

jsn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13676 OF 2024

Tanuja Santosh Jadhav

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Vinayak R. Kumbhar with Mr. Aniket Phapale for the Petitioner.

Mr. Sameer Khedekar, for ARA – Respondent No.2.

Sachindra Shetye with Dhanashri Mondkar for the Respondent No.4.

Shri N.C. Walimbe, Addl. G.P. with Smt. T.N. Bhatia, AGP and Shri S.P. Kamble, AGP for State.

Mr. Santosh Parad, for Respondent No.5 – BMC.

CORAM : R.I. CHAGLA AND
ADVAIT M. SETHNA, JJ.

DATE : 24TH FEBRUARY, 2026.

ORDER :

1. Rule. Rule made returnable forthwith. Heard by consent of parties.

2. By this Writ Petition, the Petitioner is seeking quashing and setting aside of the impugned Order dated 14th August, 2024

passed by the Respondent No.2 and directing the Respondents to approve the admission of the Petitioner in the Occupational Therapy Course.

3. The brief facts are as under:-

i. The Petitioner was desirous of securing admission in Medical College for Occupational Therapy Course. The Petitioner was qualified to secure an admission to the Occupational Therapy Course for the Academic Year 2020-21 which is a four years course with 6 months internship. She accordingly applied online to secure the admission to the first year Occupational Therapy Course through the State Common Entrance Test Cell, Maharashtra.

ii. The Petitioner was selected in the Cap Round 1 and she was allotted Dr. Ulhas Patil College of PT, Jalgaon in the Economically Weaker Section ("EWS") quota. In view of the college allotted not being suitable to the Petitioner, the Petitioner waited for the Cap Round

2. The Petitioner came to be allotted Respondent No.5 – College.

iii. The Petitioner secured provisional admission in Respondent No.5 – College on 11th January, 2021 and paid the admission fees. During securing admission, the Petitioner submitted all necessary documents with Respondent No.5 – College.

iv. The Petitioner secured admission with Respondent No.5 – College as candidate belonging to EWS and had submitted a certificate belonging to EWS in the Central Government Format.

v. The Respondent No.5 – College had issued a letter to the Petitioner on 28th July, 2021 calling upon the Petitioner to submit EWS certificate in the State Government Format. The Petitioner was called upon to submit the said certificate as per annexure A format issued by the NEET UG 2020 within a period of 7 days from the date of receipt of the said letter.

vi. The Petitioner submitted the EWS certificate in State Government format as per annexure A vide letter dated 28th July, 2021.

vii. The Respondent No.2 had as per circular dated 1st October, 2021 in respect of admission approval of students in the professional degree / post graduation courses in the Academic Year 2020-21 taken a decision in meeting held during the period May, 2021 and August, 2021 that interested parties can file Review Application along with a fee of Rs.5,000/- in favour of “The Secretary, Admissions Regulating Authority, Mumbai” (payable at Mumbai). Further, it appears that Respondent No.5 – College had pursuant thereto filed Review Application for the students in the Academic Year 2020-21 with the Respondent No.2.

viii. The Respondent No.2 issued a notice to Respondent No.5 - College on 6th January, 2022 calling the Respondent No.5 to remain present for hearing on 12th January, 2022 at 12.45 p.m.

ix. The Respondent No.2 issued an Order dated 10th January, 2022 approving the admission of the students admitted in the First Year Health Science Courses for the Academic year 2020-21. By the said Order, the Respondent No.2 has refused to grant approval to the admission of the Petitioner on the ground that the Petitioner was admitted in State EWS quota but had submitted EWS certificate in Central Government format and therefore, as per NEET UG 2020 Information Brochure, the Petitioner was held not be eligible. It is the Petitioner's case that the said Order dated 10th January, 2022 was never intimated to the Petitioner and therefore she was unaware that her admission had not been approved.

x. The Respondent No.2 had on 17th October, 2022 issued Notice to the Respondent No.3 stating that Review Petition / Application / Proposal has been received for rectification of errors in the admissions of students upto Academic Year 2021-22. By the said Notice, the Respondent No.2 called upon the Respondent No.3 to

examine the case of the student course wise and submit the report in the enclosed specimen A within a period of two weeks, considering the points in the said notice. The Respondent No.3 accordingly issued a notice dated 6th December, 2022 to the Respondent No.5 calling upon the Respondent No.5 – College to submit details of the students with original document with CET Department of the Respondent No.3 for admission error correction for forwarding the same to the Respondent No.2.

xi. The Respondent No.2 by letter dated 6th March, 2024 called upon Respondent No.3 to submit a proposal regarding rectification of errors in the admissions of students upto Academic Year 2022-23. It appears that in the month of February, 2023, the Respondent No.3 in re-verification report stated that the Petitioner and another candidate were admitted in EWS quota and produced EWS certificate in Central Government format at the time of admission and produced EWS certificate in State Government format after cut-off date and not in the same academic year of admission. There was no

provision to issue EWS Certificate of Academic Year 2020-21 during the next academic year when document verification was carried out. Hence, as a one time measure EWS claim can be considered to be valid.

