

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 12934 of 2025**

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Association of Management of Ayurvedic  
Medical Colleges of Maharashtra

... Petitioner

**versus**

The State of Maharashtra and others

... Respondents

.....

Mr. V.A. Thorat a/w Ms. Vedantika Naik i/b Mr. Harshwardhan Patil, for  
Petitioner.

Mr. Siddheshwar B. Kalel, A.G.P, for Respondent – State.

Mr. Nagesh Chavan, for Respondent No.3 and Respondent No.5.

Mr. Shrikrishna Ganbawale a/w Mr. Shantanu Patil a/w Mr. Kunal  
Nalawade, Ms. Shruti Jadhav and Mr. Pruthviraj Raorane, for  
Respondent No.4.

Mr. Rui Rodriques a/w Mr. Vijay Killedar, for Respondent No.6.

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**CORAM : M.S. KARNIK &  
AJIT B. KADETHANKAR, JJ.**

**DATE : 18<sup>th</sup> DECEMBER, 2025.**

**P.C:**

1. Heard Mr. Thorat, learned counsel for the petitioner.
2. This is a petition filed by the Association of Management of  
Ayurvedic Medical Colleges of Maharashtra. The Association is having  
its registered office at Loknete Rajarambapu Patil, Ayurvedic Medical

College, Islampur, Tal. Walwa, Dist. Sangli.

**3.** The petitioner pray for a directions to the respondent – State to allow the non domicile eligible students to apply for admission to BAMS course in the colleges affiliated to the petitioner for claiming seats remaining vacant after all rounds of admission are over. Further directions is sought that the respondent – State to hold the institutional level round through online process as contemplated under Rule 16 of the Rules framed under the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admission and Fees) Act, 2015 for filling up seats remaining vacant after all rounds of admission are over. Further direction is sought for quashing and setting aside directive No.23 dated 20<sup>th</sup> August 2025 issued by NCISM.

**4.** Mr. Thorat, learned counsel invited our attention to the directive No. 23 dated 20<sup>th</sup> August 2025, which is at page No.87 of the paper book. Our attention is then invited to the Notice No.33, dated 12nd December 2025, which is a tentative schedule for online stray vacancy rounds for BAMS/BHMS/BUMS courses. Mr. Thorat submitted that the declaration of selection list for online stray vacancy round 4 of BAMS/BHMS/BUMS courses only (if seat remain vacant) is dated 18<sup>th</sup> December 2025. Mr. Thorat submitted that this court by order dated

25<sup>th</sup> October 2023 in Writ Petition No. 12646 of 2024 filed by *Vedantaa Institute of Medical Science & Ors. Vs. The State of Maharashtra & Ors.* this Court, for the previous year in respect of MBBS course had passed a detailed order and at para 4 and 5 observed thus :-

*"4. Prima facie, we find that in view of Entry 25 in the Concurrent List, the regulation of education including medical education could be undertaken by the Union as well as the State. This issue has been considered by the Supreme Court in bn (supra) wherein it is held that in the matter of education including admission, the State Legislature has the necessary power by virtue of Entry 25 of the Concurrent List. It is pertinent to note that Rule 16 of the Rules of 2016 as framed by the State Legislature permits filling in of vacant seats after all CAP Rounds are over by an Institution through an Institutional Level Round. The State Legislature in view of Entry 25 of the Concurrent List was entitled to frame the said Rules. On the other hand, the Circular dated 24/07/2023 issued by the NMC is in the form of an Executive Instruction. The same cannot operate in the manner that would run counter to Rule 16 of the Rules of 2016 unless the primary legislation being the National Medical Commission Act, 2019 is amended. In the academic year 2023-2024, the CET Cell had permitted such vacant seats to be filled in at the Institutional Level. It is true that a co-ordinate Bench to which one of us (A. S. Chandurkar, J) was a party in its judgment dated 10/11/2023 Writ Petition No.7223 of 2023 (Saniya Fatima Rahman d/o Mohd. Naeemur Rahman & Anr. Vs. The National Medical Commission & Ors.) had held the communication dated 18/10/2023 issued by the Under Graduate Medical Education Board, New Delhi to be valid, which communication had disapproved the notice dated 26/09/2023 issued by the State CET Cell, the Circular dated 24/07/2023 issued by the NMC was not under challenge therein. In the present case, there is a specific challenge raised to the Circular dated 24/07/2023.*

*5. In that view of the matter by adopting the course that was followed in the previous academic year 2023-2024, it is directed that the respondent nos.1 and 2 alongwith respondent*

*no.5 shall take necessary steps to act in accordance with Rule 16 of the Rules of 2016 to enable the seats remaining vacant after all CAP rounds are over to be filled in by the Institution through an Institutional Level Round with the prior approval Competent Authority. To enable such steps to be taken and to indicate the further course of action, list the writ petition on 29/10/2024 so as to enable the said respondents to place before the Court the steps taken by them in compliance with the aforesaid directions.”*

5. It is then submitted that the Principal Seat of this Court dealing with a similar challenge in Writ Petition No. 15047 of 2025, by an order dated 11<sup>th</sup> November 2025 in *Vedantaa Institute of Medical Science & Ors. Vs. The State of Maharashtra & Ors.* followed the order dated 27<sup>th</sup> September 2023 passed in Writ Petition No. 11614 of 2023 in *Vedantaa Institute of Medical Science & Ors. Vs. The State of Maharashtra & Ors.* has issued similar directions and listed the petition on 8<sup>th</sup> January 2026 for final hearing at the admission stage.

6. Though the petitioner’s association is registered at Sangli, the members of the association are private Ayurvedic / Unani Colleges situated all over Maharashtra. Mr. Thorat submitted that the Circuit Bench has jurisdiction to hear the challenge and pass appropriate interim reliefs.

7. We find it appropriate that this petition should be heard by the

Principal Seat as very similar challenge in respect of MBBS course is pending consideration before the Principal Seat in Writ Petition Nos. 15047 of 2025 and 11614 of 2023, which is fixed for final hearing on 8<sup>th</sup> January 2026. The members of the petitioner's association comprises of colleges all across the State of Maharashtra. Moreover, the impugned directives are of the respondent No.4 - National Commission, New Delhi and as well as further instructions of the State Government issued from Mumbai. Taking over all view of the matter, we find it appropriate if this petition is moved before the Principal Seat at Bombay.

**8.** Considering the time constraint and the schedule published for the admission process, there may be practical difficulty in physically transmitting these proceedings to the Principal Seat immediately which would render the interim relief prayed for in this petition infructuous.

**9.** In such view of the matter, in the interest of justice, it would be appropriate if the petitioner is permitted to file a fresh petition on the same facts for the same cause of action and for the same reliefs prayed for in this petition at the Principal Seat as the Association is representing all the Colleges in the State of Maharashtra. Mr. Thorat submitted that such a petition would immediately be filed before the

Principal Seat by the petitioner. Since the petition involves the very same issue which is subject matter of the aforesaid Writ Petition, liberty is granted to the petitioner to file a fresh petition before the Principal Seat and apply for appropriate interim reliefs. We have not expressed anything on the merits of the contentions.

**10.** The petition is accordingly disposed of with the aforesaid liberty.

**[Ajit B. Kadethankar, J. ]**

**[ M. S. Karnik ]**