
(2013) 08 BOM CK 0075
In the Bombay High Court
Case No : Writ Petition No. 3683 of 2013

Shubham

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 20-08-2013

Acts Referred:

Constitution of India, 1950 — Article 162
Maharashtra Land Revenue Code, 1966 — Section 4, 5
Maharashtra Zilla Parishad and Panchayat Samitis Act, 1961 — Section 2(3), 2(43)

Citation : (2013) 6 ABR 540 : (2013) 6 ALLMR 23 : (2014) 1 BomCR 63 :
(2013) 6 MhLj 828

Hon'ble Judges : B.P. Dharmadhikari, J;A.S. Chandurkar, J

Bench : Division Bench

Advocate : Anand Parchure, J.T. Gilda, for the Appellant; B.H. Dangre, AGP, for the Respondent

Judgement

B.P. Dharmadhikari, J.—Considering the fact that the matter pertains to MBBS admission of a student to Medical course and involves an issue about hilly area reservation, with consent, we have heard respective Counsel at length by issuing Rule and making it returnable forthwith. We also extended opportunity to learned Advocate J.T. Gilda with Advocate A.J. Gilda appearing for intervenor student and perused reply/affidavits filed by him. At first hearing on 17th July, 2013, we have passed following order:--

CORAM: B.P. Dharmadhikari & A.S. Chandurkar, JJ.

DATED: 17th JULY 2013.

Advocate Shri Parchure states that there is no independent Junior College or then similar facility for taking education in 11th or 12th standard at Semadoh and hence, all students are required to go to adjacent places. Semadoh is an hilly area and the petitioner has taken education in adjacent Dharni Tahsil, which is also included in the Hilly area.

In this situation, notice, returnable on 23.07.2013.

Additional Government Pleader Mrs. B.H. Dangre waives notice for respondent.

One seat shall be kept reserved for the petitioner in the meanwhile.

JUDGE

NEET UG 2013 information brochure Health Science Courses contain relevant Rules on this aspect. Following provisions regulate the claim for reservation to hilly area:-

Rule 3.8-- Hilly Area (HA) means hilly areas as per the resolutions issued by the Government of Maharashtra from time to time (Annexure - F).

Annexure-F is about additional weightage claim. Relevant Annexure with which we are concerned here is Annexure E - Hilly Area (HA) Reservation. It reads:--

ANNEXURE - E HILLY AREA (HA) RESERVATION

As per G.R. No. MED-1003/CR 641/03/Edu-2, dated 16/3/2004, 3% seats at Govt./Municipal Corporation Medical colleges are reserved for the candidates from Hilly Areas.

In accordance with G.R. issued by the Govt. of Maharashtra MED Dept. G.R. No. MED-1002/3852/CR-617/02/Edu-2, dated 17/4/2003 and resolutions issued by Govt. of Maharashtra from time to time, the candidates claiming seat under HA claim should satisfy following criteria to be eligible.

- (i) Domicile Certificate of the parent stating that he/she is domicile in the village declared as a Hilly area specified in the Table for the respective Regions (Rest of Maharashtra/Vidarbha/Marathwada. As per the latest list issued by concerned Department). The said certificate should be obtained from the concerned Revenue Department Officer (Tahsildar and Above).
- (ii) To avail the benefit of HA claim, the candidate must appear at NEET UG - 2013 examination.
- (iii) The Competent Authority shall select the candidates claiming HA, on the basis of their Merit at NEET UG - 2013 examination.
- (iv) The constitutional reservation is provided under these HA claim seats.
- (v) The candidate should pass SSC/HSC (or equivalent) examination from School/Junior College situated in the hilly area of his/her domicile or if not so, at the most, from a School/Junior College situated in the taluka of his/her parent's domicile.

The Hilly areas belonging to all the three regions (Rest of Maharashtra, Vidarbha, Marathwada) in Maharashtra State are available at website of DMER i.e. www.dmer.org.

2. Hilly area for Amravati district are given in G.R. Dated 17.4.2003 at Sr. No. 1 in its Appendix "B". It is entire Taluks/Tahsils of Dharni and Chikhaldara. Petitioner in his writ petition states that he is permanent resident of village Semadoh, Tah. Chikhaldara, District-Amravati. He studied in school at Semadoh from Standards I to IVth. He completed standards Vth to Xth in a reputed school at Paratwada, Tah. Paratwada. Standard XI & XII are cleared by him from attending a school at Dharni where his father is in service of a private school as Laboratory Attendant. Thus, except for standards 5th to 10th his remaining education from 1st to 12th class, has been in the hilly area.

