



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7039 OF 2025

Shrinivas S/o Balabhau Danawate,
Age : 22 years, Occu. IInd year MBBS Student,
R/o Sambhaji Nagar, Dadarao Plot,
Near Maroti Mandir, Parbhani

.. Petitioner

Versus

- 1] The State of Maharashtra
Through its Ministry of Social Justice
and Special Assistance, Mantralaya,
Mumbai – 32.
- 2] Assistant Commissioner,
Social Welfare Office, Parbhani,
Dist. Parbhani
- 3] Maharashtra University of Health Sciences,
Nashik, through its Registrar
- 4] Parbhani Medical College,
RP Hospital & Research Institute,
Pedgaon, Parbhani-Manwat Road,
Parbhani, Through its Dean
- 5] State Common Entrance Test Cell,
Maharashtra, NNET (UG) – 2023,
8th Floor, New Excelsior Building,
AK Nayak Marg, Fort, Mumbai – 400 001

.. Respondents

...
Advocate for the petitioner : Mr. V.M. Maney
AGP for the respondent nos. 1 and 2 : Mr. V.M. Kagne
Advocate for respondent no. 3 : Mr. A.S. Bayas
Advocate for respondent no. 4 : Mr. Narayan Y. Chavan h/f. Mr. D.S. Bagul
Advocate for respondent no. 5 : Mr. Sujeet G. Karlekar
...

CORAM : **MANISH PITALE &
Y.G. KHOBRAGADE, JJ.**

DATE : **02 SEPTEMBER 2025**

ORDER (PER – MANISH PITALE, J.) :

The petitioner in this petition, is aggrieved by the communication dated 03.06.2025. sent by the respondent no. 2 – Assistant Commissioner, Social Welfare Office, Parbhani, whereby, it has been communicated that the petitioner is not qualified for scholarship under the scheme as per Government resolution dated 31.03.2016. As per the said scheme, students belonging to the Scheduled Caste, Scheduled Tribe, Nomadic Tribe, Other Backward Classes and Special Backward Classes, are entitled for scholarship, whereby 100% of their tuition fees, admission fees and other charges are taken care of.

2. The controversy is with regard to the category in which the petitioner was admitted to the respondent no. 4 – Medical College for pursuing the M.B.B.S. course. While the petitioner claims that since his admission was under the Central Admission Process (CAP) in the year 2023, his admission ought to be treated in the 85% State quota, thereby making him eligible for scholarship under the aforesaid Government resolution, the respondent no. 2 has treated the petitioner as having been admitted in the remaining 15% pertaining to the Institutional Quota / Management Quota.

3. In order to consider the rival contentions with regard to the said controversy, this Court will have to refer to the said Government resolution, information brochure pertaining to the National Eligibility cum Entrance Test (NEET–UG–2023) and other documents placed on record. But, before considering the rival submissions in the context of the said documents, it would be appropriate, to briefly refer to the chronology of events leading to the filing of the present writ petition.

4. The petitioner appeared for NEET–UG–2023. He filled the form in the category of Nomadic Tribe (NT–C) for the State of Maharashtra, as he belongs to the Dhangar community. As per the marks obtained in the NEET–UG–2023, the petitioner secured all India rank of 330500. His rank in the Other Backward Class – NCL (Central List) category was 147606. As regards the admission rounds conducted by the respondent no. 5 – State Common Entrance Test Cell of Maharashtra, the name of the petitioner appeared at serial no. 12035 in the NT-C category.

5. In the rounds of counselling and admission, conducted by the respondent no. 5, the petitioner could not secure admission in the initial CAP rounds, but eventually in the CAP stray vacancy round – 1, the petitioner was offered a provisional selection letter by the respondent no. 5 for admission to the respondent no. 4 – Medical

College in the M.B.B.S. Course. The said provisional selection letter allotted the respondent no. 4 – Medical College, for M.B.B.S. Course to the petitioner with the remark 'I.Q.' in the column of allotted quota. On this basis, the petitioner took admission in the respondent no. 4 – Medical College and he is pursuing the M.B.B.S. course.

