

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3882 OF 2025

Chetan Bhalerao Borase, Age 35 years,
R/o.S.No.124, Shivaji Park Society,
Near Chintamani Ganesh Temple,
Walhekarwadi, Chinchwad, Pune-33.

Petitioner

versus

1. The State of Maharashtra through
Principal Secretary, Urban Development Deptt;
Mantralaya, Mumbai.
2. The Director,
Directorate of Municipal Administration,
M.S Mumbai.
3. The Pimpri Chinchwad Municipal Corporation,
through Municipal Commissioner, Pimpri, Pune.
4. Gaurav Balu Darade, Sanitary Inspector,
5. Sneha Balaso Chandane, Sanitary Inspector,
6. Snehal Prakash Sukate, Sanitary Inspector,
7. Samadhan Kacharu Katad, Sanitary Inspector,
8. Snehal Abasaheb Sonawane, Sanitary Inspector,
9. Ganpati Aba Asdgar, Sanitary Inspector,
10. Girish Ravsaheb Koli, Sanitary Inspector,
11. Akshay Datttray Phadtare, Sanitary Inspector,
12. Santoshi Ahok Kadam, Sanitary Inspector,
13. Bailakwad Ashok Khanderao, Sanitary Inspector

Respondents

Ms.Pradnya Talekar i/byy Ms.Madhuri Ayyapan i/by Ms.Arushi Keniya for
Petitioner.

Mr.P.P.Kakade, Additional Govt.Pleader with Ms.Nisha Mehra, AGP, for
Respondents-State.

Mr.Kedar B.Dighe for Respondent no.3 PCMC.

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CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 6th August 2026

ORDER :

1. Rule. Rule made returnable forthwith. By consent of parties heard finally.

2. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs :

A. To quash the impugned list of candidates held to disqualified published by the Pimpri Chinchwad Municipal Corporation on 30.08.2024 qua the petitioner (Exhibit__) by issuing a writ of certiorari or any other appropriate writ, order or direction, as the case may be;

B. To quash the impugned decision of the Selection Committee of the respondent no.3 Corporation dated 13.1.2025 refusing to grant appointment to the petitioner pursuant to the decision taken by the State Government to consider the diplomas of one year course in sanitary inspector from the institutes other than those contained in GRs of 2023 and 2024 as one time measure, by issuing a writ of certiorari or any other appropriate writ, order or direction, as the case may be;

C. To direct the respondent no.3 Corporation to appoint the petitioner as Sanitary Inspector pursuant to the advertisement dated 17.08.2022 issued by the Commissioner, Pimpri Chinchwad Municipal Corporation, by issuing writ of mandamus or any other appropriate writ, order or direction, as the case may be;

D. To direct the respondent no.3 Corporation to keep one post of Sanitary Inspector vacant, pending hearing and final disposal of the present writ petition."

3. The primary contention of the Petitioner is that the list of candidates held to be disqualified, which has been published by the Pimpri Chinchwad Municipal Corporation ('PCMC' for short) on 30th August 2024, refusing to grant appointment to the Petitioner, pursuant to the decision taken by the State Government to not consider diploma holders having diploma of one year in the Sanitary Inspector course from the institutes other than those contained in Government Resolutions of 2023 and 2024, is illegal and arbitrary.

4. It is Petitioner's contention that there are 13 other candidates who are arraigned as Respondents, who have obtained qualification of Diploma in Sanitary

Inspector course from certain other institutes, more particularly from the All India Institute of Local Self Government, Bombay ('AIILSG' for short), and they have been held eligible for appointment in spite of the fact that the said AIILSG has not received necessary approval, however, the Petitioner has been held ineligible only on the ground that Marathwada Board of Technical Education Examinations (hereinafter referred to as "the Marathwada Board") from where the Petitioner has got diploma certificate as Sanitary Inspector, does not have necessary approval.