3. Petitioner has urged that school to suit his father's budget was not available in Semadoh or then in Chikhaldara Tahsil and hence, he cleared 11th & 12th from another but adjacent Tahsil-Dharni where his father is in service. The Respondents as also Intervenor student urge that there were good schools in sufficient number in Chikhaldara Tahsil itself and hence, obtaining 12th i.e. HSSC qualification from other Tahsil in which he is not domiciled is rightly held to disqualify him.

4. The petitioner student, by placing reliance upon the certificate of Age, Nationality and Domicile submits that he and his father are both domiciled in village Semadoh (Tah. Chikhaldara) and father of Petitioner is in service in adjacent Tahsil-Dharni. Schooling at Dharni was affordable and better as compared to Chikhaldara. Hence, Petitioner completed his 11th & 12th class education and passed out HSSC examination from Dharni, which is another Tahsil but a hilly area. According to him, Rule/Clause (v) enables Petitioner to pass either SSC or HSSC examination from the School or Junior College located in the hilly area of his parents domicile. It also accepts passing of either of these examinations from an institution in the Tahsil of his father's domicile. Thus, clearing 12th HSSC from Dharni, in the facts and circumstances, can not disqualify him. This provision can not be used to deny the benefit of reservation to the petitioner. He points out that one Saurabh Manohar Parwe, domicile of Dharni cleared XIIth examination from Deepshikha Gurukul Sainik School at Chikhaldara and Respondents accepted and extended to him the benefit of reservation.

5. One Ram Kolhe, a student has filed CAW No. 1829 of 2013 seeking intervention urging that he/his parents are domicile of Dharni and he has cleared both i.e. SSC & HSSC examinations from school at Dharni. His entitlement is prejudiced because of the Petitioner's claim who does not qualify for reservation though the Petitioner has scored more marks. This intervenor has filed an affidavit on 22.7.2013 pointing out Petitioner's education in a reputed school at Paratwada in non-hilly area. He states that father of the petitioner works since 1994 in a school at Bairagad, Tahsil - Dharni, which is 50 Kms. away from Semadoh. The petitioner did not take education from 5th to 10th at Semadoh, Tahsil - Chikhaldara, though the facilities were available. He has given names of four such schools in Chikhaldara Tahsil and has accused the petitioner of

misleading this Court. He has filed another affidavit to show his schooling and entitlement. We may note here that right of said student Ram to be considered as per merit for benefit of hilly area reservation is not in dispute. The petitioner has on 31.7.2013 filed an affidavit attempting to show how the Schools pointed out by the intervenor were not either available or suitable for him. Intervenor Ram has on 1.8.2013 filed counter to it urging that Petitioner's father was Secretary of the school at Dharni where he later started working as an employee. Petitioner's father Satish has a big house at Paratwada and he is a well-to-do man. He has also urged that Schools pointed out by him as available to the petitioner in Chikhaldara are at a distance of 40 Kms. and 25 Kms. From Semadoh.

6. Learned Additional Government Pleader Relies upon the reply affidavit filed by the Respondent on 24.7.2013 to submit that had Petitioner cleared either 10th or 12th examination from Semadoh/Chikhaldara Tahsil, he would have qualified for hilly area reservation in terms of 2013 procedure for MBBS admissions. Additional affidavit filed on 30.7.2013 is also relied upon to demonstrate that total 14 Junior College work in Chikhaldara and five of them also have science faculty. Names of these five Colleges are also disclosed with contention that the petitioner could have taken admission in any of it in Chikhaldara Tahsil only.

7. Advocate Parchure, on behalf of the petitioner - student relies upon the Rules contained in NEET UG -2013 published by the State Government, particularly Appendix E therewith to argue that as per its Rule (v), only requirement is of passing either the twelfth examination from Junior College situated in the hilly area of father's domicile or then in the Tahsil of such domicile. Here, as suitable Schools/Colleges do not exist in Semadoh or Chikhaldara, Petitioner was constrained to pass 12th HSSC from Dharni where his father is in permanent service. Dharni is also part of same hilly area and hence, petitioner can not be held, not eligible to reservation only because it is outside Chikhaldara Tahsil. He requests the Court to keep in mind the intention behind providing such reservation and to construe the Rules accordingly.

