



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 1904 OF 2025

VISHWANATH SATYAWAN MALI

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Mr. Bagul Dnyaneshwar Suresh

AGP for Respondent no. 1 : Mrs. P.J. Bharad

Advocate for Respondent no. 2 : Mr. M.D. Narwadkar

Advocate for Respondent no. 3 : Mr. Atul r. Kale

Advocate for Respondent No. 4 : Mr. Amol S. Mali

...

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 12.02.2025

PER COURT :

The learned advocate Mr. Mali submits that he has instructions to appear on behalf of respondent no. 4.

2. Leave granted to correct the nomenclature of respondent no.2. The amendment is to be carried out forthwith.

3. We have heard both the sides extensively in the wake of the exigency being demonstrated, for, the last date for filing an examination application for the petitioner is to expire on 18.02.2025.

4. As usual, it is a matter of some irregularities in the admission of the petitioner with respondent no. 4 Homeopathy Medical College and Hospital, which is under the regulation of respondent no. 3-Maharashtra University of Health Science.

5. In fact, it is a second round. The issue regarding grant of approval to the petitioner's admission was pending with respondent no. 2- State

Common Entrance Test Cell and competent authority namely Admission Regulating Authority of Maharashtra State.

6. Since respondent no. 4 had admitted the petitioner and the examination was approaching and the Admission Regulating Authority was still to finalize the issue regarding grant of approval, petitioner was permitted to appear and respondents were directed to allow him to appear at the first year BHMS examination that was to commence from 22.06.2024. Pursuant to such direction in Writ Petition No. 5216/2024, the petitioner appeared in the examination, but his result has been withheld for want of which he is unable to apply for the ensuing examination for second year of BHMS.

7. In the meantime, the review preferred by the institute-respondent no. 4 before the Admission Regulating Authority was dismissed only on the ground that in spite of the obligation to produce all the documents by a specified date i.e. 19.06.2024, the compliance was not done, albeit the documents were subsequently produced/submitted on 25.06.2024. Pertinently, respondent no. 2- Admission Regulating Authority did not pass the order immediately and it was passed on 1.07.2024. One wonders as to how the Admission Regulating Authority wished prompt compliance by 25.06.2024 but the decision was not taken promptly on the very day. Even otherwise, for whatever reason the Admission Regulating Authority was to take the decision on 01.07.2024, it could have, in our considered view, decided the grievance on its own merits rather than by resorting to the technicalities, more so when it is a matter of future of a student, may be suffering from the lapse of the institution, which granted him admission.

8. Though several things can be said in respect of the irregularity or otherwise in admitting the petitioner, the fact remains that the Admission Regulating Authority has to first deal with it in accordance with the regulations and it is only thereafter that we would be able to objectively

examine the decision. For failure of the Admission Regulating Authority to decide the review/grievance, on its own merits, we have gone back to square one. The time is running out for the petitioner to fill the application form for the second year examination and there is no time with us to extend it to the Admission Regulating Authority to hear respondent no. 4 institute and to take a decision afresh on merits.

9. Because of such peculiar reasons, we allow the writ petition partly, quash and set aside the impugned decision of respondent no. 2 Admission Regulating Authority dated 01.07.2024 and call upon it to decide the proposal/review on its own merits by extending an opportunity to respondent no. 4-institute of being heard. Respondent no. 4 shall respond promptly to the communication if any received from the Admission Regulating Authority. The decision may be taken afresh, as expeditiously as possible, but in any case, within eight weeks.

10. For the time being respondent no. 3-University is directed to declare the petitioner's result and enable him to fill in the examination form for the second year BHMS course before the cut-off date. However, the result of the second year examination shall not be declared without permission of this Court.

11. The petitioner shall not be entitled to claim equities.

12. Since the order is being dictated in open Court, the respective advocates of the respondents shall communicate the decision to the respondents immediately.

13. Parties to act on the authenticated copy of this order.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-