

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 13847 OF 2023

Miss Anchal Arjun Khot. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Mr.Tukaram Shendge i/b. Mr.Sachin Bhavar for the Petitioner.

Mr.S.H.Kankal, AGP for the State.
Mr.Sameer Khedekar for Respondent No.2.
Mr.V.M.Thorat for Respondent No.3.

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CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.

DATE : 7 December 2023.

P.C. :

This petition is filed by a student who was desirous of taking admission to Respondent No.3- Vedantaa Institute of Medical Sciences for the State quota MBBS seat. According to the Petitioner, as per the information published in the waiting list, the Petitioner was informed to attend Respondent No 3- College with necessary documents on 29 September 2023.

2. It is the grievance of the Petitioner that Petitioner tried to enter the premises of Respondent No.3 on 29 September 2023, however, he was denied entry. Thereafter admission was closed and

the Petitioner has lost his opportunity to get admission in the MBBS course.

3. In view of this assertion made by the student, we had called upon the learned AGP to communicate the grievance of the Petitioner to the Director of Medical Education and Research. The Director of Medical Education and Research thereafter formed a Three Members Committee and submitted a report to the CET Cell and CET Cell has produced the version before us.

4. In the enquiry report the following is stated:

“1.

2. *As per State CET Cell Notice No.10, the college had published merit list, selection list and waiting list on 28/09/2023 on the website and notice board of the college. Selected candidates as per merit were asked to report to the institute on or before 29/09/2023 upto 6.00 p.m. As per merit, the candidate Anchal Arjun Khot's name was not included in the selection list (Annexure 2). In fact the candidate's name was included in waiting list published on 28/09/2023 (Annexure 3).*

3. *The candidate was supposed to report to the college for residual vacancy on 30/09/2023 upto 3.00 p.m. as per the waiting list published by the college on 29/09/2023 after 7.00 p.m. (Annexure 4) and notice no. 10 dated 26/09/2023 published by State CET Cell. (Annexure 5)*

4. *As per attendance record of all candidates reported to the college on 30/09/2023 submitted by college (Annexure 6), total 68 candidates had reported on 30/09/2023 upto 3.00 p.m. but the name of the candidate Anchal Arjun Khot does not appear in the reported candidates list.*

5. *As per mail record of State CET Cell, the candidate has not given any complaint on 30/09/2023 regarding preventing of entry into the college.*

6.

7. *As per mail record of State CET Cell, the candidate has not given an complaint on 30/09/2023 regarding preventing of entry into the college. However it has been observed that the candidate had sent a complaint via email to State CET Cell regarding preventing of entry into the college on 29/09/2023 at 6.00 p.m. even though she was not required to report on 29/09/2023 as her name was not included in the selection list published by the college on 28/09/2023.”*

Based on this report, CET Cell has communicated the conclusion of the enquiry to the Petitioner.

5. The learned counsel for the College has stated that the enquiry report clearly indicates that the Petitioner was not supposed to attend on 29 September 2023, but 30 September 2023. The report of the enquiry conducted by the Director of Medical Education and Research supports this version.

6. In writ jurisdiction, it is not possible for us to further adjudicate the dispute that is raised by the Petitioner which is purely a factual one. There is no reason why we should not accept the enquiry report of the Committee constituted by the Director of Medical Education and Research. There is no pleading in the petition that the Petitioner was prevented entry on 30 September

2023. Therefore, going by the enquiry report and the conclusion of the CET Cell, we close the proceeding in this petition.

7. Writ petition is accordingly disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)