

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.10862 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.Y.Pandule, advocate for the petitioner.
 Mr.K.G.Patil, Addl. Govt. Pleader for the State.
 Mr.A.R.Joshi, advocate for Respondent No.1.
 Mr.P.K.Palve, advocate for Respondent No.4.

**CORAM : S.V.GANGAPURWALA &
 V.L.ACHLIYA, JJ.**

Date : 20.01.2015.

PER COURT :

1. Heard.
2. Mr.Pandule, learned counsel for the petitioner submits that the petitioner had appeared for 2nd year Geotechnical and Stength of Materials subjects in May 2014. The results were declared. In Geotechnical subject, the petitioner failed. As per the notice published by the Respondent No.4, the petitioner was required to apply on or before 6.9.2014 for getting the benefit of the Best of Performance. The petitioner filed application in the prescribed format on 5.9.2014 along with requisite fees of Rs.125/- (Rupees one hundred twenty five). The Respondent University did not accept the said application erroneously on the ground that the same

is after the last date.

3. Mr.Joshi, learned counsel for the Respondent University submits that last date for filling in the form to get benefit of Best of Performance was 29.8.2014. The was also notified. As the application was after the cut off date i.e. after lapse of 45 days from the date of declaration of result, the same could not have been accepted.

4. Mr.Palve, learned counsel for the College submits that the College never published on the notice Board or otherwise that last date for accepting the forms for Best of Performance is 6.9.2014. The same is erroneous. Only to help the petitioner, the College accepted the form after the cut off date and sent it to the University.

5. It is not disputed that as per the Ordinance, the application for claiming the benefit of Best of Performance has to be filed within 45 days from the date of declaration of result. It is also not disputed that the last cut off date as per the Ordinance for claiming the benefit of Best of Performance was 29.8.2014 and the petitioner had filed the application for claiming the said benefit only on 5.9.2014. The same was clearly after the cut off date.

6. In light of the above, the case of the petitioner can not be considered.

7. The petitioner has already appeared for the said subject in the examination conducted in October/November 2014. If the Rule

permits the petitioner can apply within the stipulated time after the result of the examination of October/November 2014 is declared, of-course, if the same is in consonance with the Statute, Rules and the Ordinance.

8. The Writ Petition is accordingly disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..20.01.2015.
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