xii. The Respondent No.3 had addressed a letter dated 11th June, 2024 to the Respondent No.2 stating that the re-verification of the admissions of the students has been done and the report regarding the eligible and ineligible students is being forwarded. The Respondent No.3 has submitted a re-verification report of the Respondent No.5 – College. The Respondent No.3 again submitted the report in case of the Petitioner and held that the Petitioner is not eligible for State quota EWS category.

xiii. The impugned Order dated 14th August, 2024 was issued by the Respondent No.2 rejecting case of the Petitioner holding that the case is not supported by the reliable documents / evidence. Accordingly, the present Writ Petition has been filed.

4. The learned Counsel appearing for the Petitioner has submitted that once the Petitioner has been held to be eligible based on the report submitted by Respondent No.3, it was not necessary to again verify the documents of the Petitioner with respect to the admission. The Respondent No.3 had submitted its re-verification report in February, 2022 holding that the EWS claim of the Petitioner can be considered to be valid as a one time measure.

5. The learned Counsel for the Petitioner has submitted that the impugned Order of Respondent No.2 is a cryptic order which only holds that, the Petitioner's case is not supported by reliable documents / evidence and hence admission of the Petitioner in the Respondent No.5 – College for the Academic Year 2020-21 is rejected. He has submitted that this is without considering the re-verification report of the Respondent No.3 which had held that as a one time measure the EWS claim can be considered valid given that the EWS certificate had not been issued during the Academic Year 2020-21 but during the next Academic Years. He has accordingly sought for the setting aside of the impugned Order.

6. Mr. Sameer Khedekar, the learned Counsel appearing for

the Respondent No.2 has supported the impugned Order dated 14th August, 2024. He has relied upon the remark of Respondent No.3 viz. that as per NEET UG 2020 Information Brochure, the candidature of the Petitioner has been held not to be eligible for State Government EWS. This is in view of the EWS certificate in State Government format having not been issued in the same Academic Year 2020-21, but during the next academic year when document verification was carried out.

7. Mr. Walimbe, the learned AGP for the Respondent – State has supported the submission of Mr. Khedekar.

8. We have considered the submissions. By the impugned Order dated 14th August, 2024 the admission of the Petitioner with the Respondent No.5 – College has been rejected overlooking the fact that the Respondent No.3 had as a one time measure, considered the EWS claim of the Petitioner to be valid and approved the admission of the Petitioner in Respondent No.5 – College. Considering that it is the case of Respondent No.2 that the Petitioner failed to submit the EWS certificate, the fact of Petitioner belonging to EWS quota is not disputed. By the rejection Order, the admission of the Petitioner to

Occupational Therapy Course with Respondent No.5 – College has been rejected solely on the ground that the Petitioner had not submitted the EWS certificate in State Government Format in time i.e. in the same Academic Year 2020-21 of admission. It is pertinent to note that upon re-verification of the Petitioner's admission carried out by the Respondent No.3 as borne out from the re-verification report submitted in the month of February, 2023 to Respondent No.2, the EWS claim of the Petitioner has been considered to be valid. It is based on said report that the Petitioner had been held to be eligible for admission. Once the admission was held to be eligible, there was no occasion for Respondent No.3 to again verify the document and issue verification report to the Respondent No.2 holding that the Petitioner is not eligible for State quota EWS Category.

9. The Petitioner would suffer grave prejudice if the impugned rejection letter is not set aside, particularly in view of the the Petitioner having secured admission in the Academic Year 2020-21 and having now completed the course. The Respondent No.2 in our considered view could not have cancelled the admission of the Petitioner on the ground that the Petitioner failed to submit EWS certificate in the State Government format in the same Academic Year

2020-21, having accepted as a one time measure the validity of the EWS claim of the Petitioner.

10. We accordingly find merit in the present Writ Petition. There is no changed circumstance which has led to the Respondent No.2 departing from its earlier decision to allow the Petitioner's claim of EWS status for granting admission. The impugned order now rejecting the Petitioner's admission in Respondent No.5 – College requires to be set aside.

11. We accordingly allow the present Writ Petition. Hence, the following Order:-

(i) The impugned Order dated 14th August, 2024 passed by Respondent No.2 is quashed and set aside.

(ii) The Respondent No.2 is directed to approve the admission of the Petitioner in Occupational Therapy Course of Respondent No.5 – College.

(iii) Considering that when the Petition was filed, the Petitioner

was in the last year of the degree course and as of today, has completed the degree course, the Respondent No.3 is directed to issue the Mark Sheet of the Petitioner to the Respondent No.2, who in turn shall issue the same to the Petitioner within a period of two weeks from today.

(iv) The Writ Petition is accordingly made absolute. There shall be no order as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA J.]