

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.16261 OF 2023
IN
WRIT PETITION NO.4777 OF 2021

Ketki M. More ..Petitioner/Applicant

Versus

State of Maharashtra & Ors ..Respondents

ANJALI
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ASWALE

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Ms.Pooja Thorat, Advocates for the Petitioner / Applicant.

Mr.A. I. Patel, Addl.G.P., with Mr.N. M. Mehra, AGP, for the Respondent/State.

Mr. R. V. Govilkar, Senior Advocate, for Respondent No.5.

Ms.Mrinal Shelar i/b S. S. Patwardhan, Advocates for Respondent No.3.

Mr.Pradeep Patil, Advocates for Respondent No.4.

**CORAM : B. P. COLABAWALLA, J &
M. M. SATHAYE, JJ.**

DATE : NOVEMBER 6, 2023

P.C.

The above Writ Petition is filed challenging to quash and set aside the decision dated 16th March, 2023 issued by Respondent No.3 disapproving the admission of the Petitioner to the first year BDS course (Bachelor of Dental Surgery) and also to

quash and set aside the letter dated 7th July, 2020 addressed by Respondent No.5 withdrawing the eligibility of the Petitioner.

2 The above Interim Application is filed by the Petitioner to direct Respondent No.5 (Maharashtra University of Health Sciences, Nashik) to declare the result of the Petitioner of the third year BDS examination and allow the Petitioner to attend the fourth year of the said course. Ms. Thorat, the learned counsel appearing on behalf of the Petitioner brought to our attention that for this very Petitioner, on 8th October, 2021, this Court had directed Respondent No.5 to declare the results of the first year and also allowed the Petitioner to attend the classes of the second year. Thereafter, by order dated 6th July, 2022, this Court had directed Respondent No.5 to declare the results of the second year and allowed the Petitioner to attend the classes of the third year. She submitted that now she has attended the classes of the third year and also given the examination. In these circumstances, the results of the third year also ought to be declared and the Petitioner be allowed to attend the classes of the fourth year, was the submission of Ms.Thorat.

3 Mr.Govilkar, the learned Senior Counsel appearing on behalf of Respondent No.5, submitted that this Petition has been pending since the year 2021 and if this Court is inclined to grant the relief as sought for by the Petitioner, the above Writ Petition be disposed of as early as possible.

4 Having heard the learned counsel for the parties, and considering earlier orders passed and referred to by us above, we direct Respondent No.5 to declare the result of the Petitioner of the third year BDS examination by 11.a.m. on or before 10th November, 2023 without fail.

5 The Petitioner shall be permitted to attend the classes of the fourth year and thereafter sit for the examination, as well. However, the results of the fourth year examination shall not be declared without specific orders of this Court.

6 Considering that the above Petition is of the year 2021, and is not yet admitted, we place the same on Board on 5th December, 2023 for admission. We put the parties to notice that we may dispose of the above Writ Petition at the admission stage itself.

7 It is needless to clarify that this order is passed without prejudice to the rights and contentions of all parties and the Petitioner shall not be allowed to claim any equities by virtue of either this order or the orders dated 8th October, 2021 and 6th July, 2022.

8 The above Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

9 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J]