



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 3625 OF 2024

(Sahil Sanjay Bodakhe ..vs.. Union of India and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. O.Y. Kashid, Counsel for the petitioner,
Mr. N. Deshpande, DSGI for respondent No.1.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 19-06-2024

We have heard Mr. O.Y. Kashid, learned Counsel appearing for the petitioner at length. The petitioner was admitted to First M.B.B.S. course in the Batch of 2021-2022 with respondent No.3-College.

2. After having exhausted four attempts in First M.B.B.S. examination, he was unable to clear the said examination. As a sequel of above, he has approached before this Court seeking direction to respondent Nos.2 to 4 to permit him to have fifth attempt as a one- time measure declared by respondent No.2 on 11-12-2023. The petitioner has drawn support from the document to the aforesaid effect produced at Annexure-1 issued by respondent No.2.

3. In addition to above, he would claim that in 2020-2021 there was no session because of Covid Pandemic. It is only thereafter the M.B.B.S. sessions commenced in

2021-2022. As such, according to him, the intention of respondent No.2 is to extend the benefit of fifth attempt (on humanitarian ground) to such candidates who were attempted as against 2021-2022 M.B.B.S. Batch with respondent No.3-College.

4. As against above, Mr. N. Deshpande, learned Deputy Solicitor General of India appearing for respondent No.1 would urge that the effects of the Public Notice dated 11-12-2023 shall *ipso facto* come to an end the moment the students who were due to appear in the First M.B.B.S. examination in the year 2020-2021 were unable to appear in First M.B.B.S. examination because of Covid Pandemic. According to him, in any event, the benefit thereunder cannot be extended to the petitioner whose first year admission was subsequent i.e. in 2021-2022.

5. The petitioner in the communication addressed to respondent No.4 on 12-4-2024 has specifically mentioned that his admission to first attempt with respondent No.3-College was 2021-2022 Batch and he has already exhausted four attempts for clearing First M.B.B.S. examination.

6. The fifth attempt for which he has approached before this Court is sought to be supported by the Public Notice dated 11-12-2023 issued by respondent No.2.

7. Respondent No.2 while issuing Public Notice dated 11-12-2023 formed from the existence of Covid Pandemic as a basis and extended the benefit of one additional attempt to First M.B.B.S. Batch who could not appear in 2020-2021. Same does not appear to be the case of the petitioner as the petitioner's admission itself was in the year 2021-2022 to First M.B.B.S. In this background, the benefit extended under the Public Notice dated 11-12-2023 cannot be said to be available to the petitioner who has already exhausted his four attempts.

8. That being so, we see no reason to cause interference in extraordinary jurisdiction. The petition accordingly stands dismissed.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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