

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2868 OF 2026**

Janseva Mandal Trust Sai
Homeopathic Medical College & Anr. ...Petitioners
Vs.
State of Maharashtra & Ors. ...Respondents

Mr. Rajaram Bansode i/by Sheetal Ubale for the Petitioners.
Ms. Priyanka Chavan, AGP for State.
Ms. Meghna Gowrani a/w Bharti Gerella for Respondent No.4.
Mr. Shantanu Patil i/by Shrikrishna G. for Respondent Nos.7 and 8.
Ms. Purnima Awasthi (through VC) for the Respondent.

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

DATED : 18TH MARCH, 2026

PC.:-

1. By this Writ Petition, the Petitioner is seeking a direction to Respondent-authorities particularly Respondent No.4-State CET Cell to initiate a new admission process through institutional level round at Petitioner No.2-college under the control and supervision of Respondent No.4-State CET Cell to fill up 24 vacant seats out of 53 sanctioned seats of UG-BHMS Degree course for A.Y. 2025-2026 from the all eligible candidates.

2. This is the second round of proceedings instituted by the Petitioner. In the first round, the Petitioner had also sought initiation of admission process through institutional level round at Petitioner No.2-college for

filling up the vacancies. The learned counsel who had appeared for Respondent No.4-State CET Cell had on instructions stated that in the event there is extension of cut off date for admission for the BHMS process for A.Y. 2025-2026, the schedule would accordingly be modified which would not disturb the process. This statement had been accepted. Accordingly, the revised cut off date was extended by a period of six working days i.e. till 24 February 2026 for filling up of the said vacancies of UG-BHMS degree course by the stray vacancy round.

3. The present Petition has been filed in view of the 24 vacant seats remaining after the extension and holding of the stray vacancy round.

4. Learned counsel appearing for the Petitioner has referred to the prior orders passed by this Court including the orders dated 11 November 2025 in Writ Petition No.15047 of 2025 wherein this Court had considered a similar situation as in the present case where the vacant seats were remaining after the holding of stray vacancy rounds and a view had been taken in light of the order dated 25 October 2024 passed in Writ Petition No.12646 of 2024 viz. in identical circumstances and accordingly, this Court had directed the vacant seats to be filled up by institution through institutional level round with prior approval of competent authority in view of all cap rounds having been over.

5. This Bench had also followed the above decision in Writ Petition No.3058 of 2026 along with Writ Petition (St.) No.7668 of 2026-order

dated 12 March 2026 which was with regard to the vacant seats remaining after the holding of all cap rounds including stray vacancies for the UG course. The view taken by this Court in line with prior decisions concerning UG course (which is the course with which we are concerned here) that the applicable Rule viz. Rule 16 of PG course which is paramateria with Rule 14 of PG course provides for the holding of institutional rounds for filling up of vacancies. *Ad interim* relief had accordingly been granted upon a *prima facie* view being expressed by this Court that vacancies for such new courses are required to be filled up by the Petitioner-institution by holding of institutional level rounds after all cap rounds including stray vacancy rounds were exhausted. We are inclined to follow the consistent view taken by this Court and pass similar *ad interim* order in the present case.

6. We note the submission made by the learned counsel appearing for Respondent No.4-State CET Cell that the same relief had been sought for in the first round of proceedings namely Writ Petition No.2018 of 2026. She has referred to the said order dated 12 February 2026 and has submitted that already the cut off date has been revised by extension by a period of 6 working days i.e. till 24 February 2026 and by now holding institutional level rounds, the entire schedule would be disturbed and the mandatory 272 working days may not be met by the institution.

7. The learned counsel appearing for the Petitioner states on instructions that the Petitioner-institution will meet the requirement of 272

working days with respect to the UG-BHMS degree course for A.Y. 2025-2026 in Petitioner No.2-college. The statement is accepted.

8. In view of the above statement and giving due consideration to the prior decisions passed by this Court as well as the relevant Rule 16 of the Rules framed under the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015, we grant ad interim relief by directing the Respondent No.4-State CET Cell to immediately initiate the admission process through institutional level round at Petitioner No.2-college under its control and supervision for filling up the 24 vacant seats out of the 53 sanctioned seats of UG-BHMS Degree course for A.Y. 2025-2026 from all eligible candidates. The institutional level round shall be held forthwith and concluded within a period of one week from today.

9. The Writ Petition shall be placed along with Writ Petition No.3058 of 2026 and Writ Petition (St.) No.7668 of 2026 on 27 April 2026 for hearing at the admission stage.

10. The pleadings shall be completed by the Respondents as well as the Petitioner prior to the next date.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]