8. Learned Add. G.P. as also Advocate Gilda strongly oppose these contentions. They point out that there is no prayer to the Rules as framed and there is no ground to dispute its constitutionality or challenge to literal implementation. Petitioner only took primary education at Semadoh and then went to proper Paratwada which is an independent Tahsil. There he completed his 5th to 10th class education through a School of reputation. Thereafter, he came back to another hilly area viz. Dharni and took admission to a school to complete 11th & 12th. He could have completed it from Paratwada school only or then from any of five Junior colleges in Chikhaldara Tahsil. Thus, the requirement of passing 10th or 12th examination from Tahsil of his parents domicile is not fulfilled. As Rule/ clause (v) of the Admission Rules is not met with, Petitioner can not become eligible to hilly area reservation. Advocate Gilda has relied upon several judgments to contend that rule of literal interpretation needs to be adhered to

and there is no scope for invoking the concept of reading down. As the reservation is a benefit or concession extended in particular circumstances, norms prescribed therefore must be strictly and fully complied with as otherwise students not legally eligible will get the entry. We find it appropriate to refer to those rulings little later and at appropriate juncture.

9. As per criteria prescribed by NEET-UG 2013, Petitioner is being found not eligible to claim concession because of Rule (v). He has given necessary domicile certificate of himself and his father. Rule (i) warrants a domicile certificate of the parent stating that he is domicile in the village declared as hilly area specified in the Table for respective regions. For Amravati region, hilly area as specified is 1-Chikhaldara and 2-Dharni. Geographically, Melghat is a vast forested tract spread over two Tahsils of Amravati district, i.e. Chikhaldara and Dharni. It covers a geographical area of about 4,426 km². Of this, 3,630 km² is in Chikhaldara. This Tahsil retains its dense forest cover because of its comparatively low population--about 76,000 people in 197 villages. The 796 km² of Dharni Tahsil have fewer forests. In revenue administration, Dharni is the subdivision in which these two Tahsils are situated. The district is mainly divided into two geographical regions, the Melghat hilly area of Satpuda range and plain area. The prominent hill range in the District is the Gawilgarh hill which is located in the North West of district in Melghat area of Chikhaldara Tahsil. Thus, for present purposes, it can be seen that Melghat hilly area of Satpuda range which occupies both the Tahsils and because of this position, both these adjacent Tahsils bordering each other are identified and notified as a hilly area. Domicile certificates issued to Petitioner Shubham and his father Satish show that they are of village Semadoh, Tah. Chikhaldara, District-Amravati. Both are shown to have been born at Semadoh and domiciled in Maharashtra. It does not show them as domiciled in Semadoh or even in hilly area.

10. Concept of village is in Maharashtra Land Revenue Code, 1966, while the concept of block can be found in Maharashtra Zilla Parishad and Panchayat Samities Act, 1961. As per S. 4 of the Land Revenue Code, the State Government by notification in official gazette specify the districts which constitute a division, the subdivisions which constitute a district, the talukas which constitute a subdivision, the villages which constitute a taluka, the local area which constitute a village. Proviso to this section also enables a wadi and area outside Gaathan limits of village to be a village, if population of such wadi/area is not less than 300. Sub-section (2) then deals with arrangement of villages in prescribed manner to form saza, sazas in taluk to form a circle. Small hamlets with population of less than 300 outside village area do not qualify and may not always be recognized as a village. These small hamlets will be in taluk/Tahsil but still will not form part of village, if a domicile of particular village is necessary. S. 2(43) defines village to include a town or city and all the land belonging to a village, city, town. S. 2(3) of the Maharashtra Zilla Parishad and Panchayat Samities Act defines "Block" to mean such local area in a District as the State Government may by notification declare to be Block under S. 5. As per

S. 4, the Districts formed under Land Revenue Code are recognised to be the districts also for ZP Act. S. 5 stipulates that for the purposes of Zilla Parishad Act.

