

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.188 OF 2021

Miss. Pallavi Suryakant Dangi

....Petitioner

vs.

The State of Maharashtra & Ors.

...Respondents

Mr. Sarvajit B. Patil for the Petitioner.

Mr. S.S. Bhende, AGP for Respondent No.1.

Mr. Aadesh J. Sawant for Respondent No.2-State CET Cell.

**CORAM : S. C. GUPTA AND
SURENDRA P. TAVADE, JJ.**

DATE : 5 FEBRUARY 2021.

P.C.

1. Heard learned counsel for the Petitioner, learned AGP for the Respondent-State and learned counsel for Respondent No.2-CET Cell. Rule. Rule taken up for hearing forthwith by consent of counsel.

2. The Petitioner is a student with a handicap of impairment of hearing. She appeared for NEET (UG)-2020 examination for taking admission to BAMS course. After clearing NEET, she applied for admission to first year BAMS course in Respondent No.3 college under PH (Physically Handicapped) Quota. In the selection list of Round-1 for BAMS Course, the Petitioner's name was listed under PH Quota and she was allotted Respondent No.3-College. After scrutiny of documents submitted by her, Respondent No.3-College issued a communication on 21 December 2020 cancelling her admission on the ground that her Person with Disability-PWD/ PH certificate was not as per prescribed format of NEET UG-2020 brochure.

3. It appears that the Petitioner had mistakenly used the old format of PWD/PH certificate. When she realized her mistake, she applied for a certificate in new format, which was prescribed in NEET UG-2020 brochure. That certificate was duly issued to her by the competent authority and with it, she once again approached Respondent No.3 for restoring her admission. Respondent No.3-College, however, refused to readmit the Petitioner after having cancelled her admission. It is this grievance, which the Petitioner seeks to redress through the present petition.

4. The cancellation order was issued on 21 December 2020. Respondent No.3-College is not present before this Court. The two main rounds of admission have already been over and there is every likelihood that the Petitioner's seat, which was cancelled by the impugned communication, might have been filled in by Respondent No.3-College.

5. Considering, however, that there is still a mop-up round available for admission, as indicated by learned counsel for Respondent No.2-Cell, it would be in the interest of justice to direct Respondent No.2 to consider the Petitioner in PWD/PH quota at this mop up round and, if possible, allot her the same college, i.e. Respondent No.3.

6. Rule is accordingly made absolute and the petition is allowed by directing Respondent No.2 to consider the Petitioner's case for allotment of a seat in the mop up round scheduled to be held shortly and, if possible, allot her Respondent No.3-College for admission to BAMS degree course.

7. The petition is disposed of in the above terms.

(SURENDRA P. TAVADE, J)

(S.C. GUPTE, J.)