

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11956 OF 2022

Priyanka Ramchandra Phonde ... **Petitioner**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Mr. Yuvraj Narvankar, Advocate for the Petitioner.

Mr. A. P. Vanarse, AGP for the Respondents/State.

Mr. Sameer Khandekar, Advocate for Respondent No.2.

Mr. Rui Rodrigues a/w. Ms. Leena Patil, Advocate for Respondent No.1.

**CORAM: S.V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : OCTOBER 4, 2022

P.C.

1. Heard learned Advocate for the petitioner, the learned AGP and learned Advocates for respondent No.2 and respondent No. 3.

2. The petitioner assails Rule 5 of brochure and communication rejecting the request of the petitioner to consider her from State Quota for admission to the 5 years LLB integrated course.

3. The petitioner and her parents are domicile of the State of Maharashtra. The petitioner is ward of an Army Junior Commissioned Officer. The petitioner completed her 10th Standard from State of Madhya Pradesh. The petitioner

completed her 12th Standard (HSC) from the State of Maharashtra. The petitioner completed all her education up to 12th Standard in the State of Maharashtra except 10th Standard. The learned Counsel for the petitioner submits that when the petitioner took admission in 10th Standard, the father of petitioner was posted in the State of Madhya Pradesh. The petitioner seeks admission to the 5 years integrated LLB course from the State of Maharashtra quota. The only reason for the petitioner not being considered for the admission from the Maharashtra State quota is that she has completed her 10th Standard from the State of Madhya Pradesh.

4. We have also heard learned Counsel for the respondents.

5. The Division Bench of this Court to which one of us (S.V.Gangapurwala, J.) was party in a Writ Petition No.8539 of 2022 under judgment and order dated September 12, 2022 dealt with the similar challenge and had directed the respondent to consider the petitioner therein from State of Maharashtra quota for the LLB course. In the said case, the parents of the petitioner were domicile in the State of Maharashtra. The petitioner was also born in the State of Maharashtra. But because of service exigency, the father of the petitioner was posted outside the State of Maharashtra. Father of those petitioners was in defence. In the said matters, we had considered the rule and various judgments.

6. In the present case also, the father of the petitioner is in defence service. The father of the petitioner and the petitioner are domicile of State of Maharashtra. The

petitioner is also born in the State of Maharashtra. Except 10th Standard, the petitioner has completed her education including the 12th Standard from the State of Maharashtra.

7. In light of the above and for the reasons recorded in the judgment and order dated September 12, 2022 in Writ Petition No. 8539 of 2022, we follow the same course and pass the similar order.

8. The respondent shall consider the petitioner for the purpose of securing admission in 5 years integrated LLB course from the Maharashtra State Quota.

9. The writ petition is accordingly disposed of. No costs.

(R. N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)

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