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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4448/2016

Amrapali Fakira Sonawane
and five others.

...Petitioners..

Versus

The State of Maharashtra
and five others.

...Respondents...

.....

Shri H.D. Deshmukh, Advocate for petitioners.
Shri S.J. Salgare, AGP for respondent nos.1 to 4.
Shri S.D. Kotkar, Advocate for respondent nos.5 & 6.

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**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 18.04.2016

ORDER :

1] The petitioners are the students admitted at the Yeshwant Mahavidyalaya, Aurangabad, managed by the respondent no.5 - institution. The petitioners are requesting for issuance of directions to the respondent no.2 - Board to permit them to appear for examinations scheduled to be held on 21.4.2016. The petitioners contend that they have been admitted to Two Years course

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during the academic year 2014-15. On completion of the Two Years course, the applications for examinations tendered by the petitioners were accepted, however, the Board has refused to grant permission to them to appear for the examinations on the ground that the institution has not been accorded approval to conduct the course during the year 2014-15. It is also further informed that since the admissions of the petitioners were outside the scope of the Rules, they cannot be permitted to appear for the examinations.

2] It is not a matter of dispute that during the academic year 2014-15, the Board has not accorded permission in favour of the respondent no.5 – institution to operate the course. It is also informed that the management on earlier occasion had approached this Court with an identical prayer by way of presenting Writ Petition No.1393/2016. The Division Bench of this Court was not inclined to consider the request of the institution. As the said petition was dismissed as withdrawn.

3] In view of dismissal of the earlier petition presented by the management seeking an identical relief,

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an independent petition at the instance of the students also does not deserve to be considered. The instant writ petition is devoid of substance and hence the same stands rejected. It would be open for the students to proceed against the management as permissible in law.

(K.L. WADANE, J.)

(R.M. BORDE, J.)