



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6541/2024

(Datta Meghe Institute of Higher Education and Research, Sawangi Meghe and others Vs. Union of India and another)

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

Court's or Judge's orders

Mr. Rohan R. Deo, Advocate for the petitioners.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED: 4.11.2024.

Heard.

2. The petitioners have filed this petition for directions to respondent Nos.1 and 2 to forthwith assign or allot the medical seat vacant at the petitioner No.3 institute to any suitable and deserving candidate in accordance with law which fall vacant due to request of cancellation of seat by Ms. Hrineeetha Sandip Gaikwad.
3. Round three of counseling had concluded on 19.10.2024 and stray vacancy round was to commence from 22.10.2024. At the commencement of the stray vacancy counseling round there was only one vacant seat at petitioner No.3 institute which was allotted to Ms. Gaikwad. The stray vacancy round by the Council under the All India Quota (A.I.Q.) had concluded on 29.10.2024.
4. After the allotment of said seat to Ms. Gaikwad, she has sent an e-mail on 30.10.2024 to the Nodal Officer of the petitioner institute stating that she has already been allotted medical seat at Vedanta Institute of Medical Sciences, Palghar in the stray vacancy round and

she is not willing to take admission in the petitioner institute and requested to cancel her admission. After receiving e-mail from the said candidate who confirmed that she has secured admission at Vedanta Institute of Medical Sciences, Palghar and as the said candidate has not reported to the petitioner institute, the allotment of vacant seat stood cancelled.

5. On 30.10.2024 the petitioner institute requested to respondent Nos.1 and 2 for re-allotment of seat cancelled due to non-joining of Ms. Gaikwad. The petitioner has not received any response from the respondents. On 2.11.2024 the petitioner had again sent another e-mail to respondents but there was no response.

6. Learned Advocate for the petitioners has stated that if the medical seat at petitioner No.3 institute is not allotted to any suitable meritorious candidate, it would cause loss to the institute and a candidate would be deprived of taking admission. Therefore, the petitioners have immediately filed this petition in vacations praying for aforesaid relief.

7. The petitioners have served respondent Nos.1 and 2. Mr. V.A. Brahme, learned Advocate appeared for respondent Nos.1 and 2 and prayed for time to file reply.

8. The last date of joining is 5.11.2024 and still there is one vacancy available which is yet to be filled. In inspite of petitioners repeated requests to respondent Nos.1 and 2 for re-allotment of the seat previously allotted to Ms. Gaikwad, there is no response from the respondents till date. Considering the urgency, directions are given in terms of prayer clause (b) until further orders.

9. Respondent Nos.1 and 2 are directed to take decision on the request made by the petitioners and allot the vacant medical seat

at petitioner No.3 institute to any suitable and deserving candidate in accordance with law.

10. The allotment of seat by the petitioner institute in place of Ms. Gaikwad to any other suitable candidate shall be subject to outcome of this petition.

11. Stand over to 12.11.2024 for final disposal.

12. Steno copy granted.

(MRS.VRUSHALI V. JOSHI, J.)