

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

**REVIEW APPLICATION NO. 13 OF 2022
IN
WRIT PETITION NO. 5504 OF 2021**

Admission Regulating Authority
Through its Secretary and Competent
Authority .. Applicant

Versus

Kanak Sanjay Fatwani and others .. Respondents

Shri Mrigesh D. Narwadkar, Advocate for the Applicant.
Shri S. P. Tiwari, A.G.P. for the Respondent No. 2.
Shri A. G. Talhar, A.S.G. for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 25TH JANUARY, 2022.

FINAL ORDER :

. The review is filed by the Admission Regulating Authority of the judgment and order passed by this Court dated October, 08, 2021 in Writ Petition No. 5504 of 2021.

2. Mr. Narwadkar, the learned advocate for the applicant submits that, the original writ petitioner is not entitled for admission to the B.A.M.S. course in view of the eligibility criteria. The eligibility criteria mandates that the candidate should possess minimum 50% of marks in Physics, Chemistry and Biology taken together in H.S.C. or equivalent examination. The learned counsel further submits that, the admission in

violation of any applicable admission rules is illegal. According to the learned advocate, as the original writ petitioner was not eligible, the writ petitioner was not permitted to fill in preference form. The original writ petitioner is selected from general category, hence benefit of E.W.S. category cannot be extended to her. The writ petitioner is considered from All India Quota and she has not been considered from 70% State Quota. As the petitioner is not eligible, her admission cannot be protected.

3. We have considered the submissions.

4. The college was allotted to the original writ petitioner by the AYUSH Admissions Central Counselling Committee. We had observed that, the petitioner is not guilty of suppression of facts or misrepresented the facts while filling in form and seeking admission. The petitioner was allotted college from the All India Quota.

5. While passing judgment under review, we have observed that, each and every party to the petition appears to be at mistake of fact. The allotment letter depicts that, the writ petitioner is allotted college from the All India Quota and the writ petitioner was admitted. After one year of the original petitioner having been admitted, a communication is made that the admission of the writ petitioner cannot be approved.

6. The writ petitioner completed almost two years. We had observed that, now it would be too late in the day to cancel the

admission of the writ petitioner. Reliance was placed by us on the judgment of the Apex Court in a case of *Shri Krishan Vs. The Krurukshetra University, Kurukshetra* reported in (1976) 1 SCC 311, We had entertained the petition only on the premise that the original writ petitioner has completed two years of her education and that the original writ petitioner was not guilty of any misrepresentation or fraud and it is the AYUSH Admissions Central Counselling Committee that had allotted college to the original writ petitioner.

7. It is in the aforesaid premise, we had passed the order under review. There is no error apparent on the face of record. The review application as such is disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 22