

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10172 OF 2023

**CHISHTI FURKHAN SYED SADRODDIN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Dhakne Vijay A.
AGP for Respondents 1, 3 and 4/State : Shri S.K. Tambe
Advocate for Respondent 2 : Shri M.D. Narwadkar
Advocate for Respondent 5 : Shri S.R. Yadav Lonikar

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 24th August, 2023

Per Court :-

1. The Petitioner has approached this Court with a request that the late delivery of the NOC should not deprive him of an opportunity of getting the Post Graduate NEET-PG-2022 admission.

2. We have considered the submissions of the learned Advocates for the respective sides.

3. The cut off date for tendering an NOC was initially 27.01.2023 for the NEET PG 2022 Examination applicable for

the 'in service' candidates. The said date was further extended to 12.02.2023. This is an undisputed position.

4. The disputed aspect is that though the Petitioner tendered his application for seeking an NOC as per clause 4.1 of the Government Resolution dated 19.03.2019 issued by the Public Health Department and Respondent No.5 forwarded the same on 09.02.2023 to Respondent No.4, Respondent No.4 does not have the record of the application received by it.

5. We have perused the application dated 03.01.2023 at page 31, which carries the stamp of the Inward Department along with the date 03.01.2023 of Respondent No.5. Page 33 indicates a proper letter prepared by Respondent No.5 dated 09.02.2023 with outward No.65 addressed to Respondent No.4, seeking an NOC for the Petitioner. The inward stamp and signature along with the date 09.02.2023 of Respondent No.5 Department is visible.

6. We have also perused the original outward register of Respondent No.5. Sr.No.65 of the outward register and number 65 on the letter dated 09.02.2023 addressed to Respondent No.4 by Respondent No.5, establish that the proposal for seeking NOC in favour of the Petitioner was

released from Respondent No.5 Department. The stamp of Respondent No.4 of having received the communication on 09.02.2023 is also visible.

7. The learned Advocate representing Respondent No.5 confirms the receipt of the application of the Petitioner and the forwarding of it's letter dated 09.02.2023 with outward No.65, which matches with the original record.

8. The controversy is that the learned AGP representing Respondent No.4 submits that it's inward register does not make a mention of the above letter dated 09.02.2023 issued by Respondent No.5. He, therefore, submits that the stamp and signature is a matter of suspicion and needs to be investigated.

9. We find that if Respondent No.4 desires to investigate as to why the letter from Respondent No.5, as is reflected from their outward number, does not find place in the inward register of Respondent No.4, it is within the domain of Respondent No.4 to carryout an investigation and punish the person, who may be found guilty of either having not brought the letter to the notice of the higher authorities or an authorized person having affixed the stamp and initials of the inward clerk.

If it comes to the conclusion that none of its employees are involved and some mischief is made with regard to the inward stamp number, it would be at liberty to approach the appropriate Authority by lodging a complaint or even the First Information Report as may be advised.

10. In the above backdrop, the issue is as to whether, the Petitioner can be held responsible for an NOC having still not been issued by Respondent No.4.

11. The learned AGP submits that it is in the above backdrop that the NOC is not issued since they do not have the communication from Respondent No.5.

12. All this, as on date, would not turn upon the conduct of the Petitioner. He is eligible for an NOC as he satisfies all the requirements. With the NOC, his admission to the PG course would be formalized. In similar cases, this Court has passed a detailed order dated 13.10.2022 in Writ Petition No.10703/2022 (*Syed Aqib Ahsanuddin vs. The State of Maharashtra and others*) and the Nagpur Bench has passed an order on 03.10.2022 in Writ Petition No.5793/2022 (*Dr.Sandeep Devrao Wadhawe vs. National Board for Examination in Medical Sciences and others*).

13. The learned Advocate representing Respondent

No.2/ State CET Cell submits that since the registration for the first and second rounds is already over with the cut off date ending on 14.08.2023 and the Petitioner has filed this petition on 17.08.2023, he could be considered for the third round, which is likely to commence sometime around 14.09.2023.

14. In the light of the above, **the Writ Petition is partly allowed**. We direct that Respondent No.4 shall issue an NOC to the Petitioner within 15 days from today. The Petitioner would, therefore, be considered for the third round admission process.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)