



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9290 OF 2025

Maimuna Jawed Quazi

VERSUS

The State Of Maharashtra And Others

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- Mr. G. R. Syed, Advocate for the Petitioner
- Mr. V. M. Kagne, AGP for Respondent Nos. 1 and 2
- Mr. S. G. Karlekar, Advocate for Respondent No. 3

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CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 31.07.2025

PER COURT :

1. Heard learned counsel for the petitioner, the learned AGP for respondent Nos. 1 and 2/State, and Mr. Karlekar, learned counsel for respondent No. 3.

2. In this petition, due to urgency, we had issued notice yesterday and kept the petition today for hearing and disposal. The petitioner intends to take admission in a medical college on the basis of her performance in National Eligibility Cum Entrance Test (NEET) (UG) – 2025.

3. The petitioner claims that she ought to be treated as a candidate eligible for admission under the 85% seats earmarked for candidates from the State of Maharashtra and that she should not be

treated as an Outside Maharashtra State (OMS) candidate. If she is treated as an OMS candidate, she is eligible to compete only for the remaining 15% seats.

4. The petitioner admittedly completed her 10th Standard (SSC Examination) from the International Indian School, Riyadh, Saudi Arabia, i.e., outside the State of Maharashtra. She completed her 12th Standard (HSC Examination) from the State of Maharashtra. The petitioner relies on a domicile certificate issued in her favour from District – Yavatmal.

5. On the basis of such position of the facts, it is claimed that the petitioner cannot be included in the OMS category as defined in Clause 3(w) of the information brochure and procedure published by respondent No. 3 – the Commissionerate, Common Entrance Test Cell of the State of Maharashtra. It is submitted that since the petitioner possesses a certificate of domicile and she has cleared her 12th standard (HSC Examination) from the State of Maharashtra, she should be treated as a candidate from the State of Maharashtra. It is further claimed that since the petitioner passed her 10th standard (SSC Examination) from International Indian School, Riyadh, Saudi Arabia, during the COVID-19 pandemic period, the said factor may be taken into consideration.

6. On the other hand, the learned counsel appearing for contesting respondent No. 3 invites attention of this Court to Clauses 4.2, 4.5, 4.6 of the said information brochure to contend that in no case can the petitioner be treated as a candidate from the State of Maharashtra for eligibility under the 85% seats. It is submitted that although Clause 3(w), defining an OMS candidate, could have been better worded, the apparent fault in the language still cannot inure to the benefit of the petitioner. It is brought to our notice that specific instructions have been taken *via* e-mail from respondent No. 3 and it is instructed that in the given facts, the petitioner can only be treated as a candidate in the OMS category eligible for 15% from the institution quota and also 15% from all India quota.

7. It is brought to our notice by the learned counsel appearing for the petitioner that this Court, in certain circumstances, has taken a sympathetic view in the matter and that some candidates have been granted relief in similar situations. Reliance is placed on judgment of the High Court of Bombay at Goa in the case of ***Miss Anagha Rajesh Naik Vs. State of Goa; 2025 (1) AIR BomR 401***, and the Hon'ble Supreme Court decision in ***Vansh S/o Prakash Dolas Vs. Ministry of Education & the Ministry of Health & Family Welfare; 2024 SCC Online SC 342***.

8. We have considered the rival submissions. Upon perusing the petition and the documents filed therewith, we find that this is not a case where the petitioner visited her parents in Riyadh, Saudi Arabia, and was stranded due to the COVID-19 pandemic. The material on record shows that the petitioner was residing with her family in Riyadh, Saudi Arabia and that she completed her 10th Standard (SSC Examination) from the International Indian School, Riyadh Saudi Arabia in the year 2021. Thereafter, she completed her 12th Standard (HSC Examination) from the State of Maharashtra. Therefore, she has not passed both her 10th and 12th examination within the State of Maharashtra although she does possess a certificate of domicile in her favour.

