



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5261 OF 2024

Vishwanath Satyawar Mali .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Dnyaneshwar S. Bagul, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for the Respondent No. 1.

Shri Chandrakant A. Jadhav, Advocate for the Respondent No. 2.

Shri A. R. Kale, Advocate for the Respondent No. 3.

Shri Amol S. Mali, Advocate for the Respondent No. 4.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 14 JUNE, 2024.

ORDER :

. We have heard learned advocate for the petitioner, learned A. G. P., learned advocate for the respondent No. 3/University as also learned advocate for the admission regulatory authority, which is also State Common Entrance Test Cell, Maharashtra State, Mumbai.

2. Petitioner who was admitted in a mop up round for the course of B.H.M.S. in the respondent No. 4/college is awaiting decision of the respondent No. 2 on the review application preferred by the respondent No. 4 for granting approval to his admission. Till the time review application preferred by the

respondent No. 4 for grant of approval to his admission is decided, by way of this petition he is seeking direction to the respondent No. 3/university to permit him to appear for the I year B.H.M.S. examination which is scheduled to commence from 22.06.2024.

3. Learned advocate for the respondent No. 3/university adverts our attention to paragraph No. 6 of the affidavit in reply wherein it has been expressly mentioned about the instructions having been issued to the examination department for acceptance of the petitioner's examination form vide communication dated 05 April 2024.

4. Since the decision regarding approval to the admission of the petitioner is still to be taken and reach finality, the prayer in the petition according to us is innocuous. If petitioner has been permitted and has completed the academic year, it would be appropriate that he is allowed to appear at the ensuing examination, albeit his performance can be subject to final outcome and the decision on the review application.

5. Writ petition is disposed of in the light of stand being taken by the respondent No. 3/university and permitting the petitioner to appear for the examination. However, it is made clear that the petitioner would not be entitled to claim any equity.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/June 24