5. The necessary facts for determination of the dispute in the present petition are as follows.

6. The Respondent No.3-PCMC issued an advertisement bearing No.184/2022 inviting applications for appointment to various posts including Sanitary Inspector. In all 13 posts of Sanitary Inspectors in Group-C were advertised and the qualifications required for the post of Sanitary Inspector were as follows:

a.	Degree in any branch from any recognized University;
b.	Must have qualified a Diploma in Sanitary Inspector course from any Government recognised Institute.
c.	Computer related qualifications from any approved Government institute.

7. It is the Petitioner's contention that even the PCMC (Recruitment and Classification of Services) Rules, 2020 prescribed the aforesaid qualifications for the post of Sanitary Inspector. As the Petitioner was eligible for the aforesaid post, he applied for the said post in response to the advertisement dated 17th August 2022. The Petitioner appeared for the examination held on 26th May 2023 and

the results of the examination came to be declared on 7th August 2023. The Petitioner secured highest marks i.e. 172 marks among all the candidates who had appeared for examination and secured rank one in the order of merit. On 25th August 2023, verification of documents of the Petitioner was held and the Petitioner submitted all the relevant document.

8. In the meantime, the Government of Maharashtra published a Government Resolution ('GR') dated 25th August 2023 for the first time granting approval to 16 institutes to run the course of Health Sanitary Inspector Diploma course of one year. It is the Petitioner's contention that however, the said GR did not clarify as to what would happen to all such institutes which were running the said course until the issuance of said GR dated 25th August 2023. On 15th February 2024 the Government of Maharashtra issued another GR according sanction to 59 institutes to run the Sanitary courses.

9. On 20th February 2024, the Joint Director, Health Service (Fever, Elephantiasis and Waterborne Diseases) issued a Circular of even date regarding consideration of one year diploma course in sanitary inspector, and directed that apart from the three Government ITIs, the institutes included in the GRs dated 25th August 2023 and 25th February 2023 and the 30 other institutes of AIILSG, the candidates who have pursued the course of sanitary inspector from any other institutes, shall provide the relevant documents showing the affiliation of such institutions to the Government. It is the contention of Petitioner that the Circular dated 20th February 2024 made it clear that the Diploma course of Sanitary Inspectors imparted by other institutes having recognition by any of the

Government Departments, which were not included in the aforesaid GRs, were very much valid for the purposes of appointment.

10. It is contended on behalf of the Petitioner that on 2nd November 2023, the Respondent No.3-PCMC sought clarification from the Director, Marathwada Board, Aurangabad as to whether the said Board was recognized by the Government and whether the course of diploma in sanitary inspector was approved by the Government. It is the Petitioner's contention that since there was no response from the Marathwada Board, the PCMC published the list of candidates directing them to produce documents evidencing that the Diploma in Sanitary Inspector course run by the institutes were approved by the Government. The Petitioner submitted all the documents in pursuance of notice dated 13th February 2024. On 19th April 2024, the Directorate of Technical Education, M.S, Mumbai informed that only those technical courses conducted by the Marathwada Board were held to be unauthorized which were found to be without the approval of the Competent Authority under the All India Council for Technical Education Act, 2013 (for short 'AICTE Act 2013').

11. On 7th June 2024 the Government of Maharashtra constituted a committee for verifying the certificates of such candidates under the chairmanship of Director, Health Services. The said Committee submitted its report to the Government vide communication dated 16th August 2024. On 30th August 2024 the PCMC published the final selection list and the wait list. On 10th October 2024 the Hon'ble Chief Minister took a decision to grant appointment to the candidates who have completed the Diploma course of Sanitary Inspector from the institutes

which have similar names as that of Government recognized institutes as a one-time measure.

12. On 13th January 2025, the Commissioner, General Administration Department (GAD), PCMC constituted a Selection Committee. The said selection committee by communication dated 22nd January 2025 decided to reject the claim of the Petitioner on the ground that the institute from where the Petitioner had qualified as Sanitary Inspector, i.e. Marathwada Board, was not an institute which had received the necessary approval to conduct the said course by establishing branches.

13. It is in the backdrop of the aforesaid facts that the present petition has been filed, and the Petitioner is aggrieved by the decision taken by Respondent No.3-PCMC of rejecting the Petitioner's appointment to the post of Sanitary Inspector.

