

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9053 OF 2020

Yogesh Bhimrao Jagtap

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. D. R. Korade, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent No. 1.

Mr. Pratap G. Rodge, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 08th JANUARY, 2021.

PER COURT:-

. The petitioner seeks directions against the respondents to include the name of the petitioner in the eligible candidates list from physically handicapped category for admission to B.V.Sc. and A.H. Degree Course 2020-2021.

2. The learned counsel for the petitioner submits that the petitioner had filled in the form for admission to the said course from physical disabled category, so also EWS category. The candidature of the petitioner is not considered from either of the category illegally. The petitioner produced the disability certificate dated 17.12.2019 issued by the committee headed by the Civil Surgeon certifying the permanent disability of the petitioner of 40%. The learned counsel for the

petitioner submits that the claim of the petitioner ought to have been considered. The disability certificate certifies that the disability of the petitioner is permanent. There was no impediment for the respondents to consider the said certificate. The respondents have filled in only three seats from physical disabled category. In fact, 5% seats were reserved for physical disabled category. Total 320 seats are to be filled in. The seats made for physical disabled category ought to be 16.

3. Mr. Rodge, learned counsel for the respondent No. 2 submits that three seats are filled in from physical disabled category. The other candidates were not available from physical disabled category, as such, the remaining seats from physical disabled category were filled in from other categories. The last candidate admitted has secured 127 marks. The petitioner has only secured 18 marks. As per the brochure, the physical disability certificate should not be more than three months old from the date of submission of application. The petitioner failed to produce such certificate.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. The disability certificate produced by the petitioner is dated 17.12.2019 / 26.12.2019. The same appears to have been issued by the committee certified by the Civil Surgeon.

6. Clause 6.5 of the brochure prescribes that the disability should be certified by the Civil Surgeon / Medical Board. The last valid disability certificate of the candidate issued by the Civil Surgeon / Medical Board should not be more than three months old from the date of submission of application form, failing which the claim of Physically Handicapped candidature shall be rejected.

7. Admittedly, the petitioner did not submit the disability certificate issued by the competent authority of a period not older than three months from the date of submission of the application. The respondents cannot be faulted for rejecting the candidature of the petitioner from physical disabled category. The last candidate admitted to the course has secured 127 marks. The petitioner has secured only 18 marks. The petitioner is nowhere near the last candidate.

8. There would be numerous candidates in between the petitioner and the last candidate admitted.

9. Considering the aforesaid facts, no relief can be granted to the petitioner. Writ petition, as such, is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.