9. Clauses 4.2, 4.5, 4.6 of the information brochure issued by respondent No. 3 read as follows:-

*“4.2 **Domicile of Candidate** : The Candidates must be Domicile of Maharashtra (Except candidates under clause 4.1.3, 4.1.4, 4.7, 4.8, **Annexure C and E**)*

4.5 The candidate must have passed the SSC or equivalent examination from an Institution situated in the State of Maharashtra. (Please refer 4.1.3, 4.14, 4.7, 4.8, Annexure “C” & Annexure “E” for exception)

***Exemption** : Candidate who has passed SSC or equivalent examination in 2017 or prior to that, from an institute outside the State of Maharashtra is also eligible to seek admission, provided he has passed HSC or qualifying*

examination from an institute in the State of Maharashtra and also possess Domicile Certificate issued by the authority, who is competent to issue such certificate in the State of Maharashtra for education purpose gazette no. MED-1018/C. R. 405/18/Edu-2 dated 20/04/2019.

4.6 *The candidate must have passed the qualifying examination i.e. Higher Secondary Certificate (HSC/12th Standard) or equivalent examination, from an Institution situated in the State of Maharashtra (Please refer 4.1.3, 4.1.4, 4.7, 4.8, Annexure "C" & Annexure "E" for exception) **with English, Physics, Chemistry and Biology (Botany & Zoology) at the time of document verification.***

10. The only exceptions are provided for children of employees of the Government of India, All India Services, Defence personnel, and employees of the Government of Maharashtra and its undertakings, as per Clauses 4.7 and 4.8 of the said brochure.

11. Admittedly, the petitioner is not covered under any of the exceptions. Therefore, in order to claim that she needs to be considered for the 85% seats for the candidates from the State of Maharashtra, she has to satisfy the requirement of the above quoted Clauses 4.2, 4.5 and 4.6. As the petitioner has not passed her 10th Standard (SSC Examination) from the State of Maharashtra, she does not satisfy the requirement.

12. As regards the definition of OMS Candidates as per Clause 3(w), reference to the said clause is necessary. It reads as follows:-

“3. DEFINITIONS

w. “OMS” means candidate who have passed 10th / 12th or both from Outside Maharashtra State and who is not Domicile of Maharashtra”

13. We find that an OMS candidates is one who has passed either 10th Standard (SSC Examination) or 12th Standard (HSC Examination) or both from outside the State of Maharashtra. The complication has occurred because of the use of the word ‘and’ in the said clause before the words ‘who is not domicile of Maharashtra’. In the present case, a copy of the certificate of domicile placed on record indeed shows that the petitioner has a domicile certificate of the State of Maharashtra, but at the same time, it is also an admitted position that she did not pass her 10th Standard (SSC Examination) from the State of Maharashtra. In fact, she passed such examination from outside the State of Maharashtra. Therefore, even if ideally, the word ‘or’ should have existed in the place of ‘and’ in Clause 3(w), that in itself cannot benefit the petitioner, for the simple reason that she does not satisfy the specific requirement of clauses 4.2, 4.5 and 4.6, read together, to be treated as a candidate from the State of Maharashtra.

14. Reliance placed on judgment of this Court in the matter of *Miss Anagha Rajesh Naik Vs. State of Goa (supra)* and the Supreme

Court in the case of *Vansh S/o Prakash Dolas Vs. Ministry of Education & the Ministry of Health & Family Welfare (supra)* can be of no assistance to the petitioner. The facts in those cases are clearly distinguishable. The case of *Miss Anagha Rajesh Naik Vs. State of Goa (supra)* concerned a different set of rules pertaining to the State of Goa, while the judgment of the Supreme Court in the case of *Vansh S/o Prakash Dolas Vs. Ministry of Education & the Ministry of Health & Family Welfare (supra)* pertained to child of an armed forces employee. As noted hereinabove, the petitioner admittedly does not fall within any of the exceptions as per the Clause 4.7 and 4.8 of the information brochure and therefore she cannot derive any benefit from the said judgment.

15. In any case, this is not a case where the petitioner would be left without any opportunity to compete for admission. She would have to compete in the 15% institute quota and the 15% all India quota in the facts and circumstances of the present case.

16. In view of the above, the Writ Petition is **dismissed**.

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

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)