

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) NO. 22157 OF 2019

Mayuri d/o Madhavrao Alewad

... Petitioner

Vs

1 The State of Maharashtra & Anr

... Respondents

Mr. Chintamani K. Bhangoji for the Petitioner.

Mrs. Reena A. Salunkhe, AGP, for the Respondent – State.

Mr. S.S. Patwardhan for the Respondent No.2.

**CORAM : S.C. DHARMADHIKARI &
G.S. PATEL, JJ.
TUESDAY, 06TH AUGUST, 2019**

P.C. :

1 Heard the petitioner. Perused the petition.

2 In paragraph 8 of the petition, the following is stated :

“08 *The petitioner submits that, in the first round of the Health Science Courses, she was considered from Scheduled Tribe Category and got allocation of seat for B.H.M.S. in the Jalna with Guru Mishri Homeopathy Medical College.*

The petitioner has deposited the amount of

Rs.40,000/- and got confirmed her admission.

*Petitioner waited for second and third round so as to get admission to B.A.M.S. Course, but unfortunately the CET Cell shown the present petitioner in Open Category Sr. No. 27995. She has not been considered from the seat reserved for Scheduled Tribe Category for Health Science Courses, in fact, the petitioner should have listed in the Scheduled Tribe Category as she got the Validity Certificate and same has been submitted with the CET Cell on 24/07/2019, by informing them through e-mail with application. The copy of e-mail dated 24/-7/20-19 is annexed herewith and marked as **Exhibit-E Colly.***

3 We do not think that the understanding of the respondent is so inaccurate, much less, perverse so as to call for interference in writ jurisdiction.

4 When we passed similar order, namely, a Bench presided over by one of us (S.C. Dharmadhikari, J) at Bombay, that was specific and that order itself was to operate as if a certificate of validity is issued or the claim is validated.

5 The order relied upon by the petitioner, copy of which is at page 18 of the paper-book, does not read accordingly.

6 Beyond that the understanding of the petitioner that the petitioner is entitled to admission even if the certificate of validity is not issued simply by relying on this order is not in accordance with the Rules.

7 The Rules require production of a certificate of validity before the cut-off date. That is admittedly not produced. There is no prejudice to the petitioner for the petitioner will be considered in the subsequent rounds as an open category candidate. Presently, the petitioner has been admitted in a college to a Bachelor of Homeopathy Science Course. That is against a reserved seat. The petitioner ought to be happy with that and not blame the authorities.

8 The writ petition is entirely misconceived and is dismissed.

G.S. PATEL, J.

S.C. DHARMADHIKARI, J.