14. Heard Ms.Pradnya Talekar along with Ms.Madhuri Ayyapan i/b Ms.Arushi Keniya for Petitioner, Mr.P.P.Kakade, Additional Govt.Pleader with Ms.Nisha Mehra, AGP, for Respondents-State and Mr. Kedar B.Dighe for Respondent No.3 PCMC.

15. At the outset learned counsel for the Petitioner vehemently submitted that refusal of the PCMC to appoint the Petitioner as Sanitary Inspector, was on an incorrect premise that all courses of Marathwada Board were unauthorized, and the Marathwada Board was not recognized by Directorate of Technical Education. It was her submission that the course of Sanitary Inspector was neither regulated by Directorate of Technical Education nor was it held at any point of time

unauthorized, and in fact Marathwada Board was very much recognized by the respective Departments at the time when the Petitioner qualified for the course in April-2018. It was only post the Petitioner's qualification that the Marathwada Board was de-recognized and that too only in technical courses. It was also her submission that no institutes were recognized by the Government for running a one-year Diploma of Sanitary Inspector course and there were no regulatory bodies to regulate the said course. It was her vehement submission that other 13 candidates who had been selected, were given certification by the AIILSG. According to the learned counsel for Petitioner, the said AIILSG was also not recognized, or no approval had been granted to them and hence accepting the candidates from the said institute and not accepting the Petitioner, was an arbitrary exercise which the PCMC had undertaken. It is further her submission that at the time when the advertisement was published, the condition regarding Diploma course to be obtained from recognized/approved institutions, was never published and hence to thereafter reject the Petitioner's appointment on the ground that the institute from where the Petitioner had undertaken the Diploma course of Sanitary Inspector was not recognized/approved, would be an incorrect approach on the part of the PCMC. She further submitted that in fact on 10th October 2024, the Department of Public Health of the State Government had issued a letter that considering the candidates who had qualified one year Diploma course in Sanitary Inspector from those institutes which were not recognized by the Government, would be considered valid for the purposes of appointment and should be granted appointment. She submitted that this was a one-time policy decision taken by the

Government in view of the discrepancy created at the time of publication of advertisement and latter rejection of the Petitioner to the aforesaid post. She also submitted that if the candidates from AIILSG could be considered for appointment, which was also not approved institute, then the case of the present Petitioner cannot be singled out for rejecting his appointment to the post of Sanitary Inspector only on the basis that the Marathwada Board was not an institute which was recognized/approved.

16. *Per contra*, learned counsel for Respondent No.3-PCMC sought to place reliance on the affidavit filed by Mr. Manoj Nandkumar Lonkar, Deputy Commissioner of PCMC dated 29th May 2025 to contend that the petition deserves to be dismissed on the ground that the Petitioner had procured the certificate of Diploma one year course in Sanitary Inspector from the Marathwada Board which did not have a valid legal approval from the Competent Authority to run the technical course. He also submitted that already proceedings have been initiated by the office of Director of Technical Education, State of Maharashtra against the said institute and the said institute is declared to be illegal and invalid which was found to be conducting and operating courses without any valid approval from competent authority. In view of the aforesaid he submitted that the certificate which the Petitioner had procured, was not valid and hence his services were rightly terminated. The relevant paragraphs of the affidavit are reproduced below:

“3. I say that if the affidavit dated 29-04-2025 filed by State Government is perused and in specific paragraph no. 7 & 8 & Exhibit R-1 page no 385 to 390 are seen it is clear that the educational institution from where the petitioner has procured certificate of diploma (1 year) course in Sanitary Inspector is not valid

and the said institution 'Marathwada Board of Technical Education Examinations' does not have any valid legal approval from competent authority, authorized to grant approval for imparting education for the relevant technical courses.

4. I say that as per the well settled legal principles and rule of law every institution has to obtain permission / approval from AICTE (Competent authority for all technical courses) before any course is started and any student is enrolled for the said course.

5. I say that in this particular case the 'Marathwada Board of Technical Education Examinations' which has issued a certificate to the petitioner and based on the said certificate the Petitioner had applied for the job in answering respondent corporation does not have any approval from AICTE.

