

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3612 /2018
(Arising out of SLP(Civil) No.7432 of 2018)

State of Maharashtra and Others

.....Appellants

VERSUS

Dr. Sharvil Thatte and Others

..... Respondents

JUDGMENT**Uday Umesh Lalit, J.**

1. Leave granted.
2. This appeal by special leave seeks to challenge the Judgment and Order dated 22.02.2018 passed by the High Court of Judicature at Bombay in Writ Petition No.1814 of 2018.
3. Respondent Nos.1 to 9 herein had filed aforesaid writ petition challenging condition No.(ii) in the eligibility criteria prescribed in the

Notification dated 30.01.2018 issued by State of Maharashtra for admission to Postgraduate Medical/Dental Courses in unaided Private Educational Institutions in State of Maharashtra. Said condition read as under:-

“(ii) The candidate shall be a domicile of State of Maharashtra.”

4. Similar such condition which was imposed by the State Government for the academic year 2017-18 was stayed by the Division Bench of the High Court vide Order dated 30.04.2017 in Writ Petition No.5283 of 2017, which order was challenged by filing Special Leave Petition (Civil) No.14447 of 2017 in this Court. Said petition was however not pressed by the State and was accordingly disposed of by this Court on 05.05.2017.

5. The challenge to the aforesaid condition was accepted by the High Court in its judgment under appeal relying principally on the decisions of this Court rendered in *Dr. Pradeep Jain and Others v. Union of India and Others*¹ and in *Vishal Goyal and Others v. State of Karnataka and Others*². While allowing the petition and setting aside the condition, the High Court observed:-

1 (1984) 3 SCC 654

2 (2014) 11 SCC 456

“8] It could thus be seen that, it is a settled position in law that, though it will be permissible to provide reservation on the ground of institutional preference, the condition which requires a candidate who has possessed a graduate degree also to be domiciled in that State, would not be permissible.”

6. By our Judgment and Order dated 04.04.2018 in Writ Petition (Civil) No.204/2018, we have accepted the challenge to similar condition incorporated in Information Bulletin issued by State of Karnataka for admission to Postgraduate Medical/Dental Courses in Government Colleges and in respect of Government quota seats in Private Medical/Dental Colleges. We have principally relied on the Judgments of this Court in **Dr. Pradeep Jain** (supra) and **Vishal Goyal** (supra).

7. In the circumstances, we affirm the view taken by the High Court in the present matter and see no reason to interfere. The appeal is thus dismissed with no order as to costs.

.....J.
(Arun Mishra)

.....J.
(Uday Umesh Lalit)

New Delhi,
April 5, 2018