



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

WRIT PETITION NO.5167 OF 2023

Arpit s/o Ajaykumar Meshram, Suman Vihar, Kamptee Road, Bhilgaon, Nagpur

-vs-

State of Maharashtra, Thr. Secretary, Medical Education and Drugs Dept. Mantralaya, Mumbai
and ors.

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

Court's or Judge's Orders.

Shri P. S. Wathore, Advocate for petitioner.
Ms N. P. Mehta, Assistant Government Pleader for respondent Nos.1 and 2.
Shri N. S. Deshpande, Deputy Solicitor General of India for respondent No.3.

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

DATE : August 30, 2023

P. C.

1. Heard.

The petitioner seeks consideration of his candidature for admission to the 1st year MBBS course by relying upon Clause 4.8.1 of NEET UG-2023 Information Brochure. It is not in dispute that the petitioner is domicile of the State of Maharashtra. He completed his Higher Secondary School education from C.B.S.C. Board at Chattisgarh. At the relevant time his father was serving at State Bank of India in Chattisgarh. The petitioner's father superannuated from service on 31/05/2023. In this backdrop the petitioner contends that he is entitled for the benefit of Clause 4.8.1 of the Information Brochure for seeking admission in the State quota.

2. Clause 4.8.1 of the Information Brochure reads thus :

The children of the employees of Government of India or its

Undertaking shall be eligible for admission even though they might have passed the S.S.C. (Std.X) and/or H.S.C. (Std.XII) or equivalent exam from the recognized Institutions situated outside the State of Maharashtra provided that such an employee of Government of India or its Undertaking must have been transferred from outside State of Maharashtra, at a place of work, located in the State of Maharashtra and also must have reported for duty and must be working as on the last date of Document verification at a place located in State of Maharashtra.

3. Plain reading of the said clause shows that it requires that the employee of the Government of India or its Undertaking must have been transferred from outside the State of Maharashtra and must have reported for duty at a place in the State of Maharashtra and must be working as on the last date of document verification at a place located in the State of Maharashtra. The petitioner's father superannuated on 31/05/2023 while serving in the State of Chattisgarh which is much prior to the last date of document verification. Therefore the petitioner would not be in a position to satisfy Clause 4.8.1.

4. The learned counsel for the petitioner submits that the said clause ought to be interpreted in a manner that would be beneficial to the petitioner. The petitioner is born and domiciled in the State of Maharashtra. We find that Clause 4.8.1 requires the parent to be working on the last date of document verification in the State of Maharashtra. As this requirement has not been satisfied by the

petitioner, he cannot claim benefit of the said Clause. Nevertheless the petitioner is not deprived of seeking admission. He would be required to seek admission from All India quota and not from the State quota. Infact the petitioner by application dated 07/08/2023 had sought shifting of his application from All India quota to State quota but he cannot be permitted to do so as he does not satisfy the requisite criteria.

6. For aforesaid reasons, we do not find that the petitioner can be granted any relief. The Writ Petition is therefore dismissed. No costs.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)