



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 WRIT PETITION NO. 10902 OF 2024

Vijay Nagnath Nagargoje

VERSUS

The State of Maharashtra and others

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Advocate for the Petitioner : Mr. S.S. Jadhavar

AGP for Respondent No.1: Mr. R.S. Wani

Advocate for Respondent No.2 : Mr. Anandsingh S. Bayas

Advocate for Respondent No.4 : Mr. S.K. Kadam

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

DATED : 7th OCTOBER, 2024.

PER COURT :-

1. We have heard all the learned advocates on last date.
2. The petitioner intends to appear at one additional attempt (5th attempt) of the first year professional M.B.B.S. examination, pursuant to the public notice issued by the respondents dated 11.12.2023.
3. The issue was, as to how the attempts of the petitioner would be counted.
4. The learned advocate for the respondent-university tenders across the bar an internal letter/communication, dated 4.10.2024, expressly mentioning that inadvertently, the attempts of the petitioner were incorrectly counted, as has been mentioned in the affidavit in reply,

filed on 03.10.2024. It is expressly mentioned that he was not eligible to appear in first M.B.B.S. University examination held in winter 2021 and therefore, that failure could not have been counted as an attempt. There is a specific statement in paragraph no.4 that the university withdraws the stand taken in the reply affidavit dated 03.10.2024 about the petitioner already having exhausted the maximum attempts.

5. The written instructions are taken on record and marked "X" for the purpose of identification.

6. In the light of above, we dispose of this petition, permitting the petitioner to approach the college with a copy of internal letter and the college shall take appropriate steps and University shall permit the petitioner to appear as an mercy attempt.

7. The parties to act on authenticated copy of this order.

8. Since this order is dictated in the open court in presence of the advocates for the respective parties, the learned advocates for the parties shall forthwith communicate this order to their respective clients.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL , J.)

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