

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10703 OF 2022

SYED AQIB AHSANUDDIN S/O SYED TARIQ IMADUDDIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the petitioner: Mr. V.A. Dhakne
A.G.P. for respondent Nos. 1, 3 and 4.: Mr. P.S. Patil
Advocate for respondent No.2: Mr. R.N Chavan h/f Mr. M.D.
Narwadkar

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th OCTOBER, 2022.**

PER COURT :-

1. The petitioner has approached this Court with a request that the late delivery of the NOC should not deprive him of an opportunity of getting the Post Graduate NEET-PG-2022 admission.
2. We have considered the submissions of the learned advocates for the petitioner, respondent No.2 and the learned A.G.P. on behalf of respondent No.1, 3 and 4.
3. The cut-off date for tendering NOC, which was to be issued by respondent No.4, to enable the petitioner to be eligible for appearing as 'in service candidate' for NEET-PG-2022 Maharashtra, was 02.05.2022. He had applied for such a NOC on 9.3.2022. There is

no dispute on this count. He received the NOC on 15.9.2022. This is also undisputed.

4. The issue is as to whether the petitioner can be held responsible for the late delivery of the NOC and whether he could be deprived of the chance to secure the PG admission in the medical course.

5. An identical case is pointed out in relation to the candidate viz. Naik Anoop Ramrao. He has been enlisted in the provisional State merit list at Sr. No.51. His NOC was issued on 30.8.2022, which is placed before us. This aspect is also undisputed. There is no other legal impediment in the path of the petitioner in securing the admission. He has already appeared for the examination and the provisional first merit list is published. His name does not figure in the list on account of late tendering of the NOC.

6. The learned advocate representing respondent No.2, which is State Common Entrance Test Cell, submits that if the NOC of the petitioner is considered, he would be eligible to be included in the merit list as per NEET-PG-Score (with weightage). The name of the petitioner should, therefore, be provided by respondent No.3.

7. Considering the above and in the light of the fact that an identical case of Naik Anoop Ramrao has been favourably considered by respondent No.2, this petition is allowed and the petitioner shall be considered from the 'in service candidate quota' for the second round subject to his score, eligibility, availability of seats and his preferences. The NOC dated 15.09.2022 received by the petitioner be considered and respondent No.3 shall provide the name of the petitioner to respondent No.2 by the end of 14.10.2022.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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