



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4848 OF 2025

MAHARASHTRA INSTITUTE OF MEDICAL SCIENCES AND
RESEARCH LATUR

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE SECRETARY AND OTHERS

...

- Mr. V. D. Hon, Senior Advocate i/by Mr. Hon Ashwin Vinayak, Advocate for the Petitioner
- Ms. S. S. Joshi, AGP for Respondents/State
- Mr. S. K. Kadam, Advocate for Respondent No. 3
- Mr. M. D. Narwadkar, Advocate for Respondent No. 2

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CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 23.04.2025

PER COURT :

. Heard both sides.

2. The petitioner – institution is with prayer No. 'B', which reads as under:-

B) Issue a writ of mandamus or writ in the nature of mandamus to respondent Nos. 2 and 3 to conduct special stray vacancy round for filling up 07 (seven) vacant seats for post graduate course in the petitioner medical college for the academic year 2024-25.

3. Having heard both sides, when admittedly, the cut off date is already over, in light of *Education Promotion Society for India and Anr. Vs. Union of India and Ors., (2019) 7 SCC 38*, no writ of *mandamus* can be issued for extending the date for holding the institutional level special stray round for admission to PG course.

4. Though the instance in respect of State of Bihar is being quoted / cited in the form of notice published on 28.03.2025, the learned advocate Mr. Kadam for respondent – the National Medical Council, on written instructions, submits that the step taken by the admission authority in the State of Bihar is illegal, unless it has obtained the permission from the Medical Counselling Committee.

5. In light of above, keeping open the avenue for the petitioner to approach the Medical Counselling Committee, the writ petition is disposed of .

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)