6. The petitioner approached the respondent no. 2 for full scholarship as per the scheme, contemplated under the said Government resolution. The petitioner referred to the communications exchanged between him, the respondent no. 2 and the respondent no. 4 – Medical College. There were several representations made by the petitioner, seeking such scholarship on the ground that he belongs to NT–C category and he had secured admission under the said category. Eventually, by the impugned communication dated 03.06.2025, the respondent no. 2 communicated to the petitioner that he was not eligible for scholarship, on the ground that he had secured admission in the respondent no. 4 – Medical College in the Institutional / Management quota. Aggrieved by the same, the petitioner has filed the present petition.

7. On 12.06.2025, this Court issued notice in the petition. On 24.07.2025, this Court permitted the petitioner to add the respondent no. 5 i.e. the State Common Entrance Test Cell, Maharashtra, as a

party respondent, in the light of the issue that arose in the present petition concerning the question as to whether the remark 'I.Q.' pertaining to the Institutional quota in the provisional selection letter issued by respondent no. 5, was equivalent to the Management quota. Upon notice being served on the respondent no. 5, an affidavit in reply was placed on record on behalf of the said respondent. Respondent no. 2 also filed affidavit in reply, to oppose the prayer made in the present petition.

8. It is evident that this petition concerns the claim of the petitioner for scholarship under the said Government resolution.

9. Mr. V. M. Maney, learned counsel appearing for the petitioner submitted that since the admission of the petitioner to the respondent no. 4 – Medical College, was secured on the basis of CAP round conducted by the respondent no. 5, for stray vacancy and the admission was on merit, the petitioner was clearly entitled for full scholarship under the said Government resolution. It was submitted that proper interpretation of the said Government resolution, would show that only those students, who had secured admission at the Institutional level without the intervention of CAP rounds conducted by the respondent no. 5, were ineligible for the scholarship. This was particularly evident from the letter dated 13.12.2024, sent by the

Section Officer of the Department of Special Backward Classes and Social Justice. The said communication addressed to all the Assistant Directors of the State departments, clarified that admissions obtained in all the rounds, including the MOP-up round and stray vacancy round were eligible for grant of scholarship.

10. On this basis, it was submitted that the petitioner cannot be discriminated against, only on the ground that the provisional selection letter issued by the respondent no. 5 contained the remark 'I.Q.' under the column of allotted quota. It was submitted that even if the remark 'I.Q.' pertained to Institutional quota, it could not be equated with Management quota, particularly when the admission of the petitioner was secured on merit under the CAP round for stray vacancy conducted by the respondent no.5.

11. By referring to the information brochure pertaining to NEET-UG-2023, it was submitted that nothing indicated equivalence of Institutional quota with Management quota. It was submitted that the petitioner was continually being deprived of full scholarship, to which he is entitled and that the respondent no. 2 cannot violate the specific direction contained in the afore-mentioned communication dated 13.12.2024, sent by the Section Officer of the Department of Special Backward Classes and Social Justice, to all the Assistant Directors of

the said department in the State of Maharashtra. On this basis, it was submitted that the petition deserved to be allowed.

12. On the other hand, Mr. V.M. Kagne, learned AGP appearing on behalf of respondent nos. 1 and 2 submitted that, a bare reading of the Government resolution dated 31.03.2016, would show that scholarship is available only to the students admitted in 85% State quota. It was not even the case of the petitioner, that he was admitted in the State quota and, therefore, the Government resolution is not available to the petitioner. On this basis, the communication dated 03.06.2025, was defended by the learned AGP.

13. It was further submitted that although, admission of the petitioner to the respondent no. 4 – Medical College, was on the basis of CAP round for stray vacancy conducted by the respondent no. 5, since the said admission was in the Institutional quota, which is equivalent to Management quota, scholarship is not payable. The learned AGP referred to the subsequent clarificatory Government resolution dated 19.06.2017, to contend that the emphasis was on admissions to be conducted only through CAP rounds, leaving nothing for the Institutions to fill on their own, as it might lead to arbitrariness and merit being compromised. On this basis, it was submitted that the writ petition deserved to be dismissed.

