



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9394 OF 2025

Shravan Santosh Bhansali
Age : 17 years, Occu. : Student,
being minor through his father
Santosh Kisanlal Bhansali
Age 46 years, Occu. : Service,
R/o. Housing Society, Ambajogai,
District : Beed 431 517

.. **Petitioner**

Versus

1. State of Maharashtra through
The Secretary, Medical Education and
Drugs Department, Mantralaya,
Mumbai 400 001

2. National Eligibility cum Entrance Test
(NEET-UG)
National Training Agency,
First Floor, NSIC-MDBP Building,
Okhla Industrial Estate,
New Delhi 110020

3. The Commissioner and Competent Authority,
Commissionerate of Common Entrance Test Cell,
8th Floor, New Excelsior Building,
A.K.Nayak Marg, Fort, Mumbai - 400001

4. The Director,
Medical Education and Research,
St. Georges Hospital Compound,
Near C.S.M.T., Mumbai 400 001

.. **Respondents**

...

WITH

WRIT PETITION NO. 9397 OF 2025

Gauravi D/o. Suresh Thorat,
Age 17 years, Occu. : Student,
being minor through his father
Suresh Dnyanoba Thorat,
Age : 49 years, Occu. : Agriculture ,
R/o. Kumbephal, Taluka : Kaij,
District : Beed 431 123

.. **Petitioner**

Versus

1. State of Maharashtra through
The Secretary, Medical Education and
Drugs Department, Mantralaya,
Mumbai 400 001
 2. National Eligibility cum Entrance Test
(NEET-UG)
National Training Agency,
First Floor, NSIC-MDBP Building,
Okhla Industrial Estate,
New Delhi 110020
 3. The Commissioner and Competent Authority,
Commissionerate of Common Entrance Test Cell,
8th Floor, New Excelsior Building,
A.K.Nayak Marg, Fort, Mumbai - 400001
 4. The Director,
Medical Education and Research,
St. Georges Hospital Compound,
Near C.S.M.T., Mumbai 400 001
- .. **Respondents**

...

AND

WRIT PETITION NO. 9406 OF 2025

Amit S/o. Bhagwat Munde,
Age : 19 years, Occu. : Education,
At Devgao, Post and Taluka Kaij,
District Beed

.. **Petitioner**

Versus

1. State of Maharashtra,
Through its Secretary,
Medical Education & Drugs Department,
Mantralaya, Mumbai - 400 032
2. The State of Maharashtra,
Through its secretary,
Persons with Disabilities,
Welfare Department,
Mantralaya, Mumbai
3. The Senior Director,
Government of India,

National Eligibility cum Entrance Test Cell,
(UG) - 2023, Nariman Bhawan,
New Delhi 110108

4. The Government of Maharashtra,
State Common Entrance Test Cell,
Maharashtra State, Mumbai,
8th Floor, New Excelsior Building,
A.K. Nayak Marg, Fort, Mumbai - 400001

.. **Respondents**

Mr. Sudhir D. Patil, Advocate for petitioner in WP/9394/2025 and WP/9397/2025

Dr. S.G. Nandedkar, Advocate for petitioner in WP/9406/2025

Mr. R.R. Bangar, Advocate for respondent no. 2 in WP/9394/2025 and WP/9397/2025 and for respondent no. 3 in WP/9406/2025

Mr. M.D. Narwadkar, Advocate for respondent no. 3 in WP/9394/2025 and WP/9397/2025 and for respondent no. 4 in WP/9406/2025

Ms. Neha B. Kamble, Mr. S.V. Hange and Mr. V.M. Kagne, AGPs for respondent - State

...

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

DATE : 01 AUGUST 2025

JUDGMENT (PER – MANISH PITALE, J.) :

Heard learned counsel for the petitioners.

2. These petitions raise identical issue and hence, they are taken up for consideration. Although, these petitions are fresh petitions listed for consideration of this Court, considering the extreme urgency in the matter and the fact that the contesting respondents have appeared through counsel, the petitions are taken up for consideration and disposed of.

3. Rule. Rule is made returnable forthwith. With the consent of learned counsel for the parties, the petition is heard finally at the stage of admission.

