

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8441 OF 2015

Pankaj Manikrao Salave v/s. Directorate of Technical Education and ors.		...Petitioner ...Respondents
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Mr.Ashok B. Tajane for the Petitioner.
 Ms.S.S.Bhende, AGP for State.
 Mr.A.K.Jalisatgi for Respondent No.2.

**CORAM : ANOOP V. MOHTA &
 A.A.SAYED, JJ.**

DATED : 10 SEPTEMBER 2015

ORAL JUDGMENT: (*Per Anoop V. Mohta, J.*)

Rule. Returnable forthwith. Heard finally by consent of parties.

2. The Petitioner had admittedly applied for admission to degree course in Engineering/Technology for the academic year 2015-16 in Respondent No.2-University as per the information gathered from the other sources on 13 August 2015. Respondent No.2-University does not dispute this position.

3. Admittedly the fourth round (counseling round) was over on 7 August 2015. The candidates were supposed to report upto 11 August 2015. The Respondent No.2-University admittedly neither advertised the vacant

seats before the cut-off date i.e. 14 August 2015 nor circulated the information about the vacancy on the website. This inaction definitely needs to be deprecated that has resulted in seven vacant seats remaining unfilled. The Petitioner was not successful in getting admission based upon merit, inspite of fourth round (counseling round). Therefore, there is no question of granting such admission to the Petitioner, which is not merit based, merely because he has applied based upon private source of information and in the University where admittedly there was no advertisement of those vacant seats for the benefit of public/students at large.

4. Learned Counsel appearing for the Petitioner relied upon Rules for Admission to First Year of Four Year Full Time Degree Courses in Engineering/Technology for the Academic Year 2015-16 and specifically Annexure-II (Guidelines for the Admission Process to be carried out by Unaided Colleges) and submitted that there is no specific Rule or Regulation for the University to deny the admission merely because of no advertisement by the University.

5. We are not inclined to accept this submission as it is settled by the Supreme Court that the due process need to be followed even after the last round is declared, i.e. due and clear advertisement before filling any vacant seat by a private Institution including the University like the

Respondent in question. For want of advertisement there was no question of the Petitioner even to apply for such vacant, stated seat, which is admittedly not merit based.

6. Learned Counsel for the Petitioner has pointed out the advertisement issued by other institute of 'Notice of Institute Level Round' dated 13 August 2015 of about three colleges. The same was admittedly not issued by the Respondent-University. This is in no way sufficient to consider the case of the Petitioner to grant admission in the Respondent-University without any prior advertisement/publication.

7. The judgment of the Supreme Court was referred and relied upon by the learned AGP appearing for Respondents Nos. 1 & 3 and submitted that in view of this judgment also there is no question to grant admission at this stage, where admittedly academic session is already commenced on 27 July 2015 itself.

8. Learned Counsel appearing for the Petitioner submitted that the schedules so declared cannot be said to be mandatory in the peculiar facts and circumstances and relief can be granted. However considering the reasons so recorded above, we are not inclined to accept this submission also.

9. No case is made out by the Petitioner to grant any relief as prayed. The Petition is dismissed. Rule discharged. No costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/order.