



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO. 2364 OF 2023

PRATIKSHA ASHOK DHADEKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

.....
Advocate for Petitioner : Mr. S.N. Patne h/f. Mr. Gastgar Santosh B.
AGP for the respondent – State : Mr. V.M. Jaware
Advocate for respondent no. 3 : Mr. M.D. Narwadkar
Advocate for respondent no. 5 : Mr. S.B. Pulkundwar
...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 19 DECEMBER 2023

PC :

Heard.

2. Petitioner's admission to the B.Sc Nursing course has not been approved by respondent no. 3 on the sole ground that he had failed to furnish the domicile certificate by the cut-off date.

3. We have heard both the sides finally.

4. Learned advocate for the petitioner submits that though it is a fact that the petitioner had not furnished the domicile certificate by the cut-off date, subsequently, she has obtained it and the respondent be directed to undertake fresh course and grant approval to her admission.

5. Since the petitioner has produced a certificate of the age and domicile dated 27-05-2022 (**Exhibit – F**), we had requested the learned advocate for the respondent no. 3 – State Common Entrance Test Cell, in response he submits that this is the certificate of domicile which the petitioner was supposed to file by the cut-off date, she failed to do so otherwise she would be entitled to protect the admission on the basis of such certificate of domicile.

6. Learned advocate Mr. Narwardkar for the respondent no. 3 also informs us that even the re-verification was undertaken, however, for failure of the respondent no. 6 college to respond to and appear before the Director, Medical Education and Research (DMER) with the certificate of domicile, even during the re-verification process, the petitioner could not be granted approval.

7. It is merely a matter of certificate of domicile and though the petitioner had failed to produce it by the cut-off date, the error could have been rectified by the respondent no. 6 college by responding to the re-verification process and by producing certificate of domicile before the respondent no. 2 – DMER, for failure of which now the petitioner will stand to lose admission.

8. Considering the afore-mentioned aspects, we allow the writ petition in following manner :

9. The respondent no. 6 college shall immediately forward the certificate of domicile and make necessary compliances by approaching the respondent no. 2 – DMER, which shall thereafter forward an appropriate proposal to the respondent no. 3 - authority which shall consider the petitioner's case for approval on the basis of the certificate of domicile (**Exhibit – F**) on its own merits, but it shall not be refused for failure to produce it before the cut off date.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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