

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.84 OF 2023

(Vaishnavi d/o Arjun Gadekar vs. The State Common Entrance Test Cell, Mumbai)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri Ashwin Deshpande, Advocate for petitioner.
Shri N.A. Gaikwad, Advocate for respondent.

CORAM : A.S. CHANDURKAR AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : JANUARY 5, 2023

The petitioner seeks admission in NEET-UG 2022 under the category reserved for students from Defence-I and also from Other Backward Class category. In the application form submitted by the petitioner, she had indicated the category of belonging to “Other Backward Class”. She failed to mention her claim for further reservation from the Defence-I category. After realising this fact, the petitioner on 25/11/2022 issued an e-mail to the State Common Entrance Test Cell making request for adding that category. Since there was no response to the aforesaid, the petitioner has filed the present petition.

2) We have heard Shri Deshpande, learned Counsel for the petitioner and Shri Gaikwad, learned Counsel for the respondent. It is not in dispute that

while submitting the application form, the petitioner failed to mention Defence-I category, to which she was claiming admission. She found her place in the merit list of students from the “Other Backward Class” category. The petitioner seeks to rely upon Rule 11.8.7, which provides that candidates from Group “B” category are not granted any liberty of making any correction in the application form while such liberty is granted to the candidates from Group “A” category under Rule 11.3.4. The learned Counsel for the petitioner submits that aforesaid amounts to discrimination between candidates from these two groups.

3) On the other hand, Shri Gaikwad, learned Counsel the respondent, has relied upon Rule 9.4.4, which prevents making any request to change the category after submission of the application form. He submits that this Rule is applicable to candidates from Group “A” as well as Group “B”.

4) Rule 9.4.4, which is material, reads as under :

“Children of Defence personnel (DEF) : Refer Annexure-C)

The candidate should have claimed the Defence Category Claim in the original online application form. Request for Defence category claim after submission of application form will not be granted.

The seats reserved for Defence category candidates will be filled on the basis of State merit list. In the event of non-availability of candidate in any of the defence category, the vacancies that have remained

unfilled will be filled by inter se merit of the candidates from remaining two defence categories. Minimum eligibility criteria for defence quota seats shall be as per open merit candidate for selection. As Defence quota is specified reservation seat of Defence quota will be allotted first.”

5) Perusal of the aforesaid Rule clearly indicates that request for Defence category claim after submission of the application form would not be granted. In the light of this provision, we do not find any justification in the prayer for liberty to make necessary correction. In addition, it may be stated that on 25/11/2022, the petitioner had raised a grievance with the State Common Entrance Test Cell, but thereafter for the period of more than one month, nothing further has been done. As a result, the admission process has gone ahead and the selection list for mop up round – Group “B” is to be published tomorrow.

6) In the light of the aforesaid facts, we are not inclined to interfere in the writ jurisdiction. The writ petition is, therefore, dismissed with no order as to costs.

JUDGE

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