



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 WRIT PETITION NO. 13712 OF 2023

HIRAL D/O ASHOK KATHARE
VERSUS
DIRECTOR MEDICAL EDUCATION AND RESEARCH AND OTHERS

...
Advocate for petitioner : Mr. Mahesh S. Deshmukh
AGP for the respondent – State : Mrs. V.N. Patil – Jadhav
Advocate for respondent no. 2 : Mr. P.B. Kulkarni h/f. Mr. M.D. Narwadkar
Respondent no. 3 – served – absent.
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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 24 SEPTEMBER 2024

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

Heard learned advocate for the petitioner and perused the papers.

2. The petitioner was allotted a seat through NEET-PG-2023 in CAP round – 3 and was allotted respondent no. 3 college. It is her stand that a part of the remittance was made but demand was raised for payment of the entire fees of Rs.73,60,000/- and merely a period of 48 hours was extended.

3. Since the petitioner is resident of Osmanabad and respondent no. 3 – college is from Palghar which are places almost 600 kms apart, she was deprived of the admission and is coming with following prayers :

“(A) Issue appropriate Writ of Mandamus and or other appropriate Writ or Order in the like nature thereby quash and set aside impugned decision received through Text Message on Cell Phone of Petitioner, cancelling Admission of Petitioner to MD (PEDIATRIC) Course 2023 issued by Respondent no. 2 – CET Cell, Maharashtra, Mumbai dated 19.10.2023.

(B) Issue appropriate Writ of Mandamus and or other appropriate Writ or Order in the like nature thereby, direct the Respondent no. 1 and 2 to the Respondent no. 3 – Medical College to admit the Petitioner in Respondent no. 3 – Medical College or the Respondent no. 1 and 2 may admit the Petitioner any other Medical College or other Institution running MD (PEDIATRIC) Course or any other subject as shown in the preferences by Petitioner in her choice filling form in current academic year 2023.”

4. Irrespective of the merits or otherwise, the fact remains that petitioner had filed the petition seeking admission to respondent no. 3 - institution through NEET-PG-2023. By passage of time, the matter has become infructuous, inasmuch as no writ can be issued to admit the petitioner on the basis of her score in NEET-PG-2023 in the current academic year wherein admissions would happen through NEET-PG-2024.

5. Keeping open the avenue for the petitioner to seek damages, if she is so interested, the writ petition is disposed of.

[SHAILESH P. BRAHME]
JUDGE

arp/

[MANGESH S. PATIL]
JUDGE