

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1492 OF 2022

Miss Akansha Shyamlal Kanojiya, Aged
about 21 years, Occ Student, R/o Plot
No. 197, Guru Teg Bahadur Nagar, Nari
Road, Near Manas Mandir, Nagpur – 26

... PETITIONER

VERSUS

1. The State of Maharashtra, through
its Director, Directorate of Medical
Education and Research, Govt.
Dental College and Hospital Building
4th floor, St. George's Hospital
Compound, P D'Mello Road, Fort,
Mumbai – 01
2. Admission Regulating Authority,
Maharashtra State, through its
Chairman, 9th floor, New Excelsior
Building, A.K. Nayak Marg, Fort,
Near CSMT, Mumbai 400001 (M.S.)
3. Maharashtra University of Health
Sciences, through its Registrar,
Mhasrul, Vani Dindori Road, Nashik
– 422004
4. Datta Meghe College of Nursing,
through its Principal, Hingna Road,
Wanadongri, Nagpur – 10

... RESPONDENTS

Shri P.A. Jibhkate, Advocate for the petitioner.
Shri Kadukar, A.G.P. for the respondent/State.
Shri N. Gaikwad, Advocate for respondent no.2.
Shri Abhijit Deshpande, Advocate for respondent no.3.
Ms. P.V. Gaharaati Singh, Advocate for respondent no.4.

CORAM : VINAY JOSHI AND BHARAT P DESHPANDE, JJ.
DATED : 04/05/2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

RULE. Rule made returnable forthwith.

2. Heard finally by consent of learned Counsel appearing for the respective parties.

3. The petitioner secured admission through National Eligibility Cum Entrance Test (Under Graduate) (NEET-UG) in second round for the basic B.Sc. (Nursing Course). The petitioner failed to submit her caste validity certificate on or before cut off date i.e. 31.01.2019, therefore, respondent no. 2 Admission Regulating Authority has not approved the admission. The petitioner has obtained caste validity certificate on 31.01.2019, which she tendered with the College on the very day. It is the petitioner's contention that respondent no. 2 vide Circular dated 22.10.2019 has extended the period for

removal of lacunae, and therefore, her submission of caste validity ought to have been considered. It is the respondent's contention that the Circular does not permit to extend the period but it is for some other purpose.

4. The petitioner would submit that in similar circumstances, this Court in Writ Petition No.10361 of 2018 vide order dated 19.12.2022 has regularized the similar admission.

5. The petitioner has complete three years and by virtue of order of this Court, result was declared and was permitted to appear for IVth year. By the time, the petitioner has also complete IVth year examination. It is the petitioner's contention that on approval and declaration of her result, she would be eligible for further education course.

6. Basically, the petitioner has caste validity certificate for which there is no dispute. It reveals that though the petitioner has immediately submitted the caste validity with the College however it was not received by the respondent no.2 within stipulated period. Apart from the technicalities, we deem it appropriate to hold that the petitioner is entitled for the relief as claimed as the petitioner has

completed the entire course.

7. The Writ Petition is allowed. The impugned order dated 30.12.2021 passed by the respondent no.1 is hereby quashed and set aside. We hereby direct the respondent no.2- Admission Regulating Authority, Maharashtra State to regularized the petitioner's admission and result be declared.

8. The petition stands disposed of in above terms. Rule is made absolute. No order as to costs.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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