

Ms.Tanvi Abhay Gore	...	Petitioner
versus		
The State of Maharashtra and Ors.	...	Respondents

Mr.R.V.Govilkar for Respondent No.3.

DATE :- FEBRUARY 7, 2020

1. This matter was mentioned by Mr.Balkrishna Joshi in the morning session and on account of the pressing urgency, we took it up post recess.

2. Leave to amend to add Maharashtra University of Health Science, Nasik as a party respondent is granted. Amendment to be carried out forthwith.

3. The petitioner says that on account of the changed or modified policy permitting migration of students from one

Medical College to another, although eligible or otherwise, several seats in Mumbai (Medical Colleges of the State and MMC) remaining vacant, today the petitioner is unable to migrate from Government Medical College, Kolhapur to Mumbai.

4. The learned counsel for the petitioner concedes that migration cannot be as of right. The migration is permitted on specific conditions being specified. Our attention has been invited to the conditions on which migration is permitted. The ordinary rule is that an application will have to be made seeking transfer. The grounds have to be genuine such as death of father/mother or supporting guardian as declared at the time of admission or illness of candidate causing permanent disability. It is only these two grounds, which are considered as genuine.

5. The petitioner made an application in the prescribed form. The certificate was issued by the Referral Medical Board. In that, it is clarified that the petitioner is not suffering from an illness causing permanent disability to the extent indicated in the Rule.

6. To our mind, once the petitioner's case does not fall in the policy and migration or transfer from one Medical College to another is not as of right, then, in this case no interference is called for. The ground which the petitioner has stated in her

application is not covered by the policy. We, therefore, dispose of this petition. There will be no order as to costs.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)