6. I say that already proceedings are initiated by office of Director of Technical Education State of Maharashtra against the said institution and the said institution is declared to be illegal and invalid bogus institution operating and conducting courses without any valid approval from competent authority.

7. I say that appeal preferred from the said order is also decided against such illegal and bogus institutions. I say that in view of the affidavit filed by the State Government in the present matter, it is clearly evident that the statement on oath made by petitioner is contrary to facts and hence incorrect.

8. I say that merely based on this wrong incorrect statement made on oath by the Petitioner the petition deserves to be dismissed.

9. I say that the advertisement published in new paper by respondent corporation clearly mentions that the candidate applying for the job has to have obtained his qualification from State approved educational institution.”

17. We have heard learned counsel on behalf of the parties and perused the documents. Considering the controversy involved in the present petition, which directly affected the employment of the candidates for the post of Sanitary Inspector in Respondent No.3-PCMC and looking at the facts of the case, this Court by orders dated 29th July 2026 and 3rd August 2026 directed PCMC to make a statement as to whether any candidates similarly situated to the Petitioner, were disqualified merely on the ground that they had been awarded Diploma certificate by the Marathwada Board. This Court also directed that a responsible officer of the State Government from the Ministry of Skill, Employment, Entrepreneurship and

Innovation of Government of Maharashtra who is entrusted with the implementation of the Maharashtra State Board of Skill, Vocational Education and Training Act, 2021 files an affidavit making a specific statement that AIILSG, Mumbai with regard to the certificate as annexed to the reply affidavit of PCMC, can be construed to be an institute authorized to issue Diploma certificate for the course of Sanitary Inspector. The relevant order dated 29th July 2026, and 3rd August 2026 passed by this Bench are reproduced below:

“Order dated 29th July 2026:

1. We have heard the learned counsel for the parties for some time.
2. In our opinion, it would be appropriate that an affidavit is filed by a responsible officer of the Municipal Corporation, concerned with the selection process to place on record the certificates in regard to Eligibility Criteria No.2 (Reference Item No. 239 at page 148) along with the relevant supporting certificates. The Municipal Corporation shall also make a statement as to whether any candidates similarly situated to the petitioner were disqualified merely on the ground that they had been awarded a Diploma certificate by the Maharashtra Board of Technical Examinations. Let a copy of the affidavit be served on the advocate for the petitioner on or before the evening of 1 August 2026.
3. List the matter first on board on 03 August 2026.

Order dated 3rd August 2026 :

1. Leave to amend the petition to implead thirteen candidates as party respondents. Amendment be carried out during the course of the day, and a copy of the amended petition be served on the added respondents.
2. We have heard learned Counsel for the parties at length, more particularly, on the reply affidavit as filed on behalf of the PCMC. The contention urged on behalf of the petitioner is that thirteen candidates, who have obtained qualification as Diploma in Sanitary Inspector from certain institutes, more particularly, from the All India Institute of Local Self Government, Mumbai, have also not been held eligible by applying the same standard applicable to the institute namely Marathwada Board of Technical Education.
3. In our opinion, it would be appropriate that a responsible officer of the State Government from the Ministry of Skill, Employment, Entrepreneurship and Innovation of Government of Maharashtra, who is entrusted with the implementation of the Maharashtra State Board of Skill, Vocational Education and Training Act, 2021, files an affidavit making a specific statement that All India Institute of Local Self Government Mumbai, in regard to the certificate as annexed

to the reply affidavit of the PCMC, can be construed to be an institute authorized to issue diploma certificate for course of Sanitary Inspector. Let such an affidavit be placed on record on the adjourned date of hearing and a copy of the same be furnished to the learned Advocate for the petitioner well in advance.

