



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 5750 OF 2024

AVISHKAR ISHWAR JADHAV THROUGH HIS GUARDIAN
ISHWAR MADHAVRAO JADHAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Jaiswal Nikhil Deepak

AGP for Respondents/State : Mr. N.S. Tekale

DSGI for Respondents/UOI : Mr. A.G. Talhar

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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.

DATE : 19th June, 2024

PC. :-

1. This matter was heard yesterday and today.
2. The Petitioner has preferred this Petition to seek a Writ of Mandamus for increasing the seats of the medical students to be admitted in the Government Medical Colleges in the State of Maharashtra and has put-forth prayer clause B to D as under:

“B] By issuing writ of mandamus or any other appropriate writ or direct the respondent no. 1, 3 and 4 to increase the seats in the Government Medical Colleges which are in existence.

C] By issuing writ of mandamus or any other appropriate writ or direct the respondent no. 1, 3 and 4 to open new Government Medical

Colleges which are already approved by the respondent no. 3 and accommodate the meritorious students in these colleges.

DJ By issuing writ of mandamus or any other appropriate writ or direct the respondent no. 1, 3 and 4 to regulate and dilute the fees structure of the Semi Government Colleges as per the guidelines issued by the respondent no. 3.”

3. The Petitioner submits that he has already appeared for the National Eligibility cum Entrance Test (NEET) examination in 2024. He has secured 598 marks in the said exam and his All India Rank is 83,231. There are around 30,000 to 40,000 seats in the Government Medical Colleges all over India. The possibility of the Petitioner getting admission in a Government Medical College is negligible.

4. The Petitioner further submits that he has followed media reports and social networking information for filing this Petition and because there are certain irregularities in the NEET 2024, the Petitioner contends as under:

- i) 67 students secured 720 marks out of the maximum 720.
- ii) 6 students secured 720 out of 720 from the same center located in the State of Haryana.
- iii) There is no pleading in the Petition as to which is this center in the State of Haryana.

- iv) Some students secured 718 and 719 out of 720 marks, which is mathematically impossible.
- v) Grace marks are given for the first time to several candidates.
- vi) 1563 students got grace marks and this data was released to the public on 06.06.2024 by Respondent No.2 – National Testing Agency (NTA).
- vii) The Petitioner's father is a taxi driver and is unable to pay fees of Semi Private or Private Colleges.
- viii) If this Court issues a Writ of Mandamus to the Government Medical Colleges to increase the number of students / seats for the MBBS course, the Petitioner is likely to get admission.
- ix) A Writ of Mandamus may be issued to the Government for starting Government Medical Colleges at Bhandara, Nashik, Ambernath, Buldhana and Hingoli and by issuing such a Writ, the Colleges may be established.
- x) Private Medical Colleges and deemed Universities are violating guidelines dated 03.02.2022 issued by the NMC.
- xi) The Parliamentary Standing Committee of Health and Family Welfare, in its 157th report with the title "*Quality of Medical Education in India*" presented in the Rajya Sabha, has recommended to the Union Health Ministry that it is essential to make optimal use of the existing infrastructure and colleges available may be considered for increasing the seats for MBBS admissions.

5. The Petitioner has also put-forth several grievances as regards the recently conducted NEET examination. On this count, we are not inclined to entertain this Petition for the reason that the learned DSGI points out from a compilation of documents that the learned Solicitor General has moved the Hon'ble Supreme Court for transferring all such matters filed in various High Courts, especially at the Aurangabad Bench of the Bombay High Court, to the Supreme Court, considering the pending litigation (pertaining to NEET admissions) in Writ Petition No.5700/2024. The said compilation is marked as 'X-1' for identification. Similarly, the learned DSGI informs us that the Hon'ble Supreme Court has passed an order on 13.06.2024 in Writ Petition(s) Civil No.368/2024, thereby listing the matters for further hearing on 08.07.2024.

6. In so far as the contentions and submissions of the Petitioner recorded below paragraph no.7 (i to xi), the learned advocate appearing on behalf of NTA, the learned AGP and the learned DSGI, submit that it is not within the domain of this Court to increase the seats of the MBBS students merely because aspiring students approach this Court for seeking increase in the MBBS seats. The learned AGP further submits that it is within the domain of the State Government to take a decision which involves many departments, including the Finance Department, while establishing new Government Medical

Colleges. A Writ of Mandamus to start a new Medical College may not be issued by this Court.

7. It is obvious from the pleadings of the Petitioner that his All India Rank (AIR) in the NEET - 2024 examination, is 83231. He himself pleaded in the Petition that last year, students up to the rank 30000, got admission to the Government Medical Colleges in India. The Petitioner desires that this Court should issue a Writ of Mandamus and increase the seats in the Government Medical Colleges, without putting forth any details or any such material on which the Petitioner may have researched, to convince us that such an order could have been passed. Nevertheless, we are of the view that the Writ jurisdiction of this Court is best kept away from issuing such directions which would amount to virtually administering the State and taking policy decisions. Issuing a direction for increasing seats only because the score of the Petitioner is low and his All India Rank is 83231, in our view would not be permissible.

8. In view of the above, **this Writ Petition is dismissed.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]