved College at Boradi. The petitioner had given preference of colleges. Boradi College was given preference No.12 and Govt. Ayurved College Jalgaon was given preference No.13. Retention form it appears is

not uploaded within the time stipulated. The better choice of preference given by the petitioner was available and as such the petitioner was given admission to the college of her better choice. Now the petitioner wants that her case be considered in institutional round. The petitioner has not cancelled her admission at Boradi. She had retained the admission at Boradi.

6. Learned counsel relied on Rule 16 of the Brochure. The same cannot be read in isolation. The same will have to be read along-with Rule 13. The petitioner has already confirmed admission at Boradi college. In view of that she is not considered at Institutional Round. Her admission with Boradi is intact. Today is last date for admission. We are not aware of the status of vacancy as on date.

7. In the light of the above, no relief can be granted to the petitioner. Writ petition disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC