

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5116 OF 2022

PETITIONERS:-

1. Mahatma Gandhi College of Nursing through its Principal, Dhotra(R), In front of H.P Petrol Pump, Pulgaon Road, Tah. And District Wardha.
2. Ku. Prachi Amol Paraye, Aged 20 years Occup. Student R/o. C/o. Mahatma Gandhi College of Nursing, Dhotra (R), in front of H.P Petrol Pump, Pulgaon Road, Tah.and District Wardha.

...VERSUS...

RESPONDENTS :-

1. Maharashtra University of Health Science, through its Registrar, Mhasrul, Vani Dindori Road, Nasik , Maharashtra 422004.
2. Directorate, Medical Education and Research, through its Director, Government Dental College, And Hospital Building, St.Georges Hospital Campus, Fort Mumbai-01.
3. Admission Regulating Authority, Maharashtra State, through its Chairman,9th Floor, New Excelsior Building, A.K.Nayak Marg, Fort, Near CSMT,Mumbai 01.

Mr.Anand Parchure, counsel for the petitioners
Mr.Abhijit Deshpande, counsel for respondent No.1,Ms.K.S.Joshi,
Addl.G.P for respondent No.2
Mr.Nikhil Gaikwad, counsel for respondent No.3.

**CORAM :SUNIL B.SHUKRE &
M.W.CHANDWANI, JJ.
DATE :12.12.2022.**

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

- (1) Heard.
- (2) Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.
- (3) We find the impugned order dated 02.06.2022 as having been passed mechanically and without any application of mind to the explanation submitted by the petitioner No.2 as to how her Tribe which is Nomadic Tribe (B) was understood by her to be falling in the category of NT-2. It is the submission of learned counsel for the petitioners that since the petitioner No.2 possesses a caste certificate showing her to be belonging to Nomadic Tribe (B), the petitioner No.2 in good faith believed that Nomadic Tribe

(B) is equivalent to Nomadic Tribe-2 category, although the perception of respondent No.3 is different and does not match with that of petitioner No.2. Whatever it is, it was necessary on the part of the respondent No.3 to consider the issue in depth, apply his mind to the explanation submitted by the petitioner No.2 and then pass an order stating the reasons for the conclusion reached in the order. Besides, the issue involved in this petition can have its bearing upon the eligibility of petitioner No.2, and therefore, it is all the more reason for respondent No.3 to have stated reasons at the time of passing the impugned order. As that has not happened in the present case, we are of the view that the impugned order cannot stand the scrutiny of law. The petition is allowed, the impugned order dated 02.06.2022 is hereby quashed and set aside. The issue is remanded back to respondent No.3 for its fresh consideration in accordance with law. We permit the petitioners to appear before the Respondent N0.3, and they may appear before him on 19th December 2022 at 11.00 a.m. We also permit the petitioners to produce documents, if any, in support of the explanation given by the petitioner No.2. Fresh decision in accordance with law shall be taken by respondent No.3 within two

weeks from the date of appearance of the both or either of the petitioners before him.

(4) Steno copy of the order be furnished to the parties.

(M.W.CHANDWANI,J)

(SUNIL B. SHUKRE,J)