

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5478 OF 2015

[Sant K.E. Chavara B.Ed. College .vs. State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Gauri Venketraman, counsel for the petitioner,
Mrs. Bharti Dangre, Government Pleader for the respondents.

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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : OCTOBER 09, 2015.

Heard.

By this petition, the petitioner seeks a declaration that Rule 7.3(2) of the B.Ed. Admission Rules for the academic year 2015-16 is arbitrary and unconstitutional. The petitioner challenges the communication issued by the respondent no.2, dated 19.9.2015 restraining the petitioner from admitting the candidates to the English Medium B.Ed. College without fulfilling the criteria provided in Rule 7.3(2) of the Rules for the academic year 2015-16.

According to the petitioner, Rule 7.3(2) of the Admission Rules for the academic year 2015-16 is arbitrary and unconstitutional. It is stated that the State Government could not have framed the said Rules requiring the candidates desirous of seeking admission to the English medium B.Ed. Colleges to appear at the English Language Content Test along with the C.E.T. and secure minimum 37 marks in the said test. It is stated that the respondents could not have inserted the said Rule in the Admission Rules for B.Ed. Colleges in English medium. It is stated that though the respondents are not permitting the petitioner-College to admit the candidates that had not appeared at the English Language Content Test and not

secured 36 per cent marks in the said test to the first year B.Ed. course in English medium, such permission is granted by the respondents to the other colleges that are conducting the course in English medium. It is stated that the State Government cannot discriminate between the Colleges imparting education in B.Ed. course in English medium.

Mrs. Bharati Dangre, the learned Government Pleader appearing on behalf of the respondents states, on instructions, that the respondents would follow the procedure for filling up the vacant seats as per Rule 21.5 to 21.8 of the Admission Rules of the year 2015-16 and would also abide by Rule 7.3(2) while making such admissions. It is stated that this Court had directed the respondents to follow the provisions of Rule 8.3(2) as it then was similar to Rule 7.3(2) for the academic year 2014-15 and the said order is binding on the respondents.

In view of the statement made by the learned Government Pleader, the learned counsel for the petitioner states that the cause for pursuing this writ petition for the present year would not survive, as the last date for admission is over and the petitioner may be permitted to withdraw the same, by keeping the points open.

The petitioner is permitted to withdraw the writ petition. The writ petition is disposed of, as withdrawn. The points raised in the petition are kept open.

JUDGE

JUDGE