

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1607 OF 2023**

Apporva Dnyaneshwar Mhatre ...Petitioner
Versus
The State of Maharashtra Through The Secretary ...Respondent

Mr Vijaykumar Mane, for the Petitioner.
Ms Sarika Shetye, i/b SB Shetye, for Respondent No. 4.
Ms PH Kantharia, GP, for the Respondent-State.

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**
DATED: 26th June 2023

SHEPHALI
SANJAY
MORMARE

Digitally signed by
SHEPHALI
SANJAY
MORMARE
Date: 2023.06.26
14:43:38 +0530

PC:-

1. The Petition is a gross abuse of the process of this Court. It is not the third round of litigation. It appears to be the sixth or seventh round of litigation. The petitioner seeks to protect her admission to an MBBS course. She first filed Writ Petition (L) No. 581 of 2014 later numbered as Writ Petition No. 2091 of 2014. On 5th March 2014, a Division Bench granted ad-interim relief noting that prima facie she had not been given a personal hearing against the charge that her non-creamy layer certificate which she had produced was false and fabricated. That ad-interim relief continued until 3rd October 2016. On that date the Petitioners Writ Petition was taken up along with a companion Writ Petition No. 2545 of 2014. The

Division Bench of Dharmadhikari and Colabawalla JJ delivered an elaborate judgment considering all aspects and discharged Rule in both Writ Petitions. The Petitioner's first Writ Petition thus failed.

2. The Petitioner then filed a Review Petition (L) No. 61 of 2016. That was dismissed on 28th November 2016. Against this, the Petitioner filed Special Leave Petition (C) Nos. 36134 of 2016 to the Supreme Court. That was dismissed on 9th December 2016. Then the Petitioner filed a second Review Petition (L) No. 37 of 2017 in her first Writ Petition. The Division Bench of Dharmadhikari and Colabawalla JJ dismissed this second Review Petition. Then the Petitioner filed a second Writ Petition (L) No. 3828 of 2018. By an order of 21st November 2018, the second Writ Petition was dismissed by Dharmadhikari and Smt Bharati Dangre JJ.

3. Now comes the third Writ Petition.

4. In the meantime, the seat in question has been vacated. What the Petitioner says is that she should now in 2023 be allowed to continue with the third MBBS course, a protection that she had from perhaps 2014 to 2016 but not beyond. An attempt is made to query the scrutiny committee but that cannot possibly be examined again because we would be sitting in appeal over binding decisions of Benches of coordinate strength. The only Court that could considered a challenge to those Division Bench judgments is the Supreme Court and it did take up the challenge and dismissed it.

5. There is not the slightest possibility of this Petitioner being able to establish a case either on merits or even a prima facie case on the same facts again. The Petition is entirely without substance. It is dismissed. It ought never to have been filed. We do not see how the Petitioner can continually keep filing Writ Petitions like this.

6. It is only because the Petitioner is or claims to be a student that we refrain from making an order of very significant cost.

7. If the Petitioner files yet another Petition, we do not think that we will be quite as sympathetic.

(Neela Gokhale, J)

(G. S. Patel, J)