4. As we have substantially heard learned Counsel for the parties, stand over to 5 August 2026.”

18. In pursuance of the aforesaid orders, the State Government has filed affidavit-in-reply of one Mr. Mahesh Shaligram Jadhav, Secretary, Maharashtra Board of Skill, Vocational Education and Training specifically stating that Urban Development and Public Health Department, Government of Maharashtra vide Government Resolution dated 15th June 1965 has approved certificate issued by AIILSG, Bombay for recruitment as Sanitary Inspector. However, AIILSG has established multiple institutes at Mumbai Suburban, Thane, Pune, Kolhapur, Solapur, Chhatrapati Sambhajnagar and Nanded without any government approval and in respect of the aforesaid branches, show cause notice has been issued to show cause as to why action should not be initiated against them as per provisions of Maharashtra Act No.XX of 2013 being The Maharashtra Unauthorized Institutions and Unauthorized Courses of Study in Agriculture, Animal and Fishery Sciences, Health Sciences, Higher, Technical and Vocational Education (Prohibition) Act, 2013 (hereinafter referred to as ‘the said Act’). A hearing in that respect has also been held and only recently AIILSG has submitted application for approval of their centers established at Mumbai Suburban, Thane, Pune, Kolhapur, Solapur, Chhatrapati Sambhajnagar and Nanded. The relevant paragraphs of the aforesaid affidavit are reproduced below:

“2. I say that, vide Order dated 03.08.2026, this Hon'ble Court in the caption Petition has directed the Ministry of Skill, Employment, Entrepreneurship and

Innovation of Government Department, to file Affidavit in Reply making specific statement that All India Institute of Local Self Government Mumbai, which is annexed to the Reply of PCMC can be construed to be an institute authorized to issue diploma certificate for course of Sanitary Inspector. To that effect, it is submitted that the All India Institute of Local Self Government Mumbai, has Recognition Certificate issued by the Government vide Government Resolution dt. 15/06/1965. Hereto annexed and marked as Exhibit R-1 is a copy of the Government Resolution dt. 15/06/1965.

3. I say and submit that Urban Development and Public Health Department, Government of Maharashtra vide Government Resolution dated 15.06.1965 has approved certificate issued by All India Institute of Local Self Government, Bombay for recruitment as Sanitary Inspector. However, All India Institute of Local Self Government has established multiple institutes at Mumbai Suburban, Thane, Pune, Kolhapur, Solapur, Chhatrapati Sambhajnagar and Nanded without any Government approval. The State Skill Board vide letter dated 13.08.2024 had issued show cause to All India Institute of Local Self Government as to why action should not be initiated against them as per provisions of Maharashtra Act No. XX of 2013. A hearing in the said case was taken by Director, Directorate of Vocational Education and Training who is declared as competent authority for implementation of Maharashtra Act No. XX of 2013. All India Institute of Local Self Government has now submitted their application for seeking approval for their centers established at Mumbai Suburban, Thane, Pune, Kolhapur, Solapur, Chhatrapati Sambhajnagar and Nanded location.”

19. Considering the categorical submission made on behalf of the Respondent-State in their affidavit regarding status of the approval of AIILSG, we find much substance in the argument as advanced on behalf of the learned counsel for the Petitioner that 13 candidates who have obtained their diploma certification from AIILSG and more particularly its branches, which are not approved/recognized cannot be given employment by the PCMC as opposed to the present Petitioner. We are of the view that in fact both, the Petitioner and 13 candidates, who have obtained their diploma certificates from AIILSG and the Marathwada Board respectively, cannot be employed by Respondent No.3-PCMC as the institutes from where they obtained their certificates, are not approved and same is in clear contravention of the provisions of the said Act.

20. It would be pertinent to reproduce the provisions of Section 3(1) and (2) of the said Act, which clearly mandates that no person shall establish or cause to

be established or conduct, an Educational Institution, without prior approval of the appropriate authority. Sub-section 2 of Section 3 mandates that no person or an Educational Institution shall introduce or cause to be introduced or conduct a programme or course of study in Agriculture, Animal and Fishery Sciences, Health Sciences, Higher Education, Technical Education or Vocational Education, without prior approval of the appropriate authority. Section 3(1) and (2) of the of the said Act are reproduced below :

Section 3 – Prohibition of establishment of unauthorized institutions and introducing unauthorized courses :-

3. (1) No person shall establish or cause to be established or conduct, an Educational Institution, without prior approval of the appropriate authority.

