

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6285 OF 2026

Dr. Mital Lahanu Sonawane

... Petitioner

V/s.

State of Maharashtra & Ors.

... Respondents

Ms. Pooja Thorat a/w. Mr. Amar Bodke for the Petitioner

Ms. Tanu Bhatia, AGP for Respondent - State

Mr. Anand Kulkarni for Respondent nos. 4 and 5

Mr. Dhananjay Deshmukh for Respondent no.6

Mr. Ganesh Gole a/w. Mr. Kunjan Makwana, Mr. Bhavin Jain for Respondent no.7 -
NMC

Ms. Dhruti Kapadia a/w. Ms. Kavita Dhanuka for CET Cell

Dr. Chandarani Patil, ADHS present

CORAM : R. I. CHAGLA AND
FARHAN P. DUBASH, JJ.RESERVED ON : 21st JULY 2026
PRONOUNCED ON : 5th AUGUST 2026

JUDGMENT (Per Farhan P. Dubash, J.) :

1. By the present Writ Petition, the Petitioner seeks a direction to Respondent No. 6 – National Board of Examinations in Medical Sciences (**“NBEMS”**) to register the Petitioner as a postgraduate student for the Diplomate of National Board in Ophthalmology (**“DNB Ophthalmology”**) course at Respondent No. 5 – College.

2. The Petitioner is a Group 'A' Medical Officer in Government service. Having completed more than three years of service in August 2025, she became eligible to avail of the benefit of the in-service quota for admission to postgraduate medical courses. With a view to securing such admission, the Petitioner appeared for the NEET-PG 2025 examination held on 3rd August 2025. Upon declaration of the results, the Petitioner was not eligible to participate in the first and second rounds of counselling and became eligible to participate only in the third round, which commenced on 5th February 2026. The Petitioner accordingly submitted her preference form under the in-service quota, indicating her preferences for both MD/MS and DNB seats.
3. On 13th February 2026, Respondent No. 2 – State CET Cell published the selection list for DNB seats, pursuant to which the Petitioner was allotted a DNB Ophthalmology seat at Respondent No. 5 – College, with a last date for joining of 17th February 2026. Thereafter, on 15th February 2026, Respondent No. 2 published the selection list for MD/MS seats, pursuant to which the Petitioner was also allotted an MS Ophthalmology seat at Swami Ramanand Teerth Rural Medical College, Ambajogai, Beed, with a last date for joining of 19th February 2026.
4. The Petitioner elected to retain the DNB Ophthalmology seat allotted to her at Respondent No. 5 – College. She accordingly paid the requisite fees and

completed the admission formalities at the said institution. The Petitioner also informed the Dean of Swami Ramanand Teerth Rural Medical College that she would not be accepting the MS Ophthalmology seat allotted to her.

5. Ms. Pooja Thorat, learned Counsel appearing for the Petitioner, submits that candidates admitted to DNB courses are required to register themselves on the NBEMS “Online Portal for Joining and Registration” (*“OPJR”*), the last date for such registration being 9th April 2026.
6. Ms. Thorat submits that although the Petitioner reported to Respondent No. 5 – College on 16th February 2026, she continued to serve as a Government Medical Officer and was formally relieved from Government service only on 30th March 2026. The Petitioner thereafter physically joined the DNB Ophthalmology course on 31st March 2026.
7. It is submitted that when the Petitioner attempted to register herself on the OPJR on 1st April 2026, she was unable to do so, as the following error message appeared on the portal:

“Allotment entry has been failed due to non-availability of seats or date of submission has been over or counseling date is not as per the notification by MCC/MC. Please try again or contact NBEMS.”
8. Ms. Thorat submits that despite repeatedly approaching Respondent No. 5 – College, the Petitioner did not receive any satisfactory explanation for her

inability to register on the OPJR. It was only upon approaching Respondent No. 2 – State CET Cell on 16th April 2026 that the Petitioner was informed, for the first time, that Respondent No. 5 – College had converted the DNB Ophthalmology seat into an MD/MS seat. It was further disclosed that such conversion had not been communicated by Respondent No. 5 to Respondent No. 2. Consequently, Respondent No. 2, being unaware of the said conversion, allotted the DNB Ophthalmology seat to the Petitioner during the counselling process. According to the Petitioner, it was this discrepancy which rendered her unable to register herself on the OPJR.

