

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO.4967 OF 2023

HEMITA BHIMRAJ BAGUL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. S.S. Thombre
AGP for Respondent Nos. 1 and 2: Mr. S.P. Tiwari
Advocate for Respondent No.3 : Mr. M.D. Narwadkar
Advocate for Respondent No.4 : Mr. S.S. Gangkhedkar
.....

AND
916 WRIT PETITION NO.4941 OF 2023

CHAVAN SACHIN PRAKASH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

...
Advocate for Petitioners : Mr. Lalitkumar S. Mahajan
AGP for Respondent No.1: Mr. S.K. Tambe
Advocate for Respondent No.2 : Mr. M.D. Narwadkar
Advocate for Respondent No.3 : Mr. Shrikant Patil h/f Mr. S.P.
Brahme
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 28th APRIL, 2023.**

PER COURT :-

1. The petitioner in Writ petition No. 4967 of 2023, has been admitted to the first year B.H.M.S. course. On account of an issue with regard to her admission, she had approached this Court in writ petition No. 1970 of 2022. By order dated 1.3.2022, the petitioner was permitted to appear for the examination. Her first semester's

result was also directed to be declared immediately. Considering her eligibility, she was permitted to appear for the examination of the second semester and the result was not be declared until further orders of the Court. The learned advocate for the petitioner submits that this petition has been dismissed in default. He would immediately take steps for seeking restoration of the said writ petition.

2. We have considered the submissions of the learned advocate representing the Health University and the learned advocate representing respondent No.3, Admission Regulatory Authority, Maharashtra State. They contend that until the petitioner's admission is not validated, the problem faced by the petitioner would not end. On each occasion, the petitioner would approach this court for seeking orders for declaration of her examination results and liberty to appear for the further semesters. It would be unending.

3. Considering the above, the **writ petition No. 4967 of 2023 is disposed off**, with the following directions:-

- a. The petitioner shall initiate steps for restoration of the writ petition No. 1970 of 2022, within 15 days from today, by filing an appropriate civil application. Filing permitted even in the vacation.
- b. The results of the petitioner for first year second semester

examination of the B.H.M.S. course be declared forthwith, as the last date for filling in the form is 29.4.2023 (with late fees, the date is 11.5.2023).

c. If eligible, the petitioner would fill in the form.

4. In writ petition No. 4941 of 2023, the petitioners are similarly situated. Their results have not been declared as the very approval and recognition of the institution is at issue.

5. By a detailed order dated 29.10.2018, this court [Coram: Prasanna B. Varale (as His Lordship then was) and Sunil K. Kotwal, JJ.] in writ Petition No. 11696 of 2018, filed by the management, has permitted the students to appear for the examinations and their admissions are subject to the stipulations, referred to by the Division Bench of this Court, in its order dated 29.10.2018, in writ petition No 11696 of 2018.

6. As such, issue notice to the respondents, returnable on 27.06.2023. The learned A.G.P. waives service of notice on behalf of respondent No.1. The learned advocate Mr. Narwadkar, waives service of notice on behalf of respondent No.2. The learned advocate Mr. Patil, waives service of notice on behalf of respondent No.3.

7. The University would declare the results of these petitioners

and subject to their eligibility and in the absence of any legal impediment, they may fill in the examination forms within the prescribed limit or extended limit with late fees.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/