14. Mr. Sujeet Karlekar, learned counsel appearing for the respondent no. 5 submitted that the said respondent was only concerned with the process of admission to courses of Health Sciences, on the basis of merit and performance in the NEET–UG–2023. It was submitted that the information brochure pertaining to NEET–UG–2023 clearly indicated the policy for all admissions, including the admissions in stray vacancies being undertaken only through the CAP rounds, conducted by respondent no. 5.

15. It was submitted that this was a policy introduced to ensure that the institution would not retain seats, so that the admissions would not be offered on arbitrary and illegal basis. This did not mean that those who took admission through the CAP round, including for stray vacancy, were deemed to have been admitted only in 85% State quota.

16. In the present case, admission of the petitioner was in the remaining 15% seats and as per the information brochure of NEET–UG–2023, the candidates were required to give option for both the State quota and the Institution quota. It was submitted that in the present case, the admission of the petitioner, was clearly under the 15% Institutional quota and, therefore, appropriate orders may be passed by this Court.

17. Mr. A.S. Bayas, learned counsel appeared for respondent no. 3 and Mr. Chavan, learned counsel h/f. Mr. D.S. Bagul, Advocate appeared for respondent no. 4.

18. In order to consider the rival submissions and to decide, as to whether, the petitioner is entitled to full scholarship, as per the scheme contemplated under the Government resolution dated 31.03.2016, it is necessary not only to peruse the said Government resolution, but also to refer to the communications placed on record, to understand the manner in which the admissions were offered for different categories, on the basis of performance in NEET–UG–2023.

19. A perusal of Government resolution dated 31.03.2016 shows that clause 4 of the terms and conditions for applicability of the scheme, clearly specify that the scheme is available for only those students who take admission in the State quota. Clause 5 of the terms and conditions specify that such scheme would be available for only those students, who secure admission through the process of CAP rounds. The said clause further specifies that if a vacancy remains after the CAP rounds have been completed and admission is secured at the level of the Institution by a student, even if the admission Controlling Committee has given recognition to such admission, the student will not be eligible for benefit of the scholarship scheme. It is to

be noted that the scheme contemplates full scholarship that would cover tuition fee, admission fees and other charges.

20. The purpose of the scheme under Government resolution dated 31.03.2016, is to provide financial support to the candidates belonging to the Scheduled Caste, Scheduled Tribe, Nomadic Tribe, Other Backward Classes and Special Backward Classes, so that they are encouraged to secure admission to higher and technical education courses, as also completing such professional courses to progress in life. The emphasis in the said scheme, is clearly on rewarding merit and it applies only to those students, who are able to secure admission in the 85% State quota on the basis of performance in NEET–UG. The students who secure admission in the remaining 15% seats, are not eligible for scholarship under the said scheme.

21. In this context, a perusal of the provisional selection letter issued by the respondent no. 5, shows that the petitioner was offered admission in the respondent no. 4 – College, in the stray vacancy under the allotted quota of 'I.Q.'. There is no dispute about the fact that 'I.Q.' pertains to Institutional quota. It is certainly not State quota, which pertains to 85% seats. The CAP rounds for stray vacancy, are conducted after the regular CAP rounds for admission to various Medical Colleges are already completed.

22. It is not in dispute that the petitioner could not secure admission in such initial CAP rounds conducted by the respondent no. 5, as his rank was not high enough for him to secure admission in the said initial CAP rounds. The stray vacancy in the present case arose in the respondent no. 4 – College, in the institutional quota.

