



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9573 OF 2025

Pathan Fatima Sadaf Pathan Taofique Khan
Age : 22 years, Occu : Education,
R/o. Gandhi Nagar, Dharmanbad,
District – Nanded

.. Petitioner

Versus

- 1] The Union of India
Through Secretary,
Department of Health and Family Welfare,
Nirman Bhawan, New Delhi – 110 011
- 2] The Directorate General of Health Services,
For Medical Counselling Committee,
Department of Health and Family Welfare,
Nirman Bhawan, New Delhi – 110 011
- 3] The National Medical Commission,
Through Secretary,
Pocket – 14, Sector – 8, Dwarka Phase – 1,
New Delhi – 110077
- 4] The State of Maharashtra,
Through Commissioner and Competent Authority
State Common Entrance Test Cell, 8th Floor
New Excelsior Building, Fort, Mumbai

.. Respondents

...

Advocate for the petitioner : Mr. Mahesh K. Bhosale
AGP for the respondent – State : Mr. S.V. Hange
Advocate for respondent no. 4 : Mr. Chandrakant Jadhav
Standing Counsel for UOI : Mr. Amol Patale

...

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

DATE : **05 AUGUST 2025**

ORDER (PER – MANISH PITALE, J.) :

It is a fresh petition listed for the first time but due to the extreme urgency in the matter, it has been taken up for consideration and orders finally, in the light of the fact that all the respondents are represented through counsel before this Court, particularly the contesting respondent no. 4.

2. The petitioner is a student, who appeared for the National Eligibility Cum Entrance Test (**NEET – UG – 2025**) examination as a candidate belonging to General – Economically Weaker Section (EWS) category. The present petition is filed for a direction to the respondents, particularly, the respondent no. 4, to consider her claim of admission to MBBS / BDS / B.Sc. Nursing Courses through NEET – UG – 2025 Counselling Process from the General – EWS category, permitting her to change the category in her form, from Open category to General – EWS category.

3. It is the case of the petitioner, that due to inadvertent mistake on her part, she clicked the Open category instead of General – EWS category and that she moved the respondent no. 4 within the stipulated period of time for correcting the inadvertent mistake. As there was no response, she is constrained to move this Court urgently.

4. The petitioner filled the form for the NEET – UG – 2025 Entrance examination on the portal of the National Testing Agency (NTA), which conducts such entrance examination. In the form, on the portal of the NTA, the petitioner correctly filled her category as General - EWS. She was issued an admit card of General – EWS category and eventually, the result was declared, showing that the petitioner had rank of 66258 in the General – EWS category.

5. Thereafter, as per the procedure prescribed by the respondent no. 4, in its information brochure for admission to Health Science courses, based on the scores in the NEET – UG – 2025, the petitioner filled the form prescribed by the respondent no. 4. It is at this stage, that the petitioner mistakenly clicked on the Open category instead of General – EWS and her form was registered. She had filled the form on 26.07.2025 and realizing her mistake, she immediately moved the respondent no. 4 on 29.07.2025, requesting for change in her category, in the light of the fact that she had appeared for NEET – UG – 2025 conducted by the NTA in the General – EWS category.

6. As per the norm, a 'Ticket' was generated from the helpdesk. The petitioner generated two Tickets on 29.07.2025 itself, requesting for such change in category, but there was no response from the respondent no. 4. Since the schedule declared by the respondent no. 4 for further steps in the matter showed that the rounds

of counselling and admission would start from 01.08.2025, this petition was urgently moved through circulation.

7. Mr. Mahesh Bhosale, learned counsel appearing for the petitioner submitted that a proper reading of the information brochure published by respondent no. 2 for NEET – UG – 2025, would show that such a change of category can be undertaken before the declaration of the provisional merit list. Attention of this Court was invited to the latest notice dated 31.07.2025, pertaining to the revised schedule. It was emphasized that the publication of the provisional merit list would take place tomorrow (06.08.2025.) indicating that change of category could be undertaken within the time schedule as per the aforesaid stipulation in the information brochure.

8. It was submitted that it would be a travesty of justice, if such change of category is not permitted, particularly because the petitioner from the very beginning, claims to be belonging to the General – EWS category. She appeared for the NEET – UG – 2025 in the said category and even her result and ranking is in the said category. It was submitted that, therefore, this Court may consider allowing the writ petition in the interest of justice.

9. Mr. Hange, learned AGP appeared for respondent nos. 2 and 3. Mr. Amol Patale, learned counsel appeared for respondent

no. 1. Mr. Chandrakant Jadhav, learned counsel appeared for contesting respondent no. 4.

10. Learned counsel appearing for contesting respondent no. 4 relied upon clauses 7.3 (h) and (n), to emphasize that there is no provision for change of category once the application form has been registered. It was submitted that a recent notice dated 30.07.2025 issued by respondent no. 4, permitted change of category within the various categories of reservation and there is no provision for change of category from Open to any of the Reserved categories. It was further submitted that the petitioner cannot now be permitted to change her category, once her form has been registered and the provisional merit list is to be declared tomorrow (06.08.2025).