9. On the very same day, i.e., 16th April 2026, Respondent No. 3 - Joint Director of Health Services addressed an email to Respondent No. 6 – NBEMS requesting that necessary steps be taken to enable the Petitioner to retain the DNB Ophthalmology seat for the academic year 2025-26. Thereafter, on 22nd April 2026, the Dean of Respondent No. 5 – College also addressed an email to Respondent No. 6 stating that the concerned DNB Ophthalmology seat had been shown under the All India Quota and had remained vacant until the mop-up round. The Dean further recorded that the Petitioner had been allotted the said seat by Respondent No. 2 under the in-service quota and requested NBEMS to regularize the Petitioner's admission by enabling her registration on the OPJR.

10. Ms. Thorat submits that although the Petitioner was duly allotted the DNB Ophthalmology seat and had joined the course, she continues to remain unregistered solely on account of circumstances beyond her control. It is, therefore, submitted that Respondent No. 6 be directed to register the Petitioner as a postgraduate student for the DNB Ophthalmology course at Respondent No. 5 – College.
11. Ms. Tanu Bhatia, learned Counsel appearing for the Respondent-State, submits that the present situation has arisen because the DNB Ophthalmology seat, which was reflected in the State in-service counselling matrix, was simultaneously included in the All India counselling process. She submits that the Petitioner's inability to register on the OPJR is attributable entirely to a technical discrepancy in the seat allocation and reporting mechanism and not to any act or omission on the part of Respondent No. 3.
12. Ms. Bhatia further submits that the concerned DNB Ophthalmology seat remained vacant throughout the All India counselling process and, therefore, no third-party rights would be affected if the Petitioner's admission is regularized.

13. Mr. Anand Kulkarni, learned Counsel appearing for Respondent No. 5 – College, submits that the College supports the Petitioner's case and, if necessary, is willing to create a supernumerary seat to accommodate the Petitioner. He accordingly submits to the orders of this Court.
14. We have heard the learned Counsel appearing for the parties and have perused the material placed on record. It is not in dispute that the Petitioner's inability to register herself on the OPJR is the result of a technical discrepancy in the seat allocation process. It is equally undisputed that the said discrepancy is not attributable to any fault on the part of the Petitioner.
15. The record further discloses that despite making repeated enquiries with Respondent No. 5 – College, the Petitioner was unable to ascertain the cause of the problem until she approached Respondent No. 2. It was only thereafter that she came to know that the DNB seat allotted to her had been simultaneously reflected under the All India counselling process. The material placed before us further indicates that the seat remained vacant throughout the All India counselling process and that no third-party rights have intervened. The Respondent-State as well as Respondent No. 5 have both supported the Petitioner's request for regularization.

16. In these circumstances, we are satisfied that the Petitioner has been denied registration solely on account of an admitted technical error for which she bears no responsibility. Having been validly allotted the seat, having accepted the same, and having joined the course, the Petitioner cannot be deprived of pursuing the DNB Ophthalmology programme because of an administrative or technical lapse on the part of the concerned authorities. The ends of justice would, therefore, warrant the exercise of our jurisdiction under Article 226 of the Constitution of India.
17. Accordingly, the following order is passed:

ORDER

- (i) Respondent No. 6 – National Board of Examinations in Medical Sciences (NBEMS) shall forthwith reopen the Online Portal for Joining and Registration (OPJR) insofar as the Petitioner is concerned and enable her to complete her registration as a student of the DNB Ophthalmology course at Respondent No. 5 – College.
- (ii) Upon the Petitioner completing the registration formalities, Respondent No. 6 shall process the same in accordance with law and treat the Petitioner's admission to the DNB Ophthalmology course as duly regularized.

(iii) The Writ Petition is accordingly disposed of.

(iv) There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

(R. I. CHAGLA, J.)

Jyoti Pawar

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date: 2026.08.05
12:48:40 +0530