



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11478 OF 2024

Vaishnavi d/o Ashok Raje

...Petitioner

versus

1. The State of Maharashtra
2. The Commissioner and Competent Authority, Commissionarate of Common Entrance Test Cell Government of Maharashtra Mumbai

3. The Modern College of Physiotherapy, Pune

...Respondents

....
Mr. S. M. Vibhute, advocate for the petitioner
Mrs. S. S. Joshi, advocate for the respondent No.1
Mr. S. G. Karlekar, advocate for respondent No.2.

.....

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATED : 14 OCTOBER 2024**

ORDER (MANGESH S. PATIL, J.) :-

The petitioner, who has applied for the course of Physiotherapy through NEET-UG-2024 for the seat reserved for S.T. category candidate, has preferred this writ petition for including her name in the general list of registered candidates for M.B.B.S./B.D.S. from S.T. category. She is also alleging that this court in writ petition No. 10166 of 2024, by order dated 18.09.2024, had held her entitled to have certificate of validity but respondent No.3 - college refused

her to admit for her failure to produce the caste validity certificate and illegally treated her for open seat.

2. Mr. Vibhute, the learned advocate for the petitioner would advert our attention to Notice No. 11 NEET-UG-2024, dated 16.9.2024 and clause 11.3.6 of the NEET-UG-2024 information brochure. He would submit that since the petitioner had not confirmed the admission in CAP round I, she was entitled to be considered as 'free exit' and should have been allowed to participate again in the next round with the same registration, by filing fresh preferences.

3. The learned advocate Mr. Karlekar, for the Admission Regulatory Authority - respondent No.2, would place on record the written instructions received by him in the wake of urgency and tenders it across the bar, which are taken on record and marked "X" for the purposes of identification.

4. Mr. Karlekar would submit that the petitioner had filled in the form at the time of registration, claiming a seat from S.T. category. As per clause 9.4.1 of the information brochure, she was supposed to have caste validity certificate at the time of physical document verification and it has been expressly indicated that on failure to submit the document in respect of category claimed, the

candidate will be treated as an open/general candidate. Since admittedly, the petitioner was not possessing the certificate of validity and had not tendered it at the time of physical document verification, no fault can be found with respondent No.3 - college in treating her as an open/general candidate. Since she had not scored benchmark of 50% in the H.S.C. (PCB) group, having scored 127 out of 300, she was not eligible for being considered for any of the courses through NEET-UG-2024. Mr. Karlekar, would submit that once having been considered from open category, the petitioner was not entitled to revert back to claim a seat reserved for S.T. category in the remainder of the process, even for selection scheme for group "C" (Bachelor of Physiotherapy etc.)

5. We have considered the rival submissions and perused the papers, particularly NEET-UG-2024 brochure.

6. As far as the facts are concerned, there is no dispute that the petitioner had claimed a seat reserved for S.T. category but she was not having caste validity certificate when she was supposed to approach respondent No.3 - college and confirm the admission by physical document verification.

7. Clause 9.4.1, relevant for the purpose, reads as under:-

“The caste validity certificate:

- The candidate belonging to the following Backward Class categories i.e. SC, ST, DT(A), NT(B), NT(C), NT(D), SEBC and OBC (including SBC) will be required to submit the Caste Validity Certificate at the time of physical document verification, failing which the category claimed, will not be granted and the candidates will be treated as general candidate. As per Govt. of Maharashtra G.R. No. Misc.-2024/C.R. 75/Reservation-5 dated 22nd July, 2024, candidates belonging to SEBC category can produce his/her Caste Validity Certificate upto six months from the date of application for admission to the Health Science Courses, failing which his/her admission will stand cancelled and he/she will be responsible for the same (Annexure-JJ).”

8. A careful reading of this stipulation, makes it abundantly clear that, if a person, claiming reservation, is unable to submit the caste validity certificate at the time of physical document verification and cannot be granted admission against that category. It further provides that such candidate will thereafter be treated as a general candidate. This precisely seems to have happened in the matter in hand. As can be seen from Exhibit “C”, to her communication by mail, respondent No.2 had informed her that as she had failed to submit caste validity certificate at the time of physical document verification, she was treated as open category candidate as per the Rules and having scored less than the benchmark of 50% i.e. 150 out of 300, she was not eligible even from open category.

9. In the light of above, there is no substance in the writ petition and it is liable to be dismissed.

10. The petition is dismissed.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL , J.)

rlj/