

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7445 OF 2015

SUKANYA SHRIDHAR SUKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Veer Shrikant T.
AGP for Respondents: Mrs. S.A. Dhumal
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 28th JULY, 2015

P.C. :-

1. Mr. Veer, the learned counsel for the petitioner submits that the petitioner has passed 12th standard examination. The petitioner could not apply for Engineering course in view of the fact that as per the mark sheet issued to the petitioner, initially, the petitioner did not possess 45% marks in the Physics, Chemistry and Maths subjects. However, upon revaluation, the marks of the petitioner are increased and as per the increased marks in the Chemistry subject, the petitioner now is eligible to apply. However, the corrected mark memo is issued on 1.7.2015. The last date for making application was 18.6.2015. The learned counsel submits that it was not fault of the petitioner in not applying within stipulated time as the corrected mark memo is received subsequently i.e. on 1.7.2015. The

respondents be directed to consider the petitioner for admission from S.C. category. The learned counsel further submits that even validity certificate is issued in favour of the petitioner as belonging to *Mahar* Scheduled caste.

2. The learned A.G.P. submits that the last date for filling in the application seeking admission to the Engineering course was 18.6.2015. As the petitioner has not submitted application within time, now the application of the petitioner cannot be considered and the petitioner can apply directly to the institution.

3. Normally, time schedule laid down in admission process has to be strictly adhered to and the same is not to be deviated. However, in the present case, it is observed that upon revaluation, the marks of the petitioner have increased and because of increased mark, the petitioner became eligible to apply and the corrected mark memo of increased mark is issued to her on 1.7.2015. In such circumstances, it would be inappropriate to allow the petitioner to suffer for no fault on the part of the petitioner. It is because of the time taken by the authority in issuing corrected mark memo, the petitioner could not apply.

4. In the light of above, we direct the respondents to accept the application of the petitioner seeking admission to the Engineering Course from Scheduled caste category, if submitted within two days from today and if the application is supported with all relevant documents, so also if the petitioner is otherwise eligible. However, the seats which are already filled in shall not be disturbed.

5. Writ petition is accordingly disposed of. No costs.

6. Parties to act on authenticated copy of this order.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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