11. Perusal of appendix 2 with the GR dated 28.1.2010 shows that State recognizes talukas i.e. Tahsils of Chikhaldara and Dharni as hilly taluk for Amravati. Entire taluk or group is recognized as hilly taluk. Thus, small habitations with less than 300 population or a group of few huts/houses also is a part of hilly area. This becomes clear when said appendix is read in contra-distinction with other entries like Aurangabad, Malvan or Beed are seen where only part of taluk is identified and notified as Dongari i.e. hilly. In Konkan division, some villages as named therein are only accepted as hilly area in taluks like Vasai and Bhivandi in Thane district. GR dated 17.4.2003 in its appendix "B" also shows that entire Tahsil of Chikhaldara and Dharni is notified as hilly area for Amravati. As against this, for Yavatmal district, only few villages Pusad and Umardhed Tahsils are so notified. Thus, in taluks/Tahsils where only some villages form hilly area, one gets villages both in hilly area and in plain area. When entire Tahsil is part of hilly area or constitutes hilly area, there is no scope to have villages therein not declared or declared as hilly area. The situation will be different when village itself is declared as hilly area.

12. Before proceeding further, we will like to briefly refer to various precedents relied upon by Advocate Gilda. In *Ku. Madhu Mittal Vs. State of Madhya Pradesh and Others*, Hon'ble DB interprets the term "bona fide resident" to mean residence with domiciliary intent (See *N. Vasundara Vs. State of Mysore and Another*,). Merely, because the petitioners' grandfather had come to reside with his son for the last two years employed in the Bharat Heavy Electricals Ltd., Bhopal, did not mean that he was a bona fide resident of Madhya Pradesh within the meaning of Explanation 5 of R. 1.4 (iii) of the Rules of Admission. Explanation 1 defined bona fide resident in relation to a candidate. The domicile requirement of a Freedom Fighter should not be different from that of a candidate and as such by analogy, residence for two years with a son employed in a public undertaking in M.P. could not indicate the requisite domiciliary intent. The action of not allowing admission in the Freedom Fighters category under Admission Rules was upheld by Court. High Court has held that reservation is a concession. A candidate seeking to take advantage of such concession must fulfill all the conditions laid down under the rule. It is not open to a person seeking benefit of a concession to say that a particular condition in the said rule is unreasonable and he should be allowed to take advantage of the concession without fulfilling the requirements of the rule. Therefore, the candidate who wants to take advantage of the concession can do so only if they fulfill all the conditions mentioned therein in the Rule. In *Ajay Pradhan Vs. State of Madhya Pradesh and Others*, Hon'ble Apex Court interprets Rule 10 of the Madhya Pradesh Selection for Post Graduate Courses (Clinical, Para-clinical and Non-clinical Courses) in Medical Colleges of Madhya Pradesh Rules, 1984, framed under Article 162 of the Constitution of India. It holds that it must interpret Rule 10 by the written text. If the precise words used are plain and unambiguous,

Courts are bound to construe them in their ordinary sense and give them full effect. The argument of inconvenience and hardship is a dangerous one and is only admissible in construction where the meaning of the statute is obscure and there are alternative methods of construction. Where the language is explicit its consequences are for the Parliament, and not for the courts, to consider. In *National Insurance Co. Ltd. Vs. Laxmi Narain Dhut*, , Hon"ble Apex Court in paras 27 & 28 states "Golden rule" of interpretation of statutes that statutes are to be interpreted according to grammatical and ordinary sense of the word in grammatical or literal meaning unmindful of consequence of such interpretation. It was the predominant method of reading statutes. More often than not, such grammatical and literal interpretation leads to unjust results which the legislature never intended. The golden rule of giving undue importance to grammatical and literal meaning of late gave place to "rule of legislative intent". Hon"ble Apex Court states that the world over, the principle of interpretation according to the legislative intent is accepted to be more logical. When the law to be applied in a given case, principles of interpretation of statute prescribe that the court has to ascertain the facts and then interpret the law to apply to such facts. Interpretation cannot be in a vacuum or in relation to hypothetical facts. It is the function of the legislature to say what shall be the law and it is only the court to say what the law is. In *Guru Jambheshwar University through Registrar Vs. Dharam Pal*, , Hon"ble Apex Court reiterates well-settled principle that the words of a statute are first understood in their natural, ordinary or popular sense and phrases and sentences are construed according to their grammatical meaning, unless that leads to some absurdity or there is something in the context or in the object of the statute to suggest to the contrary. The true way is to take the words as the legislature have given them, and to take the meaning which the words given naturally imply, unless where the construction of those words is, either by the preamble or by the context of the words in question, controlled or altered. As is often said the golden rule is that the words of a statute must prima facie be given their ordinary meaning and natural and ordinary meaning of the words should not be departed from unless it can be shown that the legal context in which the words are used, requires a different meaning. (See *Principles of Statutory Interpretation* by Justice G.P. Singh, 9th Edn., 2004, pp. 78-79.) Crais, 7th edition, part of Chapter 5 with heading "I-Meaning and Legal effect distinguished" is also pressed into service to highlight the literal rule of construction. In *M. Satyanarayana Vs. State of Karnataka and Another*, , Hon"ble Apex Court holds that reservations in favour of sons of political sufferers are considered to be belonging to a special category and has a rationale behind it. Those who are political sufferers undergo certain disadvantages and pass on such disadvantages to their children who are in a worse position than the children of those who are not political sufferers for the purpose of taking adequate education, attention etc. because their parents might have languished in any prison or might have been deprived of property. Political sufferer should, therefore, be an identifiable person who could be recognised as such on certain rational basis. Hon"ble Apex Court, therefore, finds it manifest that a person to

