



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 7004 OF 2025

AND

WRIT PETITION NO. 6972 OF 2025

AND

WRIT PETITION NO. 7127 OF 2025

WRIT PETITION NO. 7004 OF 2025

Darshika Dinesh Gupta,
Aged about 19 yrs, Occ. Student,
R/o Amravati, Tq. Dist. Amravati

.....PETITIONER

...VERSUS...

1. The Union of India,
through the Secretary,
Ministry of Health and Family
Welfare, Nirman Bhawan,
New Delhi

2. The State of Maharashtra
through its Secretary, Medical Education
and Drugs Department, Mantralaya,
Mumbai 32

3. The Director of Medical Education
and Research (DMER),
Government of Maharashtra,
Saint George Hospital Compound,
Near CST Station, Mumbai

4. The Commissioner and Competent
Authority State Common Entrance
Test Cell, Maharashtra State, 8th Floor,
New Excelsior Building, A K Nayak Marg,
Fort Mumbai.

.....RESPONDENTS

WRIT PETITION NO. 6972 OF 2025

Medhaj s/o Sanjay Singam,
age 19 yrs, Occ. Student,

Belkhede, PS

R/o. 39/40 Wardha Raod,
Aren Appt, Gawande Layout,
Sneh Nagar, Vivekanand Nagar,
Nagpur Dist. Nagpur 440015.

...VERSUS...

1. The State of Maharashtra
through its Department of Medical
Education and Drugs Department,
Mantralaya, Mumbai 32

3. The Commissioner,
State CET Cell, 8th Floor,
New Excelsior Building,
AK Nayak Marg, Fort,
Mumbai 400 001

.....RESPONDENTS

WRIT PETITION NO. 7127 OF 2025

Shivani Bhagwanrao Shelke,
Aged about 18 yrs,
Occ. Student,
R/o At Post Shripur,
Tah. Dist. Buldhana

...VERSUS...

1. The Union of India,
through the Secretary,
Ministry of Health and Family
Welfare, Nirman Bhawan,
New Delhi

2. The State of Maharashtra
through its Secretary, Medical Education
and Drugs Department, Mantralaya,
Mumbai 32

3. The Director of Medical Education
and Research (DMER),
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Saint George Hospital Compound,
Near CST Station, Mumbai

Belkhede, PS

4. The Commissioner and Competent
Authority State Common Entrance
Test Cell, Maharashtra State, 8th Floor,
New Excelsior Building, A K Nayak Marg,
Fort Mumbai.

.....**RESPONDENTS**

Mr. R.N. Ghuge, Advocate for petitioners in WP 7004/2025 & WP 7127/2025
Mr. P.D. Sharma, Advocate for petitioner in WP 6972/2025
Mr. D.P. Thakare, Addl. GP for respondent Nos. 2 and 3/State in WP 7004/2025 &
WP 7127/2025 & for respondent No. 1 in WP 6972/2025
Mr. S.A. Chaudhary, Advocate for Union of India.
Mr. N.A. Gaikwad, Advocate for respondent No. 4 in WP 7004/2025 & 7127/2025

**CORAM:- ANIL S. KILOR, &
RAJNISH R. VYAS, JJ.**

DATE OF RESERVING THE JUDGMENT :03.12.2025
DATE OF PRONOUNCEMENT OF JUDGMENT : 10.12.2025

JUDGMENT (PER : RAJNISH R. VYAS)

We have heard learned counsels for respective parties at length.

2. By way of Writ Petition No. 7004/2025, the petitioner has challenged the admission process for National Eligibility cum Entrance Test “NEET” for UG dated 25.11.2025 and the arbitrary action by which the petitioner, though being meritorious, is denied opportunity to participate in “Stray Vacancy Round” for admission to MBBS and BDS course. A further prayer is made for direction to permit the petitioner to

participate in “Online Stray Vacancy Round -1”.

3. In Writ Petition No. 7004/2025, learned counsel for petitioner submits that petitioner after completion of her 12th standard, had appeared for NEET and secured All India Rank of 86587. She then successfully secured admission to BDS course in Government Dental College, Mumbai. According to her, though she was interested in MBBS course, she had to settled for BDS course after completion of Common Admission Process Round 3 (CAP round 3). The petitioner contends that after completion of admission process, respondent issued Government Resolutions dated 30.10.2025 and 31.10.2025 by which the Government sanctioned intake capacity of MBBS students by 50 seats in respect of two colleges, namely, Ashwini Medical College, Solapur and Malti Medical College, Murtizapur, District Akola, thus, 100 fresh seats for MBBS course were declared to be made available for admission. She states that since aforesaid 100 seats were made available only after completion of CAP 3 ROUND, many students could not secure seat in the MBBS course and had to settle by securing admission to other courses like BDS. In short, it is her contention that if in CAP round 3, some seats remained to be filled, then “Stray Vacancy Round

process” is conducted and inclusion of additional of 100 new seats in Stray Vacancy Round is illegal. Learned counsel for petitioner has invited our attention to condition No. 11.1.9 (page 76), of brochure. He further submits that according to the documents filed on record had 100 seats been available in 3rd round, she could have secured an admission in the MBBS course.

