

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

12 WRIT PETITION NO.4069 OF 2022

**ATHARVA PRADEEP MULEY
VERSUS
THE UNION OF INDIA THR ITS SECRETARY AND OTHERS**

...
Advocate for Petitioner : Mr. S.B. Deshpande i/b J.P. Legal Associates
AGP for Respondent No.4/State : Mr. A.R. Kale
Advocate for Respondent Nos.1 & 3 : Ms. Sudha Chintamani
Advocate for Respondent No.5 : Mr. S.G. Karlekar
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**CORAM : R.D. DHANUKA &
S.G. MEHARE, J.J.**

DATED : 04th APRIL, 2022

PER COURT:-

1. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of mandamus or writ of certiorari for quashing and setting aside the impugned notice dated 31.03.2022 for Mop Up round II and III issued by respondent no.5 and seeks an order and direction against the respondents to include Private Medical Colleges in the Mop Up round II and III for admission process of MBBS and BDS.

2. It is the case of the petitioner that he had secured 505 marks out of 720 in the NEET UG Examination held in the year 2021. It is submitted that though 29 seats are lying vacant in the Government Medical Colleges of Maharashtra, some of the students

who are admitted in Private Medical Colleges may opt for securing seats in Government Medical Colleges, which would result in vacancy of seats in Private Medical Colleges and may lead to exploitation of the students by the Private Medical Colleges to fill up those seats. It is submitted that though in the Mop Up round II and III, the BDS course is included, the respondent no.5 has not included the MBBS course run by the Private Colleges in the said two Mop Up rounds.

3. The learned panel counsel for respondent no.5 tenders a copy of letter dated 04.04.2022 stating that the cut off date for MBBS as declared is 05.04.2022 whereas for BDS it is 11.04.2022. Though as per rules, respondent no.5 have online rounds for Government colleges and private college, Mop Up round II and III is usually the last round which is done for only Government Colleges and the private seats are surrendered to the college. Since the BDS date was later, one more round for BDS was conducted. Subsequently a round only for Government colleges will be conducted and seats will be surrendered to Private Colleges. The copy of the letter is taken on record.

4. We are informed that the last date for the Mop up round is today at 07.00 pm. We are thus not inclined to issue any such directions to the respondents as prayed in the writ petition.

5. Writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

(S.G. MEHARE. J.)

(R.D. DHANUKA, J.)