



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 11665 OF 2024

Smita Raghuveer Maher

VERSUS

The Union Of India Through Its Secretary And Others

...

Advocate for the Petitioner : Mr. Thoke Dhananjay B.

Advocate for Respondent no. 1 : Mr. R.R. Bangar

A.G.P. for Respondent No. 2 : Mrs. P.J. Bharad

Advocate for Respondent No. 3 : Mr. C.A. Jadhav

...

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 17.10.2024

PER COURT :

We have heard both the sides.

2. The petitioner, who had admittedly taken admission in the 'institutional round' from in 'spot admission' outside the State of Maharashtra, in spite of being domiciled in the State of Maharashtra and having completed the M.B.B.S. there, is now seeking to be considered for the NEET-PG(2024) course in the State of Maharashtra. She has even filled in the application for the P.G. course mentioning that she was so claiming from the 15% All India Quota in the Government Medical Colleges etc., in all probability under clause 8.3.

3. Admittedly, the petitioner, after having secured admission in a private medical college in the institutional round for the M.B.B.S. was shifted to a Government Medical College from the State of Madhya Pradesh by virtue of closure of that college and due to the intervention of the High Court of Madhya Pradesh, whereby all such students were directed to be and were

accordingly accommodated in Government Medical Colleges. Though clause 8.3 of the broacher provides for 15% All India Quota in respect of the students, who have completed M.B.B.S. course from Government Medical Colleges, the petitioner's case is peculiar. She was never admitted to a Government Medical College through 15% All India Quota. It is only because of closure of the college, in which she had secured admission in the spot round she was shifted to a Government Medical College. She cannot be treated as from the 15% All India Quota. The clause no. 8.3 reads like this:

“8.3: The candidates who are domiciled in the State of Maharashtra and who have obtained admission under 15% All India quota of Government Medical Colleges / AIIMS / Central Government Institutions for MBBS course in a medical college / institution situated outside Maharashtra State and thereby have obtained the degree from a University situated outside the State of Maharashtra will also be eligible for selection process of NEET-PG 2024. Such candidates should submit (i) certificate from the Dean of respective medical college stating that the candidate was admitted under 15% All India Quota of Government Medical College/ AIIMS / Central Government Institutions for MBBS course, and (ii) Candidate's Domicile certificate of Maharashtra State by virtue of residence”.

4. Additionally clause 8.18, which lays down non eligibility of candidate for NEET-PG (2024) would also be a hurdle for the petitioner. It reads like this :

*“8.18. **Non-eligibility of Candidate:** The following candidates are not eligible for admission process through NEET-PG 2024.*

8.18.1 Candidates who have passed Final MBBS examination from institute located outside Maharashtra, except candidates who are Domicile of Maharashtra and selected under 15% All India quota of Information Brochure NEET-PG 2024(13) Government Medical Colleges/AIIMS/ Central Government

Institution (Ref. Rule 8.3)”.

5. In spite of being aware that she had never been admitted to M.B.B.S course through 15% All India Quota, the petitioner by falsely mentioning in the application claiming to be considered as eligible under that clause.
6. There is no merit in the petition. It is dismissed.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-