

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION 10450 OF 2014

RENUKA MATA KRUSHI VIKAS PRATISHTHAN, BEED AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioners: Ms. S.B.Nakhate h/f Mr. S. S. Thombre
AGP for respondent nos. 1 and 2 : Mr. K. G. Patil
Advocate for respondent no. 3 : Mr. S. S. Jadhavar

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WITH
WRIT PETITION NO. 8029 OF 2014

SHAIKH MOSIN SHAIKH SHAFIK
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioner: Mr. C. V. Dharurkar
AGP for respondent nos. 1 and 2 : Mr. K. G. Patil
Advocate for respondent no. 3 : Mr. S. S. Jadhavar

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WITH
WRIT PETITION NO. 9391 OF 2014

ADITYA EDUCATION TRUST, BEED AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioners: Mr. V. D. Salunke
AGP for respondent nos. 1 and 2 : Mr. K. G. Patil
Advocate for respondent no. 3 : Mr. S. S. Jadhavar

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WITH
WRIT PETITION NO. 9604 OF 2014

SHAIKH YASEEN SHAIKH MUNEER AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioners: Mr. C. V. Dharurkar
AGP for respondent nos. 1 and 2 : Mr. K. G. Patil
Advocate for respondent no. 3 : Mr. S. S. Jadhavar
Advocate for respondent no. 4 : Mr. N. P. Patil Jamalpurkar

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WITH
WRIT PETITION NO. 11314 OF 2015
MAHESHKUMAR ANANTRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioners: Mr. C. V. Dharurkar
AGP for respondent nos. 1 and 2 : Mr. K. G. Patil
Advocate for respondent no. 3 : Mr. S. S. Jadhavar
Advocate for respondent no. 4 : Mr. D. J. Choudhary
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 2nd JULY, 2015

P.C. :-

1. All these writ petitions are filed by the students and the managements being aggrieved by the communication issued by the Director of Technical Education stating that the students, who have been given direct admission to second year Polytechnic on the basis of their performance in 12th standard and without Mathematics subject, the said admissions are erroneous and the same requires to be cancelled.

2. The respondents i.e. the Director of Technical Education, so also the Board, rely on the 'Rules for admission to direct second year of Post SSC Diploma Courses in Engineering/Technology for the year 2014-2015 in Maharashtra State' which are published by the Directorate of Technical Education.

3. It is not disputed that the petitioners in all these writ petitions are the students who have completed their 12th standard in Physics, Chemistry and Biology subjects. They did not appear for Mathematics subject i.e. they were from PCB group.

4. The learned counsel for petitioners state that till the academic year 2013-2014, even the students of PCB group were given admission to the second year Polytechnic and passing 12th standard with Mathematics subject was not necessary. The learned counsel submit that bonafidely believing the same, the petitioners have taken admissions. Even the admissions were given by the respective colleges. The petitioners attended lectures and when they were to appear for the first semester examination of the second year Polytechnic course, a communication was issued by the Board to the respective colleges that the admission of the petitioners without passing 12th standard in Mathematics subject is erroneous. The learned counsel submits that the Association of Polytechnic Colleges have given representations to respondent No. 3, so also all the Principals of 19 colleges have addressed a joint representation to the Minister of Higher and Technical Education. However, the said representation is not considered. Even the corrigendum is not in consonance with the earlier Rules. The learned counsel submits that the corrigendum dated 02.08.2014 is erroneous. Challenge is also

made to the said Rules.

5. Mr. Jadhavar, the learned counsel for the Board states that the institutions were made known about the Rules well in advance. It is the mistake of the institutions in giving admissions to the students who do not pass 12th standard with Mathematics subject.

6. The learned AGP states that the Rules have been published well in advance. The institutions are supposed to know the Rules which are published well in advance. The learned AGP further submits that the condition of passing 12th standard with Mathematics subject was not there till the academic year 2013-2014. However, it was introduced for the year 2014-15 and, upon instructions, states that the said condition is again done away with for the academic year 2015-16.

7. We have considered the submissions canvassed by the learned counsel for the respective parties.

8. It is not disputed that the petitioners-students were given admission to the second year Polytechnic course after having passed their 12th standard examination with PCB subjects. Naturally, the same was without Mathematics subject. No doubt, as per the Rules,

which were published in the year 2014-15 with regard to admission to direct second year of Post SSC Diploma Courses in Engineering/Technology for the year 2014-2015, it was necessary for the petitioners to pass 12th standard with Mathematics subject. However, we have also considered the factual matrix prevailing prior to the academic year 2014-15. Prior to the academic year 2014-15, the Rules did not warrant the students seeking admission to second year Polytechnic course of having passed the 12th standard with Mathematics subject. Even the students with PCB group were given admission to the second year. The same again is followed since the academic year 2015-16 wherein the condition of passing 12th standard with Mathematics subject has been done away with. It was only during the interregnum period of one academic year i.e. 2014-15 that the passing of 12th standard with Mathematics subject was a requirement. The students cannot be faulted with the same. The students have already completed one year of that course having being admitted in June-July, 2014. It would be too late to cancel their admissions.

9. We are further inclined to allow the students to complete the course because of the fact that even subsequently, now the condition of 12th standard with Mathematics subject has been done away with and even for the present academic year 2015-16, students who have

passed 12th standard in PCB group and without Mathematics subject are being considered and given admission to the second year Post SSC Diploma Course in Engineering/Technology.

11. In the light of the above, we pass the following order:

ORDER

- I. The corrigendum dated 02.08.2014, to the extent of the petitioners stating that their admission is illegal/erroneous, stands set aside. The respondents shall allow the petitioners to complete their course as eligible students and upon successful completion of the course, they be awarded the Diploma/Degree which an eligible candidate is entitled to.
- II. The writ petitions accordingly stand disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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