23. This is further clear from letter dated 29.05.2025 sent on behalf of the respondent no. 4 – College, to the respondent no. 2, specifically stating that total 150 students were granted admission for the said course in the Academic year 2023-2024, of whom 127 students were granted admission in the State quota i.e. 85% and 23 students i.e. remaining 15% were granted admission in the Institutional Quota (I.Q.) / Management Quota. It was further submitted that the admission of the petitioner was under the management / institutional quota. Thus, it becomes clear that the petitioner secured admission in the remaining 15% Institutional Quota and certainly not in the State quota of 85%.

24. The reply affidavit filed on behalf of the respondent no. 5 also shows that as per policy, even though all the admissions, including admissions to stray vacancies, are secured through CAP rounds conducted by the respondent no. 5, merely because the admissions are conducted through CAP rounds, cannot be the basis, to claim that

such admissions are necessarily under the 85% State quota. In fact, the affidavit of respondent no. 5 further categorically states that the petitioner, while registering himself, had given an option for consideration of his claim for admission in Institutional Quota (I.Q.), considering the marks that he had obtained in NEET – UG – 2023. Accordingly, he was offered the provisional selection letter in the Institutional Quota (I.Q.) for admission to the respondent no. 4 – College. The petitioner secured admission knowing fully well that he was granted admission in the remaining 15% Institutional Quota (I.Q.).

25. In this regard, a perusal of the information brochure of NEET–UG–2023, shows that as per clause 11.5.2 thereof, in terms of the circular dated 24.07.2023, issued by the National Medical Commission, no Institutional level stray vacancy round was permitted and all admissions even to such vacancies, were to be done online through CAP rounds only. This indicates that the emphasis under the policy is to grant admissions at the Institutional level only through the CAP rounds, so as to avoid discrimination, arbitrariness and illegality at the institutional level. Thus, we are convinced that merely because the petitioner could secure admission in the CAP round for stray vacancy, it would not be *ipso facto* mean that the admission of the petitioner has to be treated as having been secured under the 85% State quota.

26. It is significant to note that the fees structure for State quota is fixed by the Fees Regulating Authority and for students in the Institutional Quota, fees up to three times of the fees prescribed by the State quota is permissible.

27. It is obvious that those students, who have secured admission on merit in the 85% State quota, are eligible for scholarship under the said Government resolution dated 31.03.2016. As noted herein-above, clause 4 of the terms and conditions in the said Government resolution, specifies that only those students who secure admission in the State quota, are eligible for scholarship under the scheme.

28. In this backdrop, when we peruse the impugned communication dated 03.06.2025, issued by the respondent no. 2 to the petitioner, it is found that no error can be attributed to the same. The petitioner has been found to be ineligible for scholarship under the Government resolution dated 31.03.2016, since he was admitted in the respondent no. 4 – Medical College under the Institutional quota and not under the 85% State quota.

29. The letter dated 31.12.2024, issued by the Section Officer of the Department of Other Backward Classes and Social Justice, cannot come to the aid of the petitioner, for the reason that it makes no

reference to the admissions secured in the 15% Institutional quota, as opposed to the 85% State quota. Although, it is stated that the admission secured even in online stray vacancy round, could be eligible for scholarship, there is no clarity in the said communication with regard to the applicability of the said statement in respect of the admissions secured in the Institutional quota. In any case, the said communication cannot prevail over the Government resolution dated 31.03.2016, particularly clauses 4 and 5 of the terms and conditions incorporated therein, as also the relevant clauses of the information brochure of NEET–UG–2023. Therefore, we find that reliance placed on the said letter, cannot take the case of the petitioner any further.

30. We are of the opinion that grant of scholarship under the said scheme, is meant for meritorious students, who are able to secure admission in the State quota. It is an admitted position that the petitioner failed to do so and it was only after all the initial CAP rounds were over and stray vacancy arose in the Institutional quota in respondent no. 4 – College, that the petitioner was offered admission on the basis of his score and ranking in NEET–UG–2023. The petitioner cannot make a grievance of having been deprived of the scholarship, in the light of the findings, rendered herein-above.

31. We do not find any merit in the present petition and accordingly, it is dismissed.

32. Pending applications, if any, also stand disposed of.

[Y.G. KHOBRAGADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/