4. The petitioners are seeking a direction against respondent nos. 2, 3 and 4 for permitting modification or rectification in their application forms pertaining to National Eligibility Entrance Test (hereinafter referred to as '**NEET - UG**') - 2025. The petitioners claim that they are entitled for such modifications to change their category from that of open to the Persons with Disability quota (PwD).

5. Respondent no. 2 is the National Training Agency (NTA) that has conducted the NEET - UG – 2025, while respondent no. 3 is the competent authority of the Common Entrance Test Cell of the respondent - State of Maharashtra and respondent no. 4 is the Director of Medical Education and Research.

6. Learned counsel for the petitioners submit that due to the peculiar language used in the form to be filled for NEET UG - 2025, the petitioners had no option but to state their candidature as that in the open category. It was emphasized that the application form of the respondent no. 2 - NTA, in the contest of PwD candidates, incorporated a question as to whether the PwD candidate was having a valid and live disability certificate issued by the Medical Board of Government.

Petitioners understood the said question to mean existence of a disability certificate recently issued by a Medical Board of the Government. It is claimed that the petitioners answered the said question / query in the negative and hence, they were registered in the open category. All the petitioners claim that they do satisfy the requirements for being considered under the PwD category.

7. It is further emphasized by learned counsel appearing for the petitioners that the information brochure issued by the respondent no. 3 i.e. Commissioner and Competent Authority, Commissionerate for Common Entrance Test Cell of the respondent - State, at clause 9.4.5 stipulated that PwD candidates were required to submit proof of disability by way of a certificate issued by Certificate Issuing Authority in the year 2025 and that they would have to undergo medical examination at any one of the Disability Assessment Boards specified in the clause. According to the petitioners, this further confirmed their belief that in the absence of such certificate of the year 2025, they could not have answered the aforesaid query in the registration form of respondent no. 2 - NTA filled in March - 2025 in the affirmative.

8. It is the case of the petitioners that the respondent no. 3 - competent authority would be considering their candidature on the basis of the data filled in the registration forms available with the respondent no. 2 - NTA and hence, they would be considered only in

the open category, despite the fact that they are PwD candidates and they now have disability certificates issued by the Government Medical College. On this basis, it is urged that this Court may direct the respondent nos. 2, 3 and 4 to permit the petitioners to modify / rectify their forms, to change the category from open category candidates to PwD category candidates. Reliance is placed on orders passed by this Court at the Principal Seat dated 21.07.2023 in writ petition no. 9069 of 2023 (***Maitreyai Mahendra Garad V. State of Maharashtra and others***), dated 13.08.2024 passed in writ petition no. 11111 of 2024 (***Pranav Ajit More V. State of Maharashtra and others***).

9. Learned counsel appearing for respondent nos. 2 and 3 have opposed the contentions raised on behalf of the petitioners. It is submitted that if the petitioners indeed belonged to the PwD category, they ought to have filled the forms correctly in March - 2025 when registrations were opened by respondent no. 2 - NTA for the NEET - UG - 2025 and it was further submitted that on 17.05.2025, the respondent no. 2 - NTA had issued a public notice, which was also on its website, creating a dedicated E-mail I.D. to receive grievances only from persons belonging to the PwD category. None of the petitioners sent any such Emails to raise their grievances. It was emphasized that once the petitioners themselves had filled their forms with respondent no. 2 - NTA and appeared for the NEET - UG - 2025 examination, as

open category candidates, at the stage of conducting the rounds for allotment of seats by the respondent no. 3 - competent authority, no change could be permitted. Reliance was placed on clause 9.4.5 of the information brochure issued by the respondent no. 3 - competent authority. It was submitted that permitting change of category by modifying their registration forms with respondent no. 2 - NTA, would disturb the entire merit list and it would adversely affect those candidates whose names are specifically incorporated under the PwD category. This would upset the entire process and the same would not be justified.

10. It was further submitted that the NTA even earlier issued a public notice on 06.03.2025 providing for correction in particulars of the registration forms for the NEET - UG - 2025. The registered candidates were called upon to access the official website, verify their particulars and make correction / modification in their forms till 11.03.2025 up to 11.50 pm. This opportunity was also not availed by the petitioners. On this basis, it was submitted that the petitioners do not deserve any indulgence.

