

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9218 OF 2024

ASHVINI
BAPPASAHEB
KAKDE

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Harshvardhan Pramod Patil

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Ms. Pooja Thorat *a/w. Mr. Shailesh Mjhaske Advocates for the
Petitioner.*

Ms. S. R. Crasto, *AGP for Respondent Nos. 1 and 2/State.*

Mr. Ravindra S. Panchundkar *Advocates for Respondent No.3.*

Mr. Rui Rodrigues *a/w. Mr. Vinit Jain for Respondent Nos. 4 to 6.*

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JULY 30, 2024

P. C.

1. The above Writ Petition is filed seeking a direction to Respondent Nos.2 and 3 as well as Respondent Nos.4 and 5 to allow the Petitioner to apply for the counselling process for admission to Medical/Dental Courses for the Academic Year 2024-2025 under the OBC category.

2. This Writ Petition is filed in very peculiar facts. Initially the Petitioner applied for online registration for NEET UG 2024 examination in February 2024, in the open category. This was because at that time of filing of the online registration, the Caste Certificate of the Petitioner was not issued and was pending due to the ongoing elections. It was in these circumstances, that the Petitioner applied for online registration for NEET UG 2024 in the open category. The examination is now conducted and the results are also declared. The Caste Certificate has now been issued to the Petitioner by the State of Maharashtra. It is in these circumstances that the Petitioner seeks that he be allowed to apply for the counselling process for admission to Medical/Dental Course for the Academic Year 2024-2025 in the OBC category.

3. The learned Advocate appearing on behalf of Respondent No.3 has, on the basis of written instructions received, stated that the admission process for UG Medical Courses has not yet started and hence the Petitioner has not been refused or disallowed to apply under the OBC category for the State Counselling. He has further stated that once the counselling process for the State quota starts, the Petitioner will be able to apply by online application form, wherein, he can claim his category quota, i.e., OBC or any other constitutional reservation as per his documents. There will be no

restriction for the candidate to apply under a constitutional reservation even if he has appeared for the NEET Exams under the general category. However, the admission to medical courses will be based on merit and submission of category claim documents, i.e., Cast Certificate, Caste Validity Certificate, and the Non-Creamy Layer Certificate valid up to March 2025. The learned Advocate has also tendered an e-mail where all this has been categorically stated. The said e-mail is taken on record and marked "X" for identification. In the light of this e-mail, the grievance of the Petitioner against Respondent Nos.2 and 3 is taken care of.

4. As far as Respondent Nos.4, 5 and 6 are concerned, Mr. Rodrigues appearing on their behalf sought time to take instructions. We have asked Mr. Rodrigues to take the necessary instructions, especially in the light of the e-mail that has now been given by Respondent No.3, clarifying that the Petitioner can apply for counselling under the OBC category subject to him producing the Caste Certificate, Caste Validity Certificate and the Non Creamy Layer Certificate. Mr. Rodrigues stated that he would take the necessary instructions by Friday, i.e, 2nd August 2024.

5. In these circumstances, we now place the above matter on 2nd August 2024.

6. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by fax
or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]