



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8384 OF 2014

Fareed Ahmed s/o Imran Ali Khan .... Petitioner

VS

1 The State of Maharashtra and  
5 ors. .... Respondents

Mr. Shrihari Aney, Senior Advocate with Mr. Rasheed Haque and Mr. Kiran Mohite and Ms. Ishita Bhagat I/by Mr. Kiran Mohite, for the petitioner.

Ms. S.S. Bhende, AGP for respondents/State.

**CORAM: ANOOP V. MOHTA AND  
F. M. REIS, JJ.**

**DATE : September 24, 2014**

**ORAL JUDGMENT (Per Anoop V. Mohta, J.):**

The Petitioner, being Muslim and belongs to Special Backward Category-A Category, invoked Article 226 of the Constitution of India, for alleged non-implementation of Government Resolution dated 19 July, 2014 issued by the Majorities Development Department of Respondent No.3, the Competent Authority carving out 5% reserved for Special Backward (A).

2 By filing the present Petition on 14 September 2014 prayed to direct to make available 5% seats as per the Resolution for granting admission to Health Sciences course for academic session 2014-15 in the State of Maharashtra.

3 Respondents 1, 3 and 6 filed its affidavit on 22 September 2014 apart from merit averred as under :

“5 I also submit that the fourth selection list for drop out seats for MBBS and BDS Courses is declared on 19.9.2014 and all the seats for MBBS course at Government College has been allotted to eligible candidates in this round. The last date of joining for drop out round is 23.09.2014.

6 I say that in Clause 7 of the Government Resolution dated 19.7.2014 it is clarified that for implementation of reservation policy in Government, Private Aided and Unaided Medical Colleges Medical Education and Drugs Department has to issue separate directions. Accordingly, Medical Education and Drugs Department, issued a Government

Resolution dated 8.8.2014 wherein it is clarified that provisions of Government Ordinance dated 9.7.2014 should be strictly complied with. Hereto annexed and marked as Exhibit 2 is copy of the Government Resolution dated 8.8.2014.

In view of provision 18 (2) from Government Ordinance dated 9.7.2014, Petitioner is not entitled for any reliefs claimed in the petition for the admission process of MH-CET 2014 and the petition may be disposed of.”

4 In view of Maharashtra Ordinance NO.XIV of 2014 dated 9 July 2014 i.e. An Ordinance to provide for reservation of seats for admission in educational institutions in the State and of appointments or posts in the public services under the State to the Special Backward Category-A (SBC-A) in the State of Maharashtra for their advancement and for matters connected therewith or incidental thereto and in particular clause 18(2), the learned senior counsel appearing for the Petitioner, on instructions, makes statement that they are not pressing this Writ Petition as prayers are for 1st Year MBBS Course for Academic Session 2014-2014 in

any Government Medical College in State of Maharashtra.

5 In view of above, we are disposing of the present Petition  
with liberty. No costs.

**(F. M. REIS, J.)**

**(ANOOP V. MOHTA, J.)**