11. As regards the two orders of this Court relied upon by the petitioners, reliance was placed on order dated 17.10.2024 passed by this Bench of the High Court in writ petition no. 11618 of 2024 (***Furquan Farhan Bin Ganam Vs. The State of Maharashtra and***

others). The said two orders of the High Court at the Principal seat were distinguished and particular reliance was placed on a similar clause 9.4.5 of NEET – UG – 2024, to dismiss the petition filed by an identically situated candidate, seeking rectification / modification of the form. It is a matter of record that Special Leave Petition (Civil) no. 25499 of 2024 filed by the petitioner therein against the aforesaid order of this Court, was dismissed by the Supreme Court by an order dated 24.10.2024, thereby confirming the said order. On this basis, it was submitted that the petitions deserve to be dismissed.

12. Having heard learned counsel for the contesting parties, we find that the petitioners are claiming a direction to modify / rectify their registration forms filled with the respondent no. 2 – NTA for the NEET – UG – 2025 examination after the results have been declared and the stage has come for allocation of seats on the basis of merit lists prepared for different categories.

13. It is not disputed that the petitioners themselves filled the forms for the NEET – UG – 2025, specifying themselves as candidates from the open category. They did not choose the category of PwD candidates despite their claim of belonging to the said category.

14. We are unable to appreciate the contention raised on behalf of the petitioners that the nature of the query in the registration

form of respondent no. 2 – NTA created confusion and that the petitioners did not chose the category of PwD candidates as they believed that they did not have valid and live disability certificates. There was no reason for such confusion on the part of the petitioners. On the basis of the petitioners having chosen their categories as that of ‘open category’ candidates and also having appeared for the NEET – UG – 2025 examination, now at the stage of counselling and allotment of seats, the petitioners cannot be permitted to turn around for change of category. The respondent no. 2 – NTA has compiled the results of the examination and merit lists have been prepared of each category, including open category as well as PwD category.

15. Respondent no. 3 – competent authority of the State has to undertake the rounds of counselling and admission on the basis of data picked up from the respondent no. 2 – NTA as per procedure. Respondent no. 3 – competent authority is bound to implement the clauses specified in the information brochure for admission to the college in the State of Maharashtra. The relevant portion of clause 9.4.5 of the said information brochure reads as follows :-

“9.4.5 Person with Disability (PWD) Quota : *The candidate should have claimed the Person with Disability (PWD) quota reservation in the original Online application form. Request for PWD category claim after submission of application form will not be granted. The parallel constitutional reservation will be applied for PWD quota seats. The eligibility under PWD quota as prescribed by respective central Council from time to time will be applicable.*

*As per Medical Council of India, New Delhi amendment notification No: MCI-34(41)/2018-Med/170045, dated 5th Feb 2019, CCIM Notification F. No 24-14/2018 (UG Regulation), dated 18/06/2019 and CCH Notification No. 12-11/2010-CCH(Pt. II)(1), dated 02/08/2019, Five percent (5%) seats of annual sanctioned intake capacity shall be filled up by candidates with specified benchmark disabilities contained in the scheduled to the Rights of Persons with Disabilities Act, 2016, as per **Annexure – D**. Constitutional reservation will be applied parallelly within PWD quota seats.*

The specified disability categories as mentioned in the rights of persons with Disability Act 2016 are as follows.

- 1. Physical disability*
- 2. Intellectual disability*
- 3. Mental behaviour disability*
- 4. Disability caused due to chronic illness*
- 5. Multiple disabilities*

- 1. Candidate should mark as PWD in the online application form, failing which claim will not be granted. Candidate is required to submit the proof of his/her disability by way of a certificate issued by certificate issuing authority in the year 2025.”*

16. A perusal of the above quoted clause shows that the request for PwD category claim after submission of application form can not be granted. Note 1 at the bottom of the clause required the PwD candidate to submit the proof of disability by way of a certificate issued by certificate issuing authority in the year 2025. It is obvious that the aforesaid certificate of the year 2025 is required during the stage of counselling, allotment of seat and the candidate reporting to the college in which he or she has secured admission.

