

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4400 OF 2021

Ghongade Sonali Prakash

...Petitioner

Versus

The Directorate of Technical Education
& Ors.

...Respondents

Mr. Vinod Sangvikar i/by Mr. Umesh R. Mankapure for the
Petitioner.

Mrs. P.J. Gavhane, AGP for the Respondent Nos. 1 and 2.

CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.

DATE : 26 August 2021
(V.C.)

ORDER :

1. The Petitioner in this Petition seeks a declaration that the Clause HSC/Equivalent Details (Note: Candidate Passing HSC as ISO (Isolation) Candidate with Subject Physics, Chemistry, Mathematics, Biology) is contrary to the Government Resolution dated 18th June 2021.

2. Learned Counsel for the Petitioner invited our

attention to the judgment delivered by this Court at Nagpur Bench in case of **Kishor son of Vasant Rao Bharskar & Ors. Vs. State of Maharashtra & Ors.**¹ and would submit that said judgment would apply to the facts of this case.

3. Learned Counsel for the Petitioner states that the last date for filing form is tomorrow.

4. A perusal of the Government Resolution dated 18th June 2021 indicate that Rule 5(1)(A)(b)(i) is modified as under :-

“(b) For Post HSC Diploma Courses,-

(i) Pharmacy- pass in 10+2 examination (science academic stream) with Physics, Chemistry and Biology or Mathematics from a recognized institution in Maharashtra State,

Or

Any other qualification approved by the Pharmacy Council of India as equivalent to the above examination from a recognized institution in Maharashtra State.”

¹ Writ Petition No. 4244 of 2016 judgment dated 10 August 2016

5. It appears that on the basis of the said Government Resolution, the Respondent No. 3 in the Application form for Diploma in Pharmacy has made it clear that HSC/Equivalent Details (Note: Candidate Passing HSC as ISO (Isolation) Candidate with Subject Physics, Chemistry, Mathematics, Biology) are not eligible. It is not in dispute that the candidate has passed HSC with subject Physics, Chemistry and Biology (Isolation).

6. We cannot direct the Respondent No. 2 to delete any condition imposed in the application for seeking admission for the question. The judgment of the Nagpur Bench in case of **Kishor son of Vasantrao Bharskar** (supra) would clearly indicate that the learned Counsel for the Board had made a statement that the subjects taken up by the Petitioners therein as isolated subjects were equivalent to the regular subjects that were taken up by the students who appeared for the first time at the HSSC examination, with those subjects.

7. Mrs. Gavhane, learned AGP for the State invited our attention to the letter dated 1st April 2021 addressed by the Pharmacy Council of India to the Directorate of Technical

Education, in which it was clarified that the student should have passed 10 + 2 in science subjects with physics, chemistry, biology or mathematics in an academic stream.

8. In our view, Nagpur Bench in case of **Kishor son of Vasant Rao Bharskar** (supra) would not assist the case of the Petitioner. The Petition is devoid of merit and is accordingly, dismissed with no order to costs.

[R.I. CHAGLA J.]

[R.D. DHANUKA, J.]