

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

2 WRIT PETITION NO.11538 OF 2015

AJIT PRATISHTHANS PARALI VAIJNATH THROUGH ITS PRESIDENT
AJIT RAGHUNATHRAO KENDRE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Jadhavar Kiran B.
Mr.SK Tambem, AGP for Respondent No.1;
Mr.CA Jadhav, Adv. For Respondent No.2

**CORAM : S.S.SHINDE &
 P.R.BORA, JJ.**

DATE : 30th November, 2015.

PER COURT :

1) Heard. This petition is filed with
following prayer, -

"(C) By issuing writ of mandamus or any
other appropriate writ, order or
directions in the like nature the
respondent No.2 be directed to enroll
the 10 female students as per the list
attached with application
/representation dated 2.10.2015
submitted by the petitioner No.2
admitted for odd batch of R.A.N.M.

Course for the academic year 2014-2015 in petitioner No.2-College and the students be permitted to appear in the examination scheduled in the month of 1st December, 2015."

2) Learned Counsel appearing for the petitioners submits that having been allowed to some of the students to prosecute their studies by respondents and even their examination forms have been accepted, now, it is not open for the respondents; and in particular Respondent No.2, not to issue Admit Cards/Hall Tickets to those 10 students, whose names are mentioned in the list of not-enrolled students (Exhibit-F page 28 of the petition).

. Learned Counsel also invited our attention to interim order dated 19th November, 2014 passed by this Court in the case of Aparna Praful Kotak and Ors. Vs. State of Maharashtra and Ors. (WP No. 4235/2014) and submits that, if at all, the petitioner institution has committed any irregularity, action can be taken against the petitioner/institution, but for that the students

should not suffer.

3) On the other hand, learned Counsel appearing for Respondent No.2, submits that, those students, who were enrolled with Respondent No.2, have been issued the Admit Cards/Hall Tickets for appearing the examination to be commenced shortly. Though, those students were enrolled before the cut-off date i.e. 30.11.2014, he submits that since the students were not enrolled with Respondent No.2, as per the Rules, no Admit Cards/Hall Tickets can be issued in favour of such students, whose names are enlisted as not enrolled students. Therefore, he submits that the petition may be rejected.

4) We have heard the learned counsel appearing for the respective parties and with their able assistance, perused the pleadings in the petition, annexures thereto and in particular Exhibit-F page 28 of the petition. Admittedly, those students have not been enrolled with Respondent No.2 before the cut-off date i.e. 30.11.2014 and, therefore, we are unable to issue mandatory directions to Respondent No.2 directing him to issue Admit Cards/Hall Tickets to

those students in order to appear them in the examination. In that view of the matter, the petition sans merit and hence rejected.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/