

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 10061 OF 2014

Amarsinh s/o. Annasaheb Wable

....Petitioner.

Versus

The State of Maharashtra & Ors.

....Respondents.

Mr. H.D. Deshmukh, Advocate for petitioner.

Mr. B.L. Dhas, AGP for respondent Nos. 1.

Mr. S.K. Kadam, Advocate for respondent No. 2.

Mr. M.N. Navandar, Advocate for respondent Nos. 3 and 4.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 13th April, 2015.

ORDER :

1. The petition is filed for giving directions to the respondents, the authorities created for giving admission to higher education from Agriculture for continuing the admission given to the petitioner. Both the sides are heard.

2. It appears that after completing B.Sc. (Agriculture), the petitioner had appeared for Central Entrance Examination and he secured 5.412 points. He is from ESBC category. In the second round, which was the spot admission round, provisional admission was given to petitioner on 9.10.2014 and he was asked to deposit the fees. Accordingly, the fees amount was

deposited by him. On the same day, the authority cancelled the admission as some mistake was committed in the merit list. One Kharade, who is from the same category and who secured 5.547 points was then given admission on the same day. The letter of cancellation was sent on the same day to the petitioner.

3. It is the case of petitioner that prejudice has been caused to him due to aforesaid circumstances and he could not get admission to the post graduate course in that year and he lost one academic year.

4. In view of the submissions made by the learned counsel for petitioner, the relevant record was called and perused by this Court. The record shows that there was only one seat reserved for the category of petitioner. As it was the round of spot admission, only those candidates, who actually remained present were to be given admission. It appears that the Provisional General Merit List was prepared. When it was prepared first time, the name of present petitioner was shown and the name of Kharade was also shown. There was only one seat, but present petitioner was given provisional admission due to mistake. There was one more candidate like Shelke who had secured 5.431 points and his points were also more than the

points of petitioner. But, he did not come forward for spot admission. Some record like scrutiny sheet for spot round is produced and it shows that attendance was marked with time and the attendance sheet is signed by the candidates. The attendance sheet shows that Kharade had marked his presence, had registered his name at 10.50 a.m. and after Kharade, present petitioner had marked his presence after 10.50 a.m. Shelke had not given attendance and that can be seen from the record. There were three more candidates from this category like Swapnil Pawar, Ranjeet Jagtap and Mohan Galande, but the total points secured by them were much less than the point secured by the present petitioner. Thus, one of the two candidates viz. present petitioner and Kharade was to be selected. Ultimately, Kharade came to be selected as he has secured more points.

5. To remove the doubt from the mind of the petitioner, this Court had given direction to the authority to produce the record of depositing fees by Kharade. Relevant record is produced and it shows that on 9.10.2014 the fees amount was paid by Kharade. There is serial number to this receipt. Similar receipt is produced by the petitioner. Thus, only due to mistake of the authority, the provisional admission was given to the present petitioner. But, on the same day, the mistake was

corrected. The petitioner cannot get any vested right due to such mistake. Nothing is shown about his giving up of other claim due to provisional admission given by the present respondents. Thus, there are no merits in the petition.

6. In the result, The petition is dismissed.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

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