11. We have considered the rival submissions. We find that the petitioner has made out a case for granting relief in the peculiar facts and circumstances of the present case. This is not a case where the petitioner is seeking change of category at the stage of the process of admission to Health Science Courses as per the information brochure issued by the respondent no. 4 for NEET – UG – 2025. without any background of having staked her claim of belonging to General – EWS category. It would have been a different matter if the petitioner, at the stage of filling the examination form, had registered herself as an Open category candidate. In that situation, the stage now

having reached, where the NTA has completed its process and admission under the aegis of respondent no. 4 is to be undertaken, the claim of change of category would not have been entertained.

12. In fact, in a recent order dated 01.08.2025 passed in writ petition no. 9394 of 2025 (***Shravan Santosh Bhansali Vs. The State of Maharashtra and others***) with connected petitions, this Court refused to entertain such a prayer, for the reason that the petitioners therein had registered themselves as open category candidates instead of Persons with Disability (PwD) category candidates. The NTA had declared the results and shown their ranking in open category and at the stage of counselling and admission being undertaken by respondent no. 4, the petitioners therein had sought change of category on the basis that they now had the disability certificates. This Court found that allowing the prayer of such candidates would disturb the entire process, for the reason that the NTA had already declared the result and given rankings category-wise and that candidates already given rankings in the PwD category, would be disturbed in that situation.

13. The facts of the present case are clearly distinguishable. Documents on record show that the petitioner indeed registered herself in General – EWS category on the portal of NTA while filling up the entrance examination form in the NEET – UG – 2025. She was issued an admit card in the General – EWS category. Her result was also

declared in the General – EWS category with her ranking in the said category specifically shown as 66258.

14. It is also undisputed that when the respondent no. 4 undertakes the process of counselling and admission through various rounds, it picks up the data as it is from the NTA. Therefore, in so far as the petitioner is concerned, her data filled with the NTA, would clearly show her as a General – EWS category candidate, having secured ranking in the said category. It would be a mismatch if the registration of the petitioner with the respondent no. 4 is continued as an Open category candidate because of the mistake committed by the petitioner while filling in the form and registering herself on the portal of the respondent no. 4, on 26.07.2025.

15. It is relevant to note that although, in the information brochure, the clauses upon which, the learned counsel for the respondent no. 4 has placed emphasis, do indicate that once the application form is submitted, correction of entries may not be possible, the note appended at the end of clause 9.4.1 pertaining to constitutional reservations specifically stipulates as follows :

“All applications for change in category from open to reserve after the declaration of provisional merit lists will be straight way rejected”.

The impression gathered from the said stipulation, is that till the declaration of provisional merit list, the application for change of category could be entertained, particularly, when a *bona fide* mistake like the one committed by the petitioner in the present case, is noticed.

16. The documents placed on record show that on 29.07.2025, realizing her mistake, the petitioner had moved the portal of respondent no. 2 at its helpdesk on two occasions, pleading for change in category from Open to General – EWS, on the basis that the petitioner through the process of examination of NEET – UG – 2025 conducted by the NTA was registered and continued to be a candidate belonging to the General – EWS category. We are of the opinion that in this factual scenario, the respondent no. 4 ought to have responded positively, particularly when the process of admission as per the information brochure of the respondent no. 4 is undertaken on the basis of the data fetched from the NTA.

17. The respondent no. 4 is not justified in relying upon recent notice dated 30.07.2025, stating that change of category can be permitted only within various categories of reservation when the above quoted sentence in the information brochure indicates that change from Open category to Reserved category could be entertained till the declaration of the provisional merit list.

18. The latest notice issued by the respondent no. 4 dated 31.07.2025, has revised the schedule for registration for admission to Undergraduate Health Science Courses and it shows that the date for publication of provisional merit list is tomorrow (06.08.2025). We find that the petitioner has been able to approach this Court in the nick of time to pray for a direction to the respondent no. 4, to permit change of category before the provisional merit list is declared.

19. We are of the opinion that it would be travesty of justice, not to allow the prayer made by the petitioner in the facts and circumstances of the present case. It is not as if allowing the prayer would disturb the candidates already in the General – EWS category, for the reason that the result declared by NTA shows the petitioner as belonging to the said category and her ranking is also given in the said category i.e. General – EWS. There is no question that any other candidate being disturbed, in the event the prayer made by the petitioner is granted.

20. The contention of the respondent no. 4 that the process has advanced, cannot be accepted, for the reason that the declaration of provisional merit list is to take place tomorrow (06.08.2025) and this Court, therefore, can indeed issue a positive direction in favour of the petitioner.

21. In view of the above, the writ petition is allowed in terms of prayer clause (B), which reads as follows :-

“B] By issuing the appropriate writ, order, direction or any other appropriate order in the nature of writ, the Hon’ble High Court may be pleased to direct the respondent authorities to consider the claim of petitioner for her NEET-UG (MBBS/BDS/B.Sc. Nursing) Counselling 2025 admission process from General EWS Category.”

22. The respondents, particularly, the respondent no. 4 is directed to act immediately upon the aforesaid prayer being granted.

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

[Y.G. KHOBRADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/