

VINA
ARVIND
KHADPE

Digitally
signed by
VINA
ARVIND
KHADPE
Date:
2023.10.12
18:03:19
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12212 OF 2023

Shravani Yogesh Giri

.... Petitioner

Versus

State of Maharashtra and Ors.

.... Respondents

....

Mr. Akshay R. Kapadia for the Petitioner.

Ms. Dhruti M. Kapadia for the Respondent no.3.

Mr. S. B. Kalel, AGP for the Respondent – State.

....

**CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ.**

DATED : 11 October 2023

P.C. :

1. Heard learned counsel for the petitioner and learned counsel for the CET Cell.

2. Learned counsel for the petitioner submits that there was indeed a mistake on the part of the petitioner while uploading the caste validity certificate on or before the last cut-off date. He further submits that for such a mistake, the petitioner must not be deprived of taking admission which she has already been granted, and that it is possible for respondent no.3 to accommodate the petitioner on any other vacant seat in any college which respondent no.3 chooses. He further submits that

Vina Khadpe

the petitioner having already been granted admission earlier otherwise qualifies to take admission to B. Pharm course and therefore if such accommodation is given by respondent no.3, it would not only result in saving one academic year of the petitioner but would also not allow any seat to remain vacant.

3. Learned counsel for respondent no.3 submits that after cancellation of admission of the petitioner for the reason of her default in uploading the caste validity certificate well within time, respondent no.3 had considered the applications of other qualified students, and who have been given admissions by accommodating those students on the seats, and therefore, now if the petitioner is to be accommodated at this stage, it would disturb the admission given to other students and this exercise is not permissible in law. She relied on a view taken in a case with similar facts by the Hon'ble Supreme Court in the case of *Dilip Vitthal Bambale and ors vs. Vinitkumar Motiram Totlod and ors.*¹ and also the Government Resolution dated 10 December 2019.

4. At this juncture, we would only direct respondent no.3 instead of making an adjudication of the issue, to consider the request of learned counsel for the petitioner for its approval,

¹ Civil Appeal Nos. 11234-48 of 2017 dated 6 September 2017.
Vina Khadpe

which in our opinion, in the facts and circumstances appears to be reasonable for the reason that respondent no.3 would be in a better position to assess the situation of the vacant seats and make an appropriate accommodation and adjustment, provided the other conditions are fulfilled, and if it decides to grant the request, the accommodation can be made on any open seat.

5. Learned counsel for respondent no.3 submits that respondent no.3 would certainly consider the request of learned counsel for the petitioner and after assessing the availability of vacant seats, it shall take appropriate decision regarding possibility of accommodating the petitioner on an “open seat” in B. Pharma course in any suitable College. This shall be done as early as possible.

6. Petition is disposed in the above terms.

(FIRDOSH P. POONIWALLA, J.)

(SUNIL B. SHUKRE, J.)