

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 8042 OF 2014

THE KHANDESH EDUCATION SOCIETY, AMALNER AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Manish N. Navandar

AGP for Respondents: Mrs. S. A. Dhumal

Advocate for Respondent No.4 : Mr. A. B. Girase

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**CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.****DATE : 17th June, 2015****PER COURT :**

1. The issue is about the excess admission of students. The sanctioned strength of B.Sc. Third Year is 120 students. However, the petitioner Institution has admitted 230 students. The University has accepted the examination forms of 60 additional students with fine and has refused to accept the examination forms of remaining 50 additional students. Vide interim order dated 9th October, 2014, we have directed the respondent University to accept examination forms of all the 230 students considering their eligibility and entitlement to appear for examination. It was also directed that examination form would not be rejected only on the ground that petitioner has admitted excess students than the sanctioned strength.

2. We have heard Mr. Navandar, learned counsel for the petitioner. Learned counsel submits as far as order dated 15th April, 2015 passed by this court, the petitioner has filed undertaking to this Court on 27.04.2015 thereby undertaking not to admit students over and above the sanctioned strength. Mr. Girase, the learned counsel submits that the petitioner could not have admitted more students than the sanctioned students. They did not have permission to do so.

3. We have considered the submissions canvassed by learned counsel for the respective parties. There is no manner of doubt that the petitioner has admitted excess students. This Court, vide interim order allowed all the 230 students to appear for examination and fill in the form. We have also, vide the impugned order, prohibited the petitioner from admitting more number students than the sanctioned strength.
4. Considering the fact that it is question of career of students, we direct the respondent university to declare result of the said excess students also and allow them to prosecute their further studies as per their eligibility, however, it is again made clear that the petitioner would not be entitled to admit students more than sanctioned strength.
5. For the irregularity committed by the petitioner by admitting excess students, we impose fine of Rs.2 lakhs on the petitioner Institution. the same would be paid to the University within a period of four weeks.
6. Writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC