

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14910 of 2023**

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JENIL DILIPKUMAR PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR VIVEK V BHAMARE(6710) for the Petitioner(s) No. 1,2,3,4,5,6,7,8,9

MS MANISHA L SHAH, GOVERNMENT PLEADER WITH MR SAHIL

TRIVEDI, AGP for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 28/08/2023****ORAL ORDER**

1. Heard learned advocate Mr. Kavan K. Patel for learned advocate Mr. Vivek Bhamare on behalf of the petitioners and learned Government Pleader Ms. Manisha L. Shah with learned AGP Mr. Sahil Trivedi on behalf of the respondents.

2. By way of this petition, the petitioners interalia sought for a direction to the respondent to increase the number of seats in admission to M.B.B.S. course in the State of Gujarat for compensating the reduction of seats for open category due to amalgamation of 10% EWS quota into open category for providing fair chance to the petitioners to secure admission in

institute of his own choice.

3. In the considered opinion of this Court, the petition itself is absolutely misconceived. A student, while would be entitled to approach this Court, more particularly, claiming any violation of Articles 14 and 16 of the Constitution of India, would not in the considered opinion of this Court, have any right to seek direction against the State to increase the number of seats to a particular extent so as to ensure that the student is accommodated. In the considered opinion of this Court, the issue with regard to fixing the number of seats for M.B.B.S., more particularly, in the said quota, would be the policy decision of the State, more particularly, having regard to the infrastructure and resources available with the State. Having regard to the same, the request for the issuance of writ, directing to the State to increase additional seats, till the petitioners are accommodated, would not be within the domain of this Court. It would also be required to mention here that increasing number of seats, would not be a simple exercise as stated by the petitioners, more particularly, since increasing the seats would result in additional burden on the

State, more particularly, requisite permission would be required to be obtained from the respondent nos.3 and 4.

4. In the considered opinion of this Court, it is for the State to fix the number of seats for the M.B.B.S. seats, which are governed under the State quota and whereas, it would not be for this Court to direct or the petitioners to seek such for direction to increase the number of seats.

5. Under such circumstances, in the considered opinion of this Court, the petition being thoroughly misconceived and is hereby rejected.

(NIKHIL S. KARIEL,J)

A. B. VAGHELA