(2) No person or an Educational Institution shall introduce or cause to be introduced or conduct a programme or course of study in Agriculture, Animal and Fishery Sciences, Health Sciences, Higher Education, Technical Education or Vocational Education, without prior approval of the appropriate authority.

21. It is therefore our view that considering the clear provisions of Section 3 of the said Act, it is clear that no educational institution can be set up without prior approval of the Competent Authority and also cannot conduct courses without prior approval of the Competent Authority. We are of the firm view that the certificates issued by the AIILSG, Mumbai and the Marathwada Board, both have fallen foul of the aforesaid provisions and neither the Petitioner nor the 13 candidates who have been employed by PCMC, can be employed on the basis of aforesaid certificates.

22. Our view finds support in the decision of Supreme Court in **C.B.S.E. and another Vs. P.Sunil Kumar and others**¹, wherein the Supreme Court has

¹(1998)5-SCC-377

categorically deprecated the practice of allowing the students to appear provisionally in the examinations of the Board or the University and then ultimately regularising the same by taking a sympathetic view of the matter. The Supreme Court in this case was concerned with the disputes regarding institutions in which students had pursued studies which had not yet received affiliation from the Board of Secondary Education and in the facts of the case, the Supreme Court set aside the order of the High Court and held that the Court was conscious of the fact that their order setting aside the impugned orders of the High Court would cause injustice to the students, but to permit students of an unaffiliated institution to appear at the examination conducted by the Board under orders of the Court and then to compel the Board to issue certificates in favour of those who have undertaken examination would tantamount to subversion of law. It was observed that it will not be justified to sustain the orders issued by the High Court on misplaced sympathy in favour of the students. Relevant paragraphs of the aforesaid decision are reproduced below :-

“3. There is no dispute that the institutions in which these students had pursued their studies have not yet received any affiliation from the Central Board of Secondary Education, who is the appellant in these appeals. Under the bye-laws of the Board, only regular students of affiliated schools with the Board are entitled to appear in the Secondary School Examination and the Senior Secondary School Examination conducted by the Board. Since the institutions in which the respondent-students have prosecuted their studies are admittedly not affiliated to the Board but the students have been allowed to appear at the examination pursuant to the interim direction of the Court, which is in contravention of the rules and regulations of the Board, the question that arises for consideration is: Whether the High Court was justified in issuing these impugned directions? This question no longer remains *res integra*. This Court in several cases deprecated the practice of allowing students to appear provisionally in the examinations of the Board or the University and then ultimately regularising the same by taking a sympathetic view of the matter. In the case of *A.P. Christians Medical Educational Society v. Govt. of A.P.* this Court held that the Court will not be justified in issuing direction to the University to protect the interest of the students who had

been admitted to the medical college in clear transgression of the provisions of the University Act and the regulations of the University. It was also observed that the Court cannot by its fiat direct the University to disobey the statute to which it owes its existence and the regulations made by the University itself as that would be destructive of the rule of law. In the case of the State of T.N. v. St. Joseph Teachers' Training Institute this Court held that the direction of admitting students of unauthorised educational institutions and permitting them to appear at the examination has been looked on with disfavour and the students of unrecognised institutions who are not legally entitled to appear at the examination conducted by the Education Department of the Government cannot be allowed to sit at the examination and the High Court committed an error in granting permission to such students to appear at the public examination. All these cases were again considered by a three-Judge Bench of this Court in the case of the State of Maharashtra v. Vikas Sahebrao Roundale² and it was held that the students of unrecognised and unauthorised educational institutions could not have been permitted by the High Court on a writ petition being filed to appear in examination and to be accommodated in recognised institutions. The Court ultimately struck down the direction issued by the High Court. In yet another case, Guru Nanak Dev University v. Parminder Kr. Bansalf another three-Judge Bench of this Court interfered with the interim order passed by the High Court to allow students to undergo internship course even without passing the MBBS examination. The Court observed: (SCC p. 403, para 7)

