

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

WRIT PETITION NO.7337 OF 2022

Devika Abhijeet Wanjari, Dattatray Nagar, Nagpur

-vs-

Union of India, Thr. Secretary, Dept. of Health and Family Welfare, Nirman Bhavan, New Delhi
and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri B. G. Kulkarni, Advocate for petitioner.

Shri N. S. Deshpande, Deputy Solicitor General of India for
respondent Nos.1 to 3.

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

DATE : December 02, 2022

Considering the limited relief sought, the writ petition is taken up for final disposal.

The petitioner claims to belong to 'O.B.C.' category and she has been issued a validity certificate to that effect. Pursuant to Online application submitted by her, she is treated as a candidate from 'General' category. It is her case that inadvertently the category was shown as 'General' instead of 'O.B.C.'. The petitioner therefore on 20/11/2022 made a representation to the respondent No.3 to permit her to modify the said category from 'General' to 'O.B.C.'. Since that representation has not been decided, this writ petition has been filed.

The learned counsel for the petitioner submits that in somewhat similar circumstances the Madras High Court in Writ Petition No.29475/2022 (*Nihal Hamza vs. The Government of India and ors.*) decided on 08/11/2022 has issued directions to consider a similar representation and has also observed that it

would be permissible to change the concerned category. He therefore prays that appropriate directions be issued.

The Deputy Solicitor General of India appearing for respondent Nos.1 to 3 submits that since the representation has been made to respondent No.3, it will be considered in accordance with law.

The writ petition is disposed of by directing the respondent No.3 to consider the petitioner's representation dated 20/11/2022 keeping in mind the decision of the Madras High court in *Nihal Hamza* (supra) decided on 08/11/2022 since it is stated that said decision has been complied with by respondent No.3. As it is submitted that the last round for admission under NEET-UG-2022 is to come to an end on 03/12/2022, the respondent No.3 shall take a decision on the aforesaid representation preferably by 5 pm tomorrow. The decision taken be communicated to the petitioner.

The Writ Petition is disposed of.

Authenticated copy be supplied to the counsel for the parties.

(Anil L. Pansare, J.)

(A. S. Chandurkar, J.)

Asmita