



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13564 OF 2025

1. Raspreetsingh Harpalsingh Sethi
2. Paris d/o Gajanan Bhalke.

VERSUS

The State Of Maharashtra And Another

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Advocate for Petitioners : Mr. S.S. Jadhavar

AGP for Respondents: Mr. S.B. Narwade

Advocate for Respondent No.2 : Mr. Mrigesh Narwadkar

...

AND

WRIT PETITION NO. 13567 OF 2025

Isha Prasad Bhandari Through Guardian Prasad Somnath
Bhandari

VERSUS

The State Of Maharashtra And Others

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Advocate for Petitioner : Mr. S.S. Chapalgaonkar

AGP for Respondents: Ms. S.S. Joshi

Advocate for Respondent No.2 : Mr. Mrigesh Narwadkar

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CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.

Dated : November 13, 2025

PER COURT :-

1. Heard learned advocate appearing for the petitioners.
2. Issue notice to the Respondents. Learned A.G.P waives notice for respondent no.1. Mr. Narwadkar, learned advocate, waives notice for respondent no.2.

3. Present petitions challenges clause no.11.1.9.1 of the NEET UG-2025 Information Brochure Preference System for admission to Health Science Courses in State Government/ Corporation/ Private and Minority Colleges. The petitioners also challenge notice no.25 issued by respondent no.2, dated 11.11.2025 to the extent of non-eligibility clause no.1 for CAP Online Stray Vacancy Round. Consequential prayers for direction against respondent no.2 to permit the candidates, who have registered for admission till CAP Round-3 to participate in Online Stray Vacancy Round-1 in the light of approval for new establishment (Medical College) in the academic year 2025-2026, which has been included in the seat matrix for stray vacancy round and in the light of increase in the intake capacity of an existing Medical College.

4. Learned advocate for the petitioners has taken us through the documents and submits that both the petitioners were admitted in CAP Round-3 and they have joined the Colleges allotted to them for MBBS Course. However, after said round was over, when notice No.25 was issued by Respondent no.2 on 11.11.2025, it appears that in view of permission by the Government, respondent no.1 vide

Government Resolution dated 30.10.2025 and 31.10.2025 there was increase in the seats. The increase in seats in these two colleges cannot be said to be Stray Vacancies and, therefore, they should be made available to the petitioners in Stray Vacancy Round. As said notice no.25 prohibits the petitioners as they had already taken admission from participating or giving preferences of these two colleges, Petitioners are before this Court.

5. Learned advocate for respondent no.2 submits that, the Schedule was published and eligibility criteria has been fixed. Petitioners have been admitted in Round-3 in Colleges of their choice. The Colleges, which are now being made available because of the Government Resolutions cannot be offered to the petitioners. He seeks time to file the reply and also submits that the Medical Counseling Committee should be made party to these Petitions as the Schedule has been fixed and later on the counseling would take place.

6. Here in these, we are considering in view of the fact that as per the notice dated 11.11.2025, the online preferences/choice form filling process of eligible candidates for Stray Vacancy Round of MBBS/BDS courses which ends

today by 11.59 p.m, “whether present petitioners can be allowed to fill their preferences.”

7. Admittedly, the seats, which were granted by the Government of Maharashtra vide Government Resolution dated 30.10.2025 and 31.10.2025 were not available till CAP Round-3. They came to be made available because of those Government Resolutions. Now, in view of the Brochure, which prescribes the Scheme and CAP Round Process for Round 1, 2 and 3 that for CAP Round 2 and 3, when the seat is not allotted during the CAP Round 1 and 2, those CAP Rounds would be undertaken. Then, clause 11.1.9.1 prescribes for online CAP Stray Vacancy round process, which states that when the seats are not allotted in round no.3 or seats are vacant due to non-joining of candidates allotted in Round 3 would then be considered in that round. As regards the seats, which came to be made available by virtue of the above said Government Resolutions is concerned, they were not at all available for all First Three Rounds and therefore, they cannot be said to be “Stray Vacancies” which will attract 11.1.9.1. Since online preference forms are to be filled today by 11.59 p.m., we permit the petitioners to submit those forms. Respondent **no.2**

to open its portal for the Petitioners for that purpose. As per Schedule, the declaration of selection list of online Stray Vacancy Round is scheduled on tomorrow i.e. 14.11.2025, Respondent no.2 may consider the petitioners claim/forms as per the procedure.

8. In view of this order, nothing further survives for consideration in these writ petitions. Both the Writ Petitions stand **disposed off**, accordingly.

9. Parties to act on an authenticated copy of this order.

(HITEN S. VENEGAVKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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