

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

WRIT PETITION NO. 6974/2022

(MANSI HOMESHWAR SATHWANE **VERSUS** UNION OF INDIA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.P. Bodalkar, counsel for the petitioner.
Shri S.A. Chaudhari for the R-1 & 6.
Shri N.A. Gaikwad, counsel for the R-4.
Ms N.P. Mehta, Assistant Government Pleader for the R-State.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : DECEMBER 19, 2022.

The petitioner who suffers from Muscular Dystrophy in both eyes which disability is to the extent of 40% as certified by the Competent Authority by issuing a certificate of disability for NEET admission on 15.11.2022 seeks confirmation of her admission in the Persons with Disability (PwD) category. It is the case of the petitioner that while filling in the application for admission she failed to exercise the option of seeking admission in PwD category. In the select list published after CAP Round-I on 23.08.2022 the petitioner was allotted the respondent no.5-College. However while filling in the Status Retention Form the petitioner was informed that she had not mentioned her disability in the admission form and unless a disability certificate by the Competent Authority was issued she was not entitled for admission in the PwD category.

On 06.11.2022 this Court while issuing notice to the respondents directed one seat in the PwD category to be kept vacant for considering the claim of the petitioner. In the meanwhile the petitioner was examined by the Competent Authority and was issued a certificate dated 15.11.2022 certifying her disability at 40%.

On 09.12.2022 the learned counsel appearing for the respondent no.4 was directed to obtain necessary instructions as to whether the petitioner could be allotted a seat in PwD category since it had been submitted that the petitioner submitted her form from the Other Backward Classes category.

Today on instructions Shri N.A. Gaikwad submits that in view of the interim directions passed on 06.11.2022 the petitioner has been treated as the candidate belonging to PwD category.

Considering the documents placed on record and the fact that the petitioner has now been issued the requisite certificate by the Competent Authority on 15.11.2022 it is clear that the petitioner's admission in PwD category is liable to be confirmed. As per the Admission and Retention Form dated 13.12.2022 the name of the petitioner has been shown against a seat reserved for the candidates in the PwD category. In view of aforesaid the interim direction issued on 06.11.2022 for keeping one seat vacant is confirmed. The petitioner accordingly be treated as having been admitted against the seat that was kept vacant in the PwD category.

With these directions the writ petition is disposed of. No costs.

(ANIL L. PANSARE, J.)

(A. S. CHANDURKAR, J.)

APTE