

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12339 OF 2019

Rajwardhan Vikas Deshmukh	...Petitioner
Versus	
The State Of Maharashtra And Ors	...Respondents

**WITH
INTERIM APPLICATION NO. 29 OF 2026
IN
WRIT PETITION NO. 12339 OF 2019**

Rajwardhan Vikas Deshmukh	...Applicant
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IN THE MATTER BETWEEN

Rajwardhan Vikas Deshmukh	...Petitioner
Versus	
The State Of Maharashtra And Ors	...Respondents

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Adv. Anil S. Sakhare i/b Adv. Kalpesh patil, for Petitioner.

Adv. Mrunal Tavade a/w Adv. Vedantika Naik i/b Little & Co. for the Respondent No.5.

Mr. V. M. Mali, A.G.P for Respondent- State.

Mr. Ganesh Gole a/w Mr. Kunjan Makwana, for the Respondent No.3-NMC.

Adv. Vijay Killedar, for the Respondent No.4.

Nagesh Y. Chavan, for the Respondent No.1-CET Cell.

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**CORAM : R.G. AVACHAT &
AJIT B. KADETHANKAR, JJ.**

DATE : 2nd FEBRUARY 2026.

P.C:

1. The petitioner appeared for HSC Board examination and NEET in

the year 2019. He initially secured 149 marks in Physics, Chemistry and Biology (PCB group) in the HSC examination. After revaluation of his answer sheets, he was declared to have secured 151 marks. For being eligible to appear in NEET, he was expected to secure minimum 150 marks i.e. 50% marks. For candidates belonging to SEBC, requirement for eligibility was 40% of marks.

2. In the meanwhile, the State Government came with a policy of reservation to socially and economically backward classes. The petitioner obtained a certificate of SEBC and then he secured admission to first year MBBS Course.

3. The respondent-College served petitioner with show cause notices, which are as under :

“i)

KIMSDU/G-3/741/2020

Date: 02/03/2020

:SHOW CAUSE NOTICE:

To,
Deshmukh Rajwardhan Vikas,
Islampur.

This show cause notice is in the context of your non-submission of the required documents to KIMS, Karad, to fulfill the eligibility criteria required for the admission to MBBS.

Counseling for admission to MBBS offline mop up round was conducted on 29th, 30th and 31st August 2019 as notified on the website www.kimskarad.in. On 30th August 2019 after the counseling for NRI, 17 NRI seats were converted to General category (Management category). Attendances of those present were recorded from 9.30 AM to 10.30 AM as per the notification and merit list duly signed by the candidates was operated.

Deshmukh Rajwardhan Vikas, NEET All India Rank 467486, shown in the list provided by Medical Counseling Committee (MCC/DGHS) stood 8th in the KIMSDU Merit list on 31/08/2019. Revaluation statement stamped by the board and duly signed was shown by you which reflected Physics, Chemistry and Biology aggregate as 151. You submitted a written application stating that you will submit the 12th mark list on 3rd September 2019. Your father Dr. Vikas Ananda Deshmukh submitted another application on the same day stating that he will submit the 12th Mark list (after revaluation) on 5th September 2019. In the application he also stated that he is submitting the revaluation result copy provided by the board for verification. Till date you have not submitted the revised mark list. You were given a period up to 05/09/2019 to produce the said documents required to fulfill all the eligibility criteria, but you failed to do so. The above act committed by you, amounts to misconduct.

Your MBBS admission was provisional on following assumptions-

- a. You submitted 151 marks (HSC) in your online-application made to this university while making application for vacant seats.
- b. You showed a revaluation statement stamped and duly signed showing Physics, Chemistry & Biology aggregate as 151.
- c. You and Your father submitted written statement to the university that the original mark sheet (HSC) will be submitted by 05/09/2019.

Now it appears that-

- a. You deliberately submitted incorrect marks in your online application made to this university.
- b. As per the Mark list submitted by you, you scored only PCB aggregate of 149 and not 151.
- c. You mislead this office and took admission giving wrong information.

In the meantime you have approached the Honorable High Court, and the Honorable Court by order dated 19th September 2019 was pleased to issue a notice to the parties and directed the College (Respondent No.6) not to cancel your admission. In view of above you are called upon to note that;

- a. Your enrollment as a student in this Institution is pending for want of original HSC mark sheet with required marks.
- b. Your eligibility for MBBS course is pending as you are not eligible for the course as per the documents submitted by you.
- c. In such a situation you cannot appear for First MBBS university examination to be held in August/Sept. 2020.

This showcase notice is issued to you to explain, why eligibility should not be rejected for want of documents showing your eligibility.

If you want to submit your say on above issues you should submit it within 7 days, otherwise it will be assumed that you accept and agree to the above. Please acknowledge the receipt of this letter.

ii)

KIMSDU/G-3/3031/2020

Date: 09/10/2020

FINAL REMINDER

To,
Mr. Rajwardhan Vikas Deshmukh,
Deshmukh (Satre) Hospital and Research Centre,
Omkar Colony, Road No. 1, Datta Corner,
Opposite Bus Stand, Kisannagar,
Uran Islampur-415409,
Tal: Walwa, Dist: Sangli, Maharashtra.

Subject : Your ineligibility for MBBS Course.

Reference : 1. Our Show Cause Notice Dated 02.03.2020
2. Our letter dated 11.03.2020 and 20.03.2020
3. Your reply to our letter (11.03.2020) dated 17.03.2020

In reference to the subject and reference cited above we are again enclosing copies of correspondence between you and Krishna Institute of Medical Sciences "Deemed To Be University" as requested by you:

1. Your letter dated 31.08.2019.
2. Your father's letter dated 31.08.2019,
3. Our show cause notice dated 02.03.2020.
4. Your reply dated 06.03.2020 to our letter dated 02.03.2020.
5. Our letter dated 11.03.2020.
6. Your reply dated 17.03.2020 to our letter dated 11.03.2020.
7. Our reply dated 20.03.2020.

In view of the aforementioned correspondence this is to inform you that the final stand of the university is that you are not eligible for MBBS course and cannot appear for the forthcoming 1st MBBS Exam."

4. The petitioner approached this Court and by order dated 19.09.2019, his admission to MBBS was protected. With the passage of time, the petitioner has successfully completed MBBS. He now proposes to pursue post-graduation in medical science and therefore, initially preferred this application for deletion of the remark, which has been recorded on his mark-sheet by the college, which stated that the mark-sheet was issued “subject to the outcome of the decision in the present writ petition.”

5. This Court, by an interim order, directed the respondent-College to return or hand over the petitioner’s mark-sheet and all other related documents.

6. For pursuing post-graduation, the remark on the mark-sheet is said to be an hurdle.

7. Learned Senior counsel for the petitioner makes a statement that the petitioner will file an affidavit to the effect that he would not claim any benefit of SEBC. He will seek admission in open category.

8. In our considered view, in view of interim orders passed in this writ petition, there can be no reversal of the petitioner’s admission. The petitioner has successfully completed the MBBS course. No order of reversal could be passed. We, therefore, dispose of the writ petition, confirming the interim orders passed in this writ petition. The petitioner

is at liberty to pursue post-graduation in open category.

9. The respondent No.6-College shall issue a fresh mark-sheet to the petitioner without the remark, 'Subject to outcome of this writ petition', within a period of two weeks.

10. In view of disposal of present writ petition, interim application also stands disposed of.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]