

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.5182/2019

Ankita Deepak Shekokar,
age 25 Yrs., Occ. Student,
R/o 108, Mount Castle, Futara,
Ambazari Road, Near University
Campus, Nagpur.

..Petitioner.

..Vs..

1. Admissions Regulating Authority,
(Pravesh Niyantran Samiti), 305,
Govt. Polytechnic Building, 49,
Kherwad, Bandra (East),
Mumbai - 400 051 (M.S.), through
it's Secretary.
2. Swargiya Dadasaheb Kalmegh
Smruti Dental College and Hospital,
Wanadongri Road, Hingna,
Nagpur - 441 110.
(Run by Swargiya Dadasaheb Kalmegh
Smruti Trust, Amravati), through its
Dean.
3. Maharashtra University of Health
Sciences, Mharsul, Dindori Road,
Vani, Nasik - 422 004, through
its Registrar.

..Respondents.

Dr. (Mrs.) R.S. Sirpurkar, Advocate for the petitioner.
Shri N.A. Gaikwad, Advocate for respondent No.1.
Shri A.A. Naik, Advocate for respondent No.2.
Shri V.P. Panpalia, Advocate for respondent No.3.

CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE , JJ.
DATED :- 17.12.2020

ORAL JUDGMENT *(Per Sunil B. Shukre, J.)*

1. Heard Dr. R.S. Sirpurkar, Advocate for the petitioner, Shri N.A. Gaikwad, Advocate for respondent No.1, Shri A.A. Naik, Advocate for respondent No.2 and Shri V.P. Panpalia, Advocate for respondent No.3.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent.

3. The petitioner is a student who is admitted in the N.R.I. quota reserved in the B.D.S. course conducted by respondent No.2 college in the year 2014 - 2015. The petitioner appeared for the 4th year B.D.S. examination in the month of November, 2018, however, her result was withheld on the ground of non-compliance with eligibility documents. Reply of respondent No.1 authority shows that the admission of the petitioner under N.R.I. quota was regularized as onetime measure on the condition of depositing of Rs.10,000,00/- per student by respondent No.2 college with respondent No.1 as penalty and also submitting an affidavit that this amount shall not be recovered from the students. It appears that some documents as required by respondent No.1 were not submitted and, therefore, the petitioner's result was withheld.

4. Now, the obstacle of non-submission of the documents no longer exists as the reply itself shows that the concerned documents have been submitted. Then, in Writ Petition No.1837/2019 [Surabhi KMP Singh V/s. Admissions Regulating Authority (Pravesh Niyantran Samiti) and others] which has been decided along with identical matters on 2nd April, 2019, this Court endorsed the view taken by the Admissions Regulating Authority to the effect that now rejection of admissions at a late stage would not be fair justice to the students and the authority must be concerned about academic welfare of the students and, therefore, in that case, the authority granted approval to the admissions of the students involved in that case. Accordingly, this Court in the same bunch of petitions directed that all the admissions of the students in those petitions which were made from N.R.I. quota would stand regularized in B.D.S. course, upon depositing one year's course fee by the college with respondent No.1 within a period of four weeks from the date of the order. The facts of the present case are identical with the facts of the cases decided by this Court in the aforesaid group matters on 2nd April, 2019 and there is no dispute about this fact.

5. Learned Advocate for respondent No.3 university would like to submit that some rider is to be added in the final order and it should

be in the nature of petitioner's fulfilling the eligibility criterion. The argument, to say the least, is atrocious as in the earlier group matters decided on 2nd April, 2019 such objection is not taken by the respondent university and it had permitted the petitioner to appear at 1st, 2nd, 3rd and 4th year examinations of B.D.S. course. If the respondent No.3 was so concerned about the eligibility criterion, we do not understand as to why such concern was not shown and implemented by it before the petitioner was allowed to take all the examinations. It is also not known as to why such an argument was not made when the aforesaid group matters were decided by this Court. The argument is, therefore, rejected.

6. In the result, this petition is allowed. The impugned order dated 29.11.2018, in so far as it relates to the petitioner is quashed and set aside.

7. The admission of the petitioner stands regularized in N.R.I. quota for the B.D.S. course subject to the condition that the petitioner and respondent No.2 - college each shall deposit the amount of one years fee with respondent No.1 within a period of four weeks from today, failing which this petition shall stand dismissed without reference to Court.

8. On complying the conditions stated hereinabove, the result of the petitioner shall be declared. Rule accordingly. No costs.

JUDGE

JUDGE

Nilesh
Tambaskar

Digitally signed by
Nilesh Tambaskar
Date: 2020.12.18
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Tambaskar.