"We are afraid that this kind of administration of interlocutory remedies, more guided by sympathy quite often wholly misplaced, does no service to anyone. From the series of orders that keep coming before us in academic matters, we find that loose, ill-conceived sympathy masquerades as interlocutory justice exposing judicial discretion to the criticism of degenerating into private benevolence. This is subversive of academic discipline, or whatever is left of it, leading to serious impasse in academic life. Admissions cannot be ordered without regard to the eligibility of the candidates. Decisions on matters relevant to be taken into account at the interlocutory stage cannot be deferred or decided later when serious complications might ensue from the interim order itself. In the present case, the High Court was apparently moved by sympathy for the candidates than by an accurate assessment of even the prima facie legal position. Such orders cannot be allowed to stand. The courts should not embarrass academic authorities by themselves taking over their functions."

4. On the admitted position and in view of the law laid down by this Court referred to above, Mr Altaf Ahmed, Additional Solicitor General appearing for the appellants, contended that the impugned direction of the High Court is wholly erroneous and cannot be sustained. The learned counsel appearing for the students in different appeals did not dispute the position that the schools from where their clients have perused their studies are not yet affiliated to the Central Board of Secondary Education. But they mainly contended that the students having been permitted to appear at the examination and they having been successful and certificates having been issued in their favour, it would work out great injustice, if the impugned directions of the High Court are set aside at this length of time. In support of this contention they placed reliance on a recent decision of this Court in the case of Central Board of Secondary Education v. Nikhil Gulatif. In the aforesaid case, this Court deprecated the practice followed by the High Court to

issue direction and also observed that such aberrations should not be treated as a precedent in future but did not interfere with the ultimate direction of the High Court on the ground that fond hopes have been raised in the minds of the students and therefore it would be inappropriate to interfere under Article 136 of the Constitution. We are unable to apply the reasoning given in the aforesaid case, inasmuch as there is no iota of material placed before us to indicate that the Central Board of Secondary Education, the appellants herein, either directly or indirectly had held out to the students at any point of time that the institutions in which they are prosecuting their studies have been affiliated or are going to be affiliated in the near future. We are conscious of the fact that our order setting aside the impugned directions of the High Court would cause injustice to these students. But to permit students of an unaffiliated institution to appear at the examination conducted by the Board under orders of the Court and then to compel the Board to issue certificates in favour of those who have undertaken examination would tantamount to subversion of law and this Court will not be justified to sustain the orders issued by the High Court on misplaced sympathy in favour of the students. In view of the aforesaid premises, we set aside the impugned judgment of the Division Bench of the Kerala High Court as well as the interim orders issued by the Single Judge in several petitions out of which the writ appeals arose and the writ petitions filed by the respondents stand dismissed. These appeals are allowed but in the circumstances, there will be no order as to costs.”

(Emphasis supplied)

23. Learned counsel on behalf of Respondent No.3-PCMC has also made a statement that considering that the 13 other candidates who have been employed and have certificates from AIILSG which is not an approved and recognized institute, their services would be terminated and further notices would be issued to them to take appropriate action in respect of their employment. Considering the above categorical submission by learned counsel on behalf of Respondent No.3-PCMC and the facts and law, we are also of the view that considering that even the Marathwada Board does not have the requisite approval, the Petitioner would not stand a chance to gain employment in Respondent No.3-PCMC, on the strength of the certificate obtained from the Marathwada Board, which is not an approved/recognized institution by the Competent Authority.

24. We are, therefore, inclined to dismiss the present petition in view of the following order:

ORDER

- (i) The decision of Selection Committee of Respondent No.3-PCMC dated 13th January 2025 refusing to grant appointment to the Petitioner is upheld;
- (ii) Consequently, as fairly submitted on behalf of the PCMC, the other 13 appointments who are similarly placed as the Petitioner are not being recognized by the PCMC which are also being held to be illegal. Respondent No.3-PCMC is at liberty to take appropriate steps in respect of termination of services of Respondent Nos.4 to 13 as the law would mandate;
- (iii) The writ petition is dismissed. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)