

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5322 OF 2019

The Association of Muslim Minority's
Medical Educational Institutions of
Maharashtra, Pune

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr.Sidheshwar N. Biradar for Petitioner.
Mr.V.M. Mali, AGP for Respondent No.1.
Mr.S.S. Patwardhan for Respondent No.3.

**CORAM : S.C. GUPTE &
SURENDRA P TAVADE, JJ.**

DATE : 25 JANUARY 2021

P.C. :

The subject matter of controversy in the present petition concerns Six Member Colleges represented by the Petitioner for Under Graduate and Post Graduate Unani Medical Courses. It is their case that from the inception and till the Academic Year 2015-16, the Petitioner had conducted its own entrance test at the institutional level evolving its own admission process in a fair, open, transparent and merit based manner without charging capitation fee or indulging in profiteering. For the Academic Year 2015-16, permission to the Petitioner to conduct its own entrance test at the institutional level for both Under Graduate and Post Graduate Unani Medical Courses was rejected by Respondent No.3. This order was the subject matter of challenge in a separate petition before this court, being Writ Petition No.5107/2015. The Division Bench of this court quashed and set aside the rejection orders passed by Respondent No.3 and

permitted the Petitioner to conduct its own CET followed by CAP for the Academic Year 2015-16 for the Under Graduate and Post Graduate Unani Medical Courses conducted by Six Member Colleges. The Petitioner has, accordingly, conducted the entrance test and admitted students. Since there were some further difficulties, a civil application was taken out by the Petitioner herein in the disposed of writ petition. The Division Bench of this court, by its order dated 29 March 2016, issued directions to Respondent No.4–Maharashtra University of Health Sciences (“MUHS”) to approve the title, synopsis and thesis of the admitted students of Post Graduate Unani Medical Courses and Under Graduate Unani Medical Courses for the Academic Year 2015-16 of Six Member Colleges represented by the Petitioner and to accept examination forms, issue them hall tickets and allow them to appear for those examinations and also to declare their results and issue their mark lists and permit the students to prosecute their further studies. The immediate cause for the Petitioner to move the present petition is the stand taken by Respondent No.4-MUHS that all admissions and education of students admitted in Six Member Colleges of the Petitioner would be subject to the outcome of Writ Petition No.5107/2015; even in the statement of marks issued to those students, a remark is to be found stating that “Result is declared provisionally subject to outcome of WP 5107/2015”. In the list of University students, whose eligibility and registration were not granted (as on 20 February 2019), names of Six Member Colleges of the Petitioner association are mentioned and the reason for declining the eligibility were shown as “Court Case”. In the premises, the Petitioner has approached this court. In a similar matter in the case of **Maharashtra Medical Education and Research Centre and another vs. State of Maharashtra**¹, who was also the Petitioner along with

1 WP 5106-2015 with WP 5107-2015

the present Petitioner, when the first order cancelling rejection of Respondent No.3 was issued by this court on 26 August 2015, this court, after considering the matter of the Petitioner before it, who, as we have noted above, is similarly placed as the Petitioner herein, declared that the admission of students by the Petitioner before it for the Under Graduate and Post Graduate courses for the Academic Year 2015-16 was in accordance with law and as such, legal and valid and consequently, directing Respondent No.4-MUHS to issue degree certificates and related mark sheets to the students undergoing courses for the Academic Year 2015-16.

2 In the premises, Rule is made absolute and the petition is allowed by declaring the admission of the students by the Six Member Colleges represented by the Petitioner for Post Graduate and Under Graduate Unani Medical Courses for the Academic Year 2015-16 to be in accordance with law and as such, legal and valid. Respondent No.4-MUHS to grant eligibility to the students of Six Member Colleges represented by the Petitioner for Post Graduate and Under Graduate Unani Medical Courses for the Academic Year 2015-16 and issue their degree certificates unconditionally and without reference to any court case or pending matter so that all consequential actions in favour of students admitted in these Six Member Colleges represented by the Petitioner for the Academic Year 2015-16 shall be performed by Respondent No.4-MUHS and their original documents shall be returned.

(SURENDRA P. TAVADE, J.)

(S.C. GUPTA, J.)