

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 8345 OF 2014
WITH CA/4935/2015 IN WP/8345/2014RASHTRIYA SAHAKARI SHIKSHAN PRASARAK LTD., JALGAON AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS...
Advocate for Petitioners : Mr. Patil Pradip R. And Mr. P. A. Pisal
AGP for Respondents: Mrs. S. A. Dhumal
Advocate for Respondent No.4 : Mr. A. B. Girase...
**CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.****DATE : 17th June, 2015****PER COURT :**

1. The issue is about the excess admission of students. Vide interim order dated 9th October, 2014, we have directed the respondent University to accept examination forms of 47 excess 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. Patil, learned counsel for the petitioner. According to the learned counsel, sanctioned strength for First Year B.Sc. is 240 students whereas strength sanctioned for the 2nd year is only 120. Out of 240 students, 190 students have passed out. The petitioner institution could not have asked those students to go to other college. Learned counsel submits that by imposing fine, some of the excess students were allowed to appear i.e. fine of Rs.300 and 800, however, 47 excess students were not allowed to appear. Learned counsel submits that the said action is illegal.

3. 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.

4. 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. Some of the excess students have been allowed to appear for examination by imposing fine of Rs.300 and 800. The question remains only in respect of remaining 47 excess students. This Court, vide interim order allowed the said 47 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.

5. Considering the fact that it is question of career of students, we direct the respondent university to declare result of excess 47 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.

6. For the irregularity committed by the petitioner by admitting excess students, we impose fine of Rs.1 lac on the petitioner institution. the same would be paid to the University within a period of four weeks.

7. Writ petition is accordingly disposed of. Pending Civil application also stands disposed of.

(V. K. JADHAV, J.)

JPC

(S. V. GANGAPURWALA, J.)