

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

Writ Petition No.2851 of 2019  
Samruddhi d/o Avinashchand Shukla

Versus

State of Maharashtra, through its Principal Secretary, Public Health Department, Mantralaya,  
Mumbai, and others.

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Office Notes, Memoranda of Coram,  
appearances, Court's orders or directions      Court's or Judge's orders  
and Registrar's order

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Shri R.L. Khapre along with Shri S.R. Deshpande and Shri A.S. Shukla,  
Advocates for Petitioner.

Shri N.R. Patil, Assistant Government Pleader for Respondent No.1.

Shri N.S. Khubalkar, Advocate for Respondent Nos.2 and 3.

**Coram : R.K. Deshpande & S.M. Modak, JJ.**

**Dated : 4th April, 2019**

At the request of the learned counsel for the petitioner, the circulation is granted immediately. The matter is taken on board and heard finally.

The matter pertains to the admission to the Post Graduation Course of Master of Dental Surgery (MDS). The online registration, application form and uploading of documents was during the period from 25-2-2019 to 5-3-2019. Undisputedly, the petitioner submitted her application form on the last date, i.e. 5-3-2019. The physical document verification was to be done during the period from 7-3-2019 to 12-3-2019.

It was for the first time that the reservations for Economically Weaker Sections (EWS) of the Society and Social and Economic Backward Classes (SEBC) were created on 6-3-2019. Those who wanted to convert their registration from Open to SEBC or EWS

category were given an opportunity to furnish the certificate in the prescribed form on or before the date of physical document verification, i.e. 12-3-2019 in the present case. The petitioner could not produce the certificate and, therefore, her claim is processed as a candidate from the Open Category.

Shri S.R. Deshpande, the learned counsel appearing for the petitioner, has urged that since EWS and SEBC categories were created for the first time on 6-3-2019, the question of submitting an application for grant of certificate prior to it, did not arise. Even after creation of these categories, no instructions were issued to the competent authorities for issuance of certificate, muchless in the form, if any, prescribed. According to him, the Tahsildar was approached for issuance of certificate as EWS during the period from 6-3-2019 to 12-3-2019, but he neither gave the receipt of application nor received the application and the petitioner was informed that no instructions are received from the State Government for issuance of any such certificate for the purpose of admission. It is also stated that undertaking was also given on 12-3-2019 to the competent authority, i.e. the Commissioner, State CET Cell, Mumbai, that the certificate shall be submitted later on, but it refused to accept such undertaking also. Our attention is also invited to the certificate dated 19-3-2019 issued by the Tahsildar in the prescribed form and it is urged that the candidature of the petitioner can be considered from such category. The learned counsel, therefore, submits that if the direction is given to the Commissioner, State CET Cell, Mumbai, to decide the appeal dated 27-3-2019 filed by the petitioner in accordance with law within a period of two days from today, the petitioner may not press the decision in this petition on merits.

In view of above, we direct the respondent No.3- Commissioner State CET Cell, Mumbai, to take the decision on the appeal dated 27-3-2019 filed by the petitioner in accordance with law within a period of two days from today.

In view of above, the petition stands disposed of.

Steno copy of this order be furnished to the learned counsels for the parties to act upon.

(S.M. Modak, J.)

(R.K. Deshpande, J.)