



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

WRIT PETITION NO.6962 OF 2023

Rohini D/o Dewaji Kapgate,
At Post Navegaon Bandh,
Tehsil Arjuni Morgaon,
Dist. Gondhia

... Petitioner

-vs-

State of Maharashtra,
Thr. Secretary, Dept. of Public Health,
Mantralaya, Mumbai and ors.

... Respondents

Shri Rahul Kalangiwale, Advocate for petitioner.
Shri Nikhil H. Joshi, Assistant Government Pleader for respondent No.1.
Shri N. S. Khubalkar, Advocate for respondent No.4.

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

DATE : October 13, 2023

P. C.

1. The petitioner has approached this Court under Article 226 of the Constitution of India with following prayer clauses (i) and (ii) which read thus :

(i) Hold and declare that the refusal on the part of the Respondent No.5 to admit the Petitioner in the Post Graduate Course OBGY is illegal, arbitrary and unreasonable;

(ii) Issue writ in the nature of mandamus or any other writ order or direction thereby directing the Respondent No.5 to admit the petitioner in the Post Graduate Course OBGY (Obstetrics and Gynaecology) under Institutional Quota;

2. The grievance of the petitioner as raised in paragraphs 8 to 10 in the writ petition is that despite approaching the 5th respondent-Institute/College alongwith a cheque of Rs.73,60,000/-, the same was not accepted on the ground that the said amount was required to be paid by way of Demand Draft.

3. On hearing the learned counsel for the petitioner, we find that the entire grievance of the petitioner is with regard to the conduct of the 5th respondent-Institute in refusing to accept the cheque sought to be furnished by the petitioner notwithstanding Clause-4 of notice dated 11/10/2023 which permits payment of requisite fees by DD/Cheque at the allotted college.

4. Though the learned counsel for the petitioner submits that part of cause of action for filing the writ petition has arisen within the territorial jurisdiction of Nagpur Bench, we find that the grievance of the petitioner is with regard to conduct of the 5th respondent-Institute/College in refusing to accept the cheque sought to be furnished by her. The College where the seat has been allotted to the petitioner falls within the territorial jurisdiction of the Principal seat. Moreover, the petitioner states that she was physically present for joining the said college at Mumbai.

5. In view of aforesaid we find that no part of cause of action has arisen within the territorial jurisdiction of the Nagpur Bench and the entire cause of action has arisen within the territorial limits of the Principal Seat.

6. In view of aforesaid, the present proceedings are not entertained for want of jurisdiction. The petitioner is free to approach the Principal Seat to seek consideration of the prayers made in the writ petition.

As per notice dated 11/10/2023, subsequent round would be declared if any seat remains vacant on 16/10/2023. Hence to enable the petitioner to pursue her grievance at the Principal Seat, the respondent No.4-State Common Entrance Test Cell would conduct its subsequent round after 16/10/2023 if any seat remains vacant subject to further orders if passed in the proceedings at the Principal Seat.

Authenticated copy of this order be supplied to the counsel for the parties.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)