



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

APPELLATE SIDE CIVIL JURISDICTION

MISC. CIVIL APPLICATION NO. 1019 OF 2024
IN
WRIT PETITION NO. 4980 OF 2024

Ishwari Kailas Kawane

.. Petitioner

Versus

State of Maharashtra , through Secretary
Medical Education and Medicine Dept,
Mumbai and ors

.. Respondent

...

Mr. K.V. Kothale for the petitioner

Mr.S.V. Narale, AGP, for the respondent no.1.

CORAM : BHARATI DANGRE

ABHAY J. MANTRI, JJ

DATED : 28th FEBRUARY, 2025

P.C:-

1 The present application is filed seeking review of the judgment dated 4/10/2024, in Writ Petition No. 4980/2024 refusing the relief in favour of the petitioner, when she had approached this Court, raising a challenge to the condition of eligibility criteria contained in the information brochure of NEET UG 2024 for admission to Health Science Courses on the ground that it violate Article 14 and 15 of the Constitution of India.

2 While testing the challenge in the two other Writ Petitions i.e. WP No.4945/2024 and 4919/2024, we heard them along with the petition filed by the petitioner.

3 As far as the present Ishwari Kailash Kavane is concerned, we had extensively heard the respective counsel and the learned Government Pleader.

She cleared her Secondary School Examination from Central Board of Secondary (CBSE) from St. Thomas School, Shinai, Adipur, Kutch, Bhuj, District Gujarat. She, however, cleared her HSC from the Maharashtra State Board of Secondary and Higher Secondary Board, Pune through Amravati Division and claimed to be domicile of State of Maharashtra.

She was also aggrieved by the prescribed rule determining the eligibility of passing SSC and HSC examination from the State of Maharashtra, in addition to the condition of the domicile of State of Maharashtra. Since she failed to comply with the said condition, she requested for reading down of Clause 4.5 of the information brochure.

4 We considered the challenge to the aforesaid stipulation in the information brochure and on analysis of the said provision, requiring passing of 10th / 12th Std examination from an institution of State of Maharashtra, tested the same as against the nexus in achieving the objective and turned down the challenge by recording thus:-

“32 For the aforesaid reasons, we find the exception in favour of the wards of employees of State/Central Government or its Undertaking, All India Service, Defence Personnel situated in different circumstances./situations which cannot be compared with the three petitioners before us whose parents are serving in private employment and who have been denied the admission as they failed to fulfill the condition of passing their 10th Std (SSC) examination from an institution situated in the State of Maharashtra; they have passed the 10th Std (SSC) from outside the State of Maharashtra i.e. Chandigarh, Dubai and Gujarat respectively.”

5 The Miscellaneous Application is filed by the applicant on the ground that the Court while delivering the decision did not scrutinize the judgments relied upon by the counsel for the applicant in right perspective and it is specifically urged that the benefit of the decision of this Court in case of Vanch Prakash Dolas, Archana Mandulkar, and Rajeev Wadhwa has not been conferred on the petitioner and there is no independent finding in the impugned judgment dealing with the said decisions. In addition, reliance is also placed upon a decision in case of **Priya Kedar Gokhale Vs. State of Maharashtra** (WP No.8539/2022), where a finding is recorded to the effect that Maharashtra State quota is to be provided for the persons domiciled, born in the State of Maharashtra, and Court ought to have followed the judgment.

6 We have heard learned counsel Mr.Kothale for the applicant and considering the limited scope of entertaining a Review Petition, which is restricted only to the error apparent on the face of record, either in its application of facts or in law, we are not inclined to entertain the present petition.

The power of review is permissible to be exercised in order to address any error or omission that may have occurred and nonetheless, this power is restricted in terms of time and grounds and can only be exercised when the error is apparent on the face of record.

7 We have extensively considered the challenge to the Rule in our exhaustive judgment and have refused to read the same down, which obviously has put the applicant in a disadvantageous position, but definitely, according to us, there is no error apparent on the face of it, and it may be a different thing that the petitioner is not satisfied with our verdict, but in that contingency, it was open for her to assail the said decision before the highest Court of the country.

Finding no merit and substance, the Miscellaneous Application is dismissed.

(ABHAY J. MANTRI, J)

(BHARATI DANGRE, J.)