4. In so far as petitioner, in Writ Petition No. 6972/2025 is concerned, Mr. P.D. Sharma, learned counsel for petitioner adopts same line of argument with further contention that his client was required to take admission from Institutional Quota due to non availability of said 100 seats in 3rd CAP round and introduction of same for the first time in Stray Vacancy Round. He contends that said action of the respondent is illegal and therefore, he prays for setting aside non-eligibility clause of notice No. 25, dated 11.11.2025, issued by State CET Cell which reads “non eligibility for CET OnLine Stray Vacancy Round: which prescribes, “candidates who have joined seat in round 1, round 2 and /or allotted a seat in CAP ROUND-3”, and is liable to be quashed.

5. So far as petitioner in Writ Petition No. 7127/2025 is concerned, a prayer is made to set aside admission process in pursuance to notice dated 11.11.2025, issued by State CET under the OnLine Stray Vacancy Round for MBBS and BDS course (group-A) in respect of 100 newly created MBBS seats. In this petition, the petitioner secured ALL India Rank of 84356 in NEET UG 2025 and she successfully secured admission to the MBBS course in Sindhudurg Shikshan Prasarak Mandal, Medical College, Sindhudurg.

6. In brief, all the counsels submitted that introduction of 100 vacancies in Stray Round was not at all permissible.

7. Per contra, Mr. Thakare, learned Addl GP for respondent/State and Mr. Nikhil Gaikwad, learned counsel for State CET Cell supported the action of inclusion of 100 seats in “Stray Vacancy Round”. It is the case of State CET Cell that Maharashtra University Health Sciences, vide its communication dated 4.11.2025 had granted first time affiliation to Ashwini Rural Medical College, Hospital and Research Center, Kumbhari, Tah. Solapur and increased the intake capacity of UG course from 100 to

150 for academic year 2025-26. Vide another communication dated 4.11.2025, MUHS also granted, for the first time, affiliation to Sakshi Krida Shikshan Prasarak Bahu Uddeshiya Sanstha, Turkhed, Murtizapur, District Akola. He then contended that as per the schedule given by National Medical Commission, New Delhi, the last date to join CAP round 3 was 4.11.2025.

8. According to learned counsel for State CET CELL, in information brochure, there is no provision to conduct 4th CAP round and as 100 seats of MBBS course were enhanced on the last date of CAP round 3 i.e. on 4.11.2025, those 100 seats could not be displayed on the admission portal for CAP Round 3 and therefore, respondent was required to conduct Online Stray Vacancy Round and after that surrendered vacant seats to irrespective colleges and admitted the students in institute level round.

9. According to learned counsel, in this peculiar background, the decision was taken. He further contended that the petitioner was allotted seat as per her merit and preference in CAP round 3 and therefore,

petitioner is not eligible to participate in Stay Vacancy Round. It is stated that as per schedule, the OnLine Stray Vacancy Round and Institute Level Round are completed and there are no vacant seat in MBBS course after 20.11.2025.

10. In the aforesaid background, we have given our thoughtful consideration to the contentions raised by the parties, so also, perused the documents on record. We have also ponder upon the issue of larger interest of the students. At the outset, it is necessary to mention here that since the admission process is already completed, rights are crystallized in favour of various students and even academic session has begun. Perusal of documents shows that last date of CAP Round 3 was 4.11.2025 and it is on that day only, Maharashtra University Health Sciences had granted first time affiliation to colleges stated supra due to which in all 100 seats have increased. We cannot test the wisdom of the decision taken by the Maharashtra University of Health Sciences to grant first time affiliation to the said colleges due to which intake capacity in MBBS UG course is increased, since there is no challenge to it by the petitioners. Admittedly, since on the same day i.e. on 4.11.2025, first time affiliation was granted to

the aforesaid colleges increasing intake capacity, those seats could not have been made available in CAP round 3. Further, since there was no provision of conducting 4th CAP round, there was no option but to include the said seats in Stray Vacancy Round. Had it not been done, the 100 seats would have gone unutilized resulting in denying benefits to the 100 eligible students. At this stage, we may clarify that we cannot either blame the petitioners or Maharashtra University Health Sciences, but the matter will have to be looked into from one more angle. The head on collusion of two issues regarding first time affiliation to the colleges and final date of CAP round 3 on the same date i.e. 4.11.2025, seems to be purely coincidence. Just because the intake capacity had increased on 4.11.2025 and CAP round had come to an end on the same day, it would not result into giving benefit to the petitioners for simple reason that admittedly those 100 seats were never part of CAP round 3. The situation will have to be seen from practical angle where 100 seats are already filled and rights are already crystallized in favour of various students. We have also taken into consideration the largest interest of the students since 100 seats are now already filled and students have already chosen respective colleges. Disturbance to the entire procedure would also not be in the interest of

students at large.

11. As far as admission on merit is concern, because of the options of colleges given by the petitioner in Writ Petition No. 7004/2025, as she could not get the admission in MBBS course in those colleges, she opted for BDS. Whereas, in other colleges which were not in the options of the petitioner, less meritorious students could get admission in MBBS course. Thus, it is difficult to say what would have been the situation as regards the petitioner even if those 100 seats were available in 3rd CAP round, because it was all depend upon the options for colleges would not given in such situation by the petitioner.

In the aforesaid background, we have no option but to dismiss the petitions. Accordingly, petitions are dismissed.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)