

sgp

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (LODGING) NO. 2132 OF 2015

Divyanshu Ramratan Badole,
Adult, Aged about 18 years,
A student, residing at B-6,
Nirmal Park, Opp. Voltas House,
Dr. B. R. Ambedkar Road, Byculla (E),
Mumbai – 400 027.

....Petitioner

Versus

1. Directorate of Technical Education,
Maharashtra State, 3, Mahanagar Palik Marg,
Dhobitalao, Mumbai – 400001.
2. The State of Maharashtra,
Through Higher and Technical
Education Department.

...Respondents

.....
Mr Kunal Bhanage, Advocate for the petitioner
Mr Saluja, AGP for respondent/State
.....

CORAM : **ANOOP V. MOHTA &
V. L. ACHLIYA, JJ.**

DATE : 23rd July, 2015.

ORAL JUDGMENT: (PER ANOOP V. MOHTA, J.)

1. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.

2. By this petition filed on 22/7/2015, the petitioner has challenged the following clause of Rules of Admission to the first year

of Four Years Full Time Degree Courses in Engineering / Technology for the academic year 2015-16. The said clause reads thus :

Round No.	No. of Options to be filled in	No. of options allotted for which confirming Admission is Mandatory.	Remarks
Third Round by Counseling	---	Available seats will be offered to candidates eligible to participate in Round-IV as per inter merit.	All seats will be General Seats. No seat tag of reservation. All India etc shall be maintained in this round. All available seats will be offered only to Maharashtra State candidates who are eligible to participate in CAP Round-III.

Admittedly, the brochure of Central Admission Process (CAP) - 2015 was published on the website on 24/2/2015. The rules of admission are always approved by the Government.

3. The petitioner is interested in pursuing engineering course based upon his qualification and has also applied for CAP under the category of SC.

4. Admittedly, first round of admission was over on 30/6/2015 and second round was over on 10/7/2015. The third round is started on 20/7/2015. The petitioner has filed this petition on 22/7/2015 challenging the clause so recorded above. We are not inclined to disturb and interfere with the clause after due publication of brochure referring to the admission process of third round by counselling since the same has already been circulated to the public at large. There is nothing arbitrary and/or illegal. The learned Counsel for the petitioner has relied upon the decision of Hon'ble Supreme Court in the matter of **Post Graduate Institute of Medical Education & Research,**

Chandigarh and others Versus K. L. Narasimhan and another

reported in (1997) 6 SCC 283 and contended that such practise, if any, is impermissible and contrary to law. We have gone through the said judgment which is in relation to the recruitment process based upon the law declared from time to time.

5. Rules of admission as recorded above are always subject to State Government's approval and, therefore, there is no question of overlooking the long standing practise so adopted and followed by the State Government with regard to third round of counseling. The learned AGP has pointed out that this practise is in force since last 10 years. The change of policy even if any shall be in future after due notice in advance. No case is made out to grant the relief as prayed for this academic year 2015-16.

6. The above policy decision so taken by the State Government, therefore, at this stage, cannot be interfered with. The present petition stands dismissed. Rule stands discharged. No order as to costs.

[V. L. ACHLIYA, J.]

[ANOOP V. MOHTA, J.]