

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

943 WRIT PETITION NO. 11680 OF 2023

SHAHED SHAMIM SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

AND
962 WRIT PETITION NO. 11657 OF 2023

POOJA RAMHARI JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Pathan Azaroddin Chandpasha
AGP for Respondent No. 1 : Mr. A.S. Shinde
Advocate for Respondent Nos. 2 & 3 : Mr. C.A. Jadhav
Advocate for Respondent No. 4 : Mr. V.N. Shinde

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 19 OCTOBER 2023

PER COURT :

Heard learned Advocate for the petitioners in both these petitions, learned AGP, learned Advocate Mr. Jadhav for respondent nos. 2 and 3 and learned Advocate Mr. Shinde for the respondent no. 4 – College.

2. The petitioners who are admitted in the Centralized Admission Process for B. Pharmacy Course in the respondent no. 4 – College, against EWS (Economically Weaker Section) seats are aggrieved by the decision of respondent nos. 2 and 3 refusing to approve their admissions on the ground of their failure to submit the requisite certificates of EWS for the relevant period.

3. Learned Advocate for the petitioners points out that it is the fact that the petitioners have failed to furnish the certificates for the relevant year i.e. 2022 – 2023 before the cut off date, although they both were possessing certificates of the previous year i.e. 2021 – 2022. He submits that subsequently both of them have also obtained valid EWS certificates for the year 2022 – 2023, from the Competent Authority and their admissions be directed to be approved by directing the College to make a fresh proposal and directing respondent nos. 2 and 3 to reconsider their cases on the basis of valid EWS certificates.

4. Learned Advocate for the respondent nos. 2 and 3 submits that the petitioners admittedly had not produced the certificates of EWS before the cut off date, which was mandatory and no error has been committed by the Authority in refusing to grant approval to their admissions. He would also submit that the petitioners can again seek a review of the order.

5. Learned Advocate for the respondent no. 4 – College, submits that after the petitioners produced the valid EWS certificates, those were forwarded to respondent nos. 2 and 3, however, no fresh decision has been taken.

6. The petitioners had failed to produce the EWS certificates before the cut off date. There is no dispute about the fact that they were possessing similar certificates for the previous year. They have been admitted to the College and are now currently in the third year of

the B. Pharmacy Course. If the petitioners have subsequently obtained the EWS certificates for the relevant period i.e. 2022 – 2023, in our considered view, the authorities should reconsider the decision on its own merits on the basis of the EWS certificates possessed by the petitioners for the year 2022 – 2023.

7. We allow the Writ Petition and direct the respondent no. 4 – College, to make a fresh proposal to respondent nos. 2 and 3 who shall thereafter, consider the request for approval to the admissions of the petitioners on its own merits on the basis of the EWS certificates possessed by them for the year 2022 – 2023.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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