be a political sufferer must have suffered in any one of the five ways stated in sub-clauses (i) to (v) of clause (b). It further holds that if the expression "and" in clause (a) is read independently then there was no need for him to suffer at all and mere participation would be enough to make him a political sufferer. That would defeat the rationale behind the rule. It would, therefore, frustrate the intention and purpose of the legislature. The expression "and" in these circumstances has not been read disjunctively.

13. We may also point out two judgments relied upon by Advocate Gilda on reading down. In *State of Rajasthan and Others Vs. Sanyam Lodha*, , before the Hon"ble Apex Court, the learned counsel for the respondent had submitted that the High Court has not declared Rule 5 to be invalid, but has merely read it down, to save it from being declared as unconstitutional and such reading down is permissible in law. Hon"ble Apex Court states that any provision of an enactment can be read down so as to erase the obnoxious or unconstitutional element in it or to bring it in conformity with the object of such enactment. Similarly, a rule forming part of executive instructions can also be read down to save it from invalidity or to bring it in conformity with the avowed policy of the Government. When courts find a rule to be defective or violative of the constitutional or statutory provision, they tend to save the rule, wherever possible and practical, by reading it down by a benevolent interpretation, rather than declare it as unconstitutional or invalid. However, it holds that such an occasion did not arise in case before it as there was no challenge to the validity of Rule 5 and the parties were not at issue on the validity of the said Rule. Apex Court was, therefore, of the view that in the absence of any challenge to the Relief Fund Rules and an opportunity to the State Government to defend the validity of Rule 5, the High Court ought not to have modified or read down the said Rule. The Division Bench of this Court in *Life Insurance Corporation of India Vs. Deputy Collector and Others*, , holds that when the statutory provision enacted by the competent legislature is clear and unambiguous, it must be applied as it is. The principle of "reading down" the legislative enactment has been evolved to save a provision from the vice of unconstitutionality and is never intended to be applied to restrict the full effect of the statutory provision enacted by the competent legislature when such provision does not suffer from the vice of unconstitutionality.

14. The petitioner is being denied advantage of the reservation because of last Rule in "Annexure E" supra. It is the objection that he has passed HSSC examination from School at Dharni which is independent Tahsil and Petitioner ought to have passed said examination from an institution within Chikhaldara Tahsil only. Hence, after ascertaining the facts of the case at hand, we have to find out the situations addressed to by Rules contained in Annexure E. If the said provisions can be read and applied as they are, there is no need to take recourse to any principles of interpretation. The Respondents insist for literal interpretation while the Petitioner, on facts, argues that Rule 5 can not be used in his case. We find that it is principle of literal interpretation only that needs to be

