

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9085 OF 2020

SAIKIRAN SAMBHAJI MANTERWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. A. S. Golegaonkar h/f Mr. M. A.
Golegaonkar.

APP for Respondent No.1 : Mr. S. R. Yadav Lonikar.
Advocate for Respondent No.2 ; Mr. M. D. Narwadkar.

...

AND
WRIT PETITION NO.9086 OF 2020

AJAY BHAGWAN TAYADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. A. S. Golegaonkar
APP for Respondent No.1 : Mr. S. R. Yadav Lonikar.
Advocate for Respondent No.2 ; Mr. M. D. Narwadkar.

...

AND
WRIT PETITION NO.9087 OF 2020

OMKAR RAMESHWAR IJALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. A. S. Golegaonkar h/f Mr. M. A.
Golegaonkar.

APP for Respondent No.1 : Mr. S. R. Yadav Lonikar.
Advocate for Respondent No.2 ; Mr. M. D. Narwadkar.

...

**CORAM : RAVINDRA V. GHUGE &
SMT.VIBHA KANKANWADI, JJ**

DATE : 29-12-2020.

(VACATION COURT)

PER COURT :

1. By these petitions, the petitioners seek participation in the selection process for the M.B.B.S. course on the basis of they belonging to the reserved categories. All these three petitioners were before this Court as against the rejection of their tribe validity claims. Each of them filed writ petitions in this Court.

2. By order dated 18-12-2020 delivered in Writ Petition No.8348 of 2020, the petitioner Saikiran Mantewad was granted conditional validity certificate by this Court and the said validity certificate was made subject to the decision of the committee which intends to review the validity certificate granted earlier to his father.

Vide order dated 21-12-2020, this Court allowed Writ Petition No.10815 of 2019 filed by Madhuri Tayde And Another (Ajay is the second petitioner) and granted validity certificate subject to the outcome of the proceedings for cancellation of the validity certificate issued to his blood relations.

Vide dated 21-12-2020 passed by this Court in Writ Petition No.8469, the petitioner Omkar Ijalkar was also granted conditional validity which was subject to the decision of the committee in the review proceedings for cancellation of the validity certificate granted to his father, earlier.

3. Vide order dated 08-12-2020 passed by this Court (Coram : Shri S. V. Gangapurwala and Shri Shrikant D. Kulkarni, JJ) in Writ Petition No.8093 of 2020, the claims of similarly situated candidates were considered with the following conclusions : -

"4. It appears that because of the matter being decided in the late afternoon the committee could issue the validity certificate in the late evening. Though the petitioner is issued with validity certificate the petitioner is deprived of the admission. The petitioner certainly does not appear at fault."

"5. In case the seat allotted to the petitioner in the first round is not allotted to any other person, then the seat be allotted to the petitioner. If for some reason the seat, that was allotted to the petitioner in the first round, was allotted to some other candidate then the respondent shall consider the petitioner for the second round from the same quota."

4. The learned Advocate appearing on behalf of the respondent No.2 relies on Rule 10.8 (b) and (c) of the NEET UG 2020, which read as

under : -

“10.8 The candidates may kindly note while filling the preference form, that NEET UG 2020 merit list will be operated from NEET UG 2020 Rank number 1 onwards in each round of selection for each group separately.

a. Based on preferences given, the seat will be allotted on merit and the allotment will be displayed on website of State CET CELL “www.mahacet.org”.

b. Candidates as per allotment should report along with all original certificates and a set of attested photocopies of each document as per NEET UG 2020 brochure, at allotted college as per the schedule. The Dean/ Principal should verify all the original documents before finalizing the admission. Candidate will have to compulsorily join the college and course so allotted, within prescribed period as per schedule by completing the requisite formalities i.e. submission of all original document and a set of attested photocopies of each documents as per the list given in NEET-UG 2020 information Brochure and payment of requisite fees in respective institution.

c. A candidate who is selected in first or subsequent round of selection process but does not join the college or cancels the admission after joining, it will be presumed that such a candidate is not interested in the admission process and for all further CAP round (s) including MOP-UP round(s) of admission. Such

candidate shall not be considered for allotment of any seat during NEET UG 2020 admission process through CAP round.”

5. Respondent No.3 in all these petitions are those colleges wherein the petitioners were granted and allotted seats in the first / second round. Respondent No.3 is, therefore, a formal party.

6. The learned Advocate for respondent No.2 submits that considering Rules 10.8 (b) and (c), these petitions deserve to be dismissed and cannot be entertained since none of these petitioners reported to their respective colleges on the date of joining on the pretext that they did not have validity certificates.

7. We find that all these petitioners have been granted their validity certificates under the orders of this Court. In similar circumstances, this Court has issued directions in paragraph Nos.4 and 5, which we have reproduced herein above.

8. It appears that as the petitions filed by these petitioners were decided in the afternoon, the committee could issue the validity certificates in the late evening. Though the petitioners are issued with validity certificates, they are deprived of the admission. The petitioners certainly do not appear to be at fault.

9. In view of the above, these petitions are disposed off with the following directions : -

ORDER

A) In case the seats allotted to the petitioners in the first / second round are not allotted to any other person, such seats be allotted to the petitioners.

B) If for some reason the seats that were allotted to the petitioners in the first / second round, have been allotted to some other candidates, then the respondent shall consider the petitioners for the next round from the same quota.

(SMT. VIBHA KANKANWADI, J)

(RAVINDRA V. GHUGE, J.)

vjg/-.