17. This Court is unable to accept the contention raised on behalf of the petitioner that while filling their forms in March – 2025 on

the portal of the respondent no. 2 – NTA, they were under some confusion that latest certificate of the year 2025 was to be kept ready even while filling the form on the said portal.

18. In any case, the aforesaid notice dated 06.03.2025 issued by the respondent no. 2 – NTA provided a window for correction till 11.03.2025 (up to 11.50 pm) for the registered candidates like the petitioners to visit the official website, verify their particulars and make correction or modification in their application forms. Admittedly, the petitioners did not avail of the said window for correction provided by respondent no. 2 – NTA.

19. Even thereafter, on 17.05.2025, on a direction issued by the Delhi High Court, respondent no. 2 – NTA created a dedicated E-mail I.D. specifically for receiving the grievances only from candidates from the PwD category. Yet again, the petitioners did not send any Email to the NTA. After compiling the results, the respondent no. 2 – NTA has prepared merit list category-wise and since the petitioners registered themselves as candidates from 'open category', they found themselves in 'open category' and not in the PwD category.

20. We are of the opinion that the petitioners at this stage, when the counselling and allotment of the seats to the colleges is to begin, cannot be heard to say that they are entitled for modification /

rectification of their forms registered with the respondent no. 2 – NTA in March – 2025. If such modification / rectification is permitted, it will disturb the entire process and it would certainly adversely affect the candidates who are already correctly placed in the PwD category of candidates in the merit list. None of them are before this Court in these petitions. It would be unfair and too late in the day to permit the modifications / rectifications sought by the petitioners in these petitions. We do not propose to grant any such relief that would derail the entire process and adversely affect the candidates in the PwD category.

21. As regards the orders passed at the Principal Seat of this Court in the cases of ***Maitreyai Mahendra Garad V. State of Maharashtra and others*** (supra) and ***Pranav Ajit More V. State of Maharashtra and others*** (supra), we find that the subsequent order passed by this Court at this Bench in the case of ***Furquan Farhan Bin Ganam Vs. The State of Maharashtra and others*** (supra) can be relied upon. In the said order, after quoting clause 9.4.5 of information brochure pertaining to NEET – UG – 2024, which was identically worded, this Court in the said case, held as follows :-

“7. The petitioner submitted his application from general category. At that time, he did not opt for PwD category. He did not submit disability certificate. When the process reached upto CAP round 3, he sought to change his category from general to PwD. In view of clause 9.4.5 of NEET-UG-2024, once the candidate has given option of a particular category in his original online application, subsequently it is not permissible to change the said category. The petitioner could have opted for PwD quota at the time of

submission of his original online application before beginning of the CAP rounds.

8. It reveals that the petitioner is not vigilant and when the admission process reached upto CAP round 3, he is seeking change in the category. The clauses 6.1.2 to 6.1.6 are not applicable. As the request of the petitioner is against the norms, we are not inclined to grant any relief.

*9. The petitioner is relying upon the orders passed by the co-ordinate Bench in writ petition No. 9069 of 2023, decided on 21.07.2023 (**Maitreyai Mahendra Garad vs. The State of Maharashtra and others**) and in writ petition No. 11111 of 2024 decided on 13.08.2024 (**Pranav Ajit More vs. State of Maharashtra and others**). In both the orders, the relevant clause 9.4.5. of the brochure has not been considered. Both the orders do not lay down any proposition of law. Considering the difference in the facts and circumstances, those orders cannot be made applicable to the case in hand. We find no substance in the petition."*

22. A distinction was sought to be made on behalf of the petitioners that since the petitioner in the said case, had approached this Court when the process had reached CAP round – III, reliance ought not to be placed on the said order. We are unable to accept the said contention, for the reason that the petitioners in the present case have approached at the stage when the counselling and allotment of seats is to begin and merit lists of the candidates have already been drawn on the basis of the results of NEET – UG – 2025, category-wise on the basis of the categories specified by the candidates in their respective registered forms. As noted herein-above, the process cannot be upset at this stage, particularly when granting relief to the petitioners would adversely affect the candidates already in the merit list in the PwD category.

23. In view of the above, we find no merit in the present petitions and accordingly, the petitions are dismissed.

24. Rule stands discharged.

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

[Y.G. KHOBRAGADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/