resorted to in present matter. Rule (i) of Annexure E contemplates parents' domicile in a village declared as hilly area. As already noticed above, the notification in relation to Amravati district does not disclose any village as a hilly area. The notification dated 17.04 2003 declares entire area/expanse of Dharni and Chikhaldara Tahsils as hilly area. Notification dated 18.01.2010 does not change this position. In the light of consideration of concept of village as understood in MLR Code, it becomes apparent that small hamlets of few houses or clusters located anywhere in either of the Tahsils are, therefore, included in the hilly area and qualify as such. In other districts, where only some villages are notified as hilly area, such small hamlets or clusters situated beyond the village boundary shall not constitute hilly area and its residents do not get the advantage of this otherwise benevolent provision. Logic behind notifying, in some cases, only few villages and in present case, the entire revenue area of two adjacent Tahsils and its validity is not brought in dispute in this litigation, either by the petitioner or then the intervenor, Parents' stay in a particular village itself assumes importance in Rule (i) of Annexure E because only said village is declared as a hilly area. Ward of parents residing in a nearby hamlet or another village will not be eligible for the concession. In this light, when Rule (v) of said Annexure is perused, the emphasis therein is on such ward/candidate passing his either Xth i.e. SSC or XIIth i.e. HSSC examination from the hilly area of his/her parents domicile. The insistence on village-domicile in Rule (i) is not found in Rule (v). Rule (v) stipulates a rather more broad concept of domicile in the hilly area i.e. entire hilly area without reference to any other boundary limitations or restrictions. The certificates relied upon here do not disclose and parents of petitioner are not shown as domiciled in particular Tahsil or then in any area by name Chikhaldara hilly area. The domicile certificates issued to Petitioner or his father Satish do not show that they are not residing in hilly area of Dharni and Chikhaldara. There is nothing before the Court to hold that State Government has notified two different hilly areas for Amravati. The otherwise contiguous hilly area spread in Dharni and Chikhaldara is not divided in to two hilly areas corresponding to two Tahsils formed only to facilitate the revenue administration.

15. There is dispute between parties about availability of a suitable school for petitioner in Chikhaldara Tahsil. But, in given case, it may happen that a candidate residing near border between two such Tahsils may find the school in other Tahsil near or more suitable and opt for it. When the hilly area spread in both such Tahsils is one and same or identical geographically, the candidate faces same degree of difficulty whether he attends the school in his own Tahsil or neighbouring Tahsil. Determination of suitability of a school by such candidate will definitely depend on various factors, some of which will be personal and vary from candidate to candidate. Needless to mention that such choice will be mostly subjective. Imposing any barrier artificially and dividing otherwise contiguous terrain in to two is not envisaged either by Rule (i) or (v) of Annexure E. Rule (v) contemplates passing of HSSC examination by Petitioner from a School or Junior College from the hilly area of his parent's domicile and this condition is fulfilled

in present matter. When candidate does not pass either Xth (SSC) or XIIth (HSSC) examination from the hilly area of his/her parents domicile, he can still qualify if he clears said examination from Tahsil of domicile of his parents. It is writ large that this contingency is attracted only when, the place of parent's domicile in the Tahsil is within hilly area and remaining part of that Tahsil is not notified as hilly area or is then notified as another or distinct hilly area. This scheme is in consonance with requirement of Rule (i) which is attracted when village is declared as hilly area. But here Petitioner has passed 12th standard i.e. HSSC from the hilly area of his parents domicile only. Dharni, though a different revenue Tahsil, is not a distinct or independent hilly area. With the result, Civil Application (CAW) No. 1829 of 2013 for intervention is allowed. The petitioner to add intervenor accordingly in array of parties forthwith. The writ petition is also allowed and the Respondents are directed to treat the petitioner as candidate from the hilly area and to consider him for admission accordingly to MBBS course as per his merit and law. Rule is made absolute in above terms. However, in the facts and circumstances of the case, there shall be no order as to costs.

At this stage, Shri Gilda, learned counsel for the intervenor/applicant, seeks continuation of interim order, as operating, for a period of four weeks. He states that 30th September 2013 is the last date for taking admission, hence, if the position as prevailing is continued till then, no prejudice will be caused to anybody. According to him, intervenor gets admission in Nagpur Government Medical College, as per his merit.

Shri Parchure, learned counsel for the petitioner states that as the intervenor is found eligible only after discarding claim of the petitioner, the petitioner is entitled to admission at Nagpur. He further submits that the parties succeeding before the Hon''ble Apex Court can be shifted to appropriate College.

Mrs. Dangre, learned Additional Government Pleader points out that though 30th September 2013 is the last date for taking admission, the courses are commencing from the first week i.e. 1st September 2013 only.

In this situation, we are not inclined to grant any interim direction, as prayed for, as the petitioner as also intervenor must join the courses from its very commencement. If the intervenor succeeds, he can be given seat at Nagpur and in that event, if the petitioner is eligible for any other seat because of his claim as a candidate from Hilly Area, he can be accommodated against such other seat.