

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

WRIT PETITION NO.2476 OF 2022

Rushikesh Krushnakant Hole Petitioner

Vs.

The State of Maharashtra through
its Secretary Director of Medical
Education and Drugs and Ors. Respondents

Mr. Pandit Kasar for the Petitioner.

Mr. V. M. Mali, AGP for Respondent Nos. 1 to 3.

Mr. Sameer Khedekar for Respondent Nos. 4 and 5.

Mr. Ganesh K. Gole a/w. Mr. Ritesh Ratnam for Respondent No.6

**CORAM: SUNIL B.SHUKRE &
G. A. SANAP, JJ.**

DATED : 4 MARCH 2022.

P. C.

Not on board. Mentioned. Taken on board.

2. Heard. By this petition the Petitioner is seeking a direction for continuing his admission to Diploma in Dermatology at Topiwala National Medical College, Mumbai (Respondent No.7) and also seeking further directions regarding granting permission to the Petitioner to participate in further selection process for Post Graduate Medical Course after MBBS Degree admission for Academic Year 2021. We find that after the Petitioner was admitted in the first round of Diploma in Dermatology at Respondent No.7 college, Dermatologist course in

Respondent No.7 college had been closed. This sudden development left the Petitioner in the lurch. Having been assured a seat in Diploma in Dermatology course at Respondent No.7-college, the Petitioner completed the formalities for getting himself admitted to the course and did not fill up any retention form. Now the Petitioner feels that he has been left high and dry. On the one hand, the Petitioner has not filled up any retention form so as to make himself eligible for taking part in the further rounds of admission and on the other hand the Petitioner has lost his admission to the course of Diploma in Dermatology. But, at the same time, the Petitioner has been offered a seat in Master in Psychiatry at B. J. Medical College, Pune, and that is a solace for the Petitioner. Learned Counsel for the Petitioner submits that Petitioner should be allowed to pursue his course in Dermatology at Respondent No.7-College. The prayer is, in our opinion, untenable in law. A course which is closed cannot be directed by this Court to be reopened and continued, as it is a policy decision which being not illegal, cannot be interfered with by this Court.

3. Learned counsel for the Petitioner submits that accepting the seat at Pune would not enable the Petitioner to take part in further admission process. Learned counsel for Respondent No.5 submits that the Petitioner would not be entitled to take part in any further CAP round but can take part in institutional seat rounds. Learned counsel for the Petitioner submits that Petitioner may not be getting seat in good college at the institutional seat rounds and so the Petitioner should be permitted to take part in

the further round of CAP at least.

4. We do not think that the submission can be accepted for the reason that it would be like going against the rules of admission process. If participation is not permissible under the admission rules, this Court cannot direct the Authorities to deviate from the rules and allow participation of such candidate in further CAP rounds. The submission is therefore rejected.

5. In these circumstances, we are of the view that the Petitioner may consider accepting the offer of the seat in Masters course in Psychiatry at B. J. Medical College, Pune and then think of making a claim for compensation for the pain and agony that the Petitioner has gone through because of sudden closure of one course that has occurred during admission process, if so advised. With these observations, we find that the Petition deserves to be dismissed. The Petition is dismissed.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)