

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO.2257 OF 2023

SARAH NIKHAT ZAHEER AHMED
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

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Advocate for Petitioner : Mr. Bolkar Yogesh B.
AGP for Respondent No.1: Mr. S.K. Tambe
Advocate for Respondent No.2 : Mr. M.D. Narwadkar
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 23rd FEBRUARY, 2023.**

PER COURT :-

1. The petitioner had appeared for the NEET-UG-2022 examination. She has got herself registered only from the State quota. She has scored 104 in the examination. She belongs to O.B.C. category and has a validity certificate. She could not secure admission in the rounds, till today.

2. Clause 2.1 of the information brochure of the preference system for admission to Health Science Courses in the State Government/ Corporation/ Private and minority colleges, published by the office of the Commissioner, State CET Cell, for the NEET-UG-2022, provides as under:-

“2.1 Admission processing Fee: Cost of online application form of NEET-UG-2022 is Rs.1000/- for all courses of State quota, Rs.5000/- for Institutional quota of MBBS, BDS, BAMS,

BHMS and BUMS courses only, and Rs.6000/- both quota of MBBS, BDS, BAMS, BHMS and BUMS courses only. This application fee is not refundable, hence candidates are advised to go through the Information Brochure and ascertain the eligibility. It is sole responsibility of candidate to ascertain eligibility and also online payment of fees within prescribed period failing which online application will be rejected.”

3. In clause 7.1 of the said information brochure, there are different application Form fee structures. The candidate applying for the State quota only, has to deposit Rs.1,000/-. The candidate seeking admission only in the institute quota, has to deposit Rs.5000/- and if he seeks admission from both the quotas, he has to deposit Rs.6000/-. These slabs are prescribed for MBBS, BDS, BAMS, BHMS and BUMS. The petitioner admittedly has applied only for the State quota and she has not entered any application for seeking admission from institute quota.

4. The process for filling in the management quota seats, which is commonly known as institutional quota seats, would come to an end tomorrow. All those candidates who have not got admission in any of the earlier rounds and who have specifically registered themselves for the institutional quota admissions, are alone to be considered taking into account that they have registered themselves under the said quota. Admittedly, the petitioner has not registered herself under these quotas. Hence, the question is as to how the petitioner could gain an entry into this admission process without a registration under the institutional

quota.

5. The learned advocate representing respondent No.2, the Commissioner and Competent Authority of the State Common Entrance Test Cell, submits that a candidate, who is not registered under a particular admission quota, cannot enter in the round which is restricted only for those who are registered under the institutional quota. This is not a walk in admission process. These forms need to be filled in months in advance, after the results of NEET-UG-2022 examinations are declared. The candidates have to assess as to whether they need to apply from all quotas so as to secure the admission at least in a single quota. The present petitioner registered herself for the selection process only under the State quota. In absence of any registration for entering in the selection process meant for the institutional quota, no order can be passed by this Court, as it would amount to violating the admission Rules and would create a chaos, as several students would rush to this Court without registration and enter such selection process.

6. We do find that the submissions put forth by respondent No.2 are justified. When the petitioner herself did not desire to register under the institutional quota for getting admission to the available seat which is allocated to the institutional quota, merely because there are seats available, could not be a ground for this Court to violate the admission Rules which have sanctity.

7. In view of the above, this petition is dismissed.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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