

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

WRIT PETITION NO. 6210 OF 2016

Rushikesh S/o Umesh Jahagirdar

..PETITIONER

VERSUS

The State of Maharashtra
and others.

..RESPONDENTS

...

Mr. Pradeep Deshmukh h/f Mr. Y.P. Deshmukh,
Advocate for the petitioner.

Mrs. M.A. Deshpande, AGP for the Respondent nos.1
and 2.

Mr. S.V. Adwant, Advocate for Respondent No.3.

Ms. Surekha P. Mahajan, Advocate for Respondent
No.4.

...

CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.

Dated: JULY 1, 2016

...

PER COURT :-

This Petition is filed seeking directions to Respondent Nos. 1 to 3 to include Geology as a substitute for Chemistry for counting 50% marks in Physics, Chemistry and Mathematic (PCM) group to be eligible for admission to under graduate technical courses in Engineering Colleges in Maharashtra State and declare that the petitioner securing 66 marks out of 100 in geology subject for examination held in March, 2015 is eligible

to be considered for admission to Engineering Course for the year 2016-2017.

2. The learned counsel appearing for the petitioner submits that there are as many as approximately 6000 students opted for geology subject. The learned counsel appearing for the petitioner submits that the Syllabus for B.Tech (Civil Engineering) in the State of Maharashtra clearly shows that subject Soil Mechanics and Engineering Geology and Advanced Engineering Geology with Rock Mechanics as well as Advanced Geo-Technical Engineering, Artheque Engineering are most relevant subjects for which Geology is a basic subject or foundational subject. Non-inclusion of geology in PCM group, as a substitute for chemistry, is therefore unjust, unfair, arbitrary and discriminatory. Therefore, relying upon the pleadings/grounds taken in the Petition, the learned counsel appearing for the petitioner submits that the Petition deserves consideration.

3. On the other hand, the learned counsel appearing for Respondent No.3, relying upon the averments made in the affidavit in reply, submits that as per the

AICTE Act, 1987, Regulations of 2012 and the Approval Process Handbook 2016-17, the course Geology is not considered as a Technical course/programme.

4. The learned A.G.P. appearing for the Respondent/State submits that it is for the AICTE to consider which subject to be included as a substitute of Chemistry for counting 50% marks.

5. We have carefully considered the submissions advanced by the learned counsel appearing for the petitioner, the learned A.G.P. appearing for the Respondent/State and the learned counsel appearing for Respondent No.3. With their assistance, we have perused the pleadings/grounds taken in the Petition, annexures thereto and the reply filed by Respondent No.3. So far prayer for the petitioner to include the marks secured by the petitioner in Geology subject, while considering 50% marks obtained by PCM group is concerned, since the said subject is not included in the Approved Process Handbook 2016-2017, we are not inclined to entertain the said prayer.

6. In spite of granting sufficient time to Respondent No.3 to inform this Court, whether as a matter of fact Respondent No.3 had considered inclusion of Geology subject as a substitute for Chemistry for counting 50% marks in PCM Group, the learned counsel appearing for Respondent No.3 did not receive any instructions in that regard. Without entering into the merits of the contentions raised by the petitioner that syllabus for B.Tech (Civil Engineering) in the State of Maharashtra clearly shows that subject Soil Mechanics and Engineering Geology and Advanced Engineering Geology with Rock Mechanics as well as Advanced Geo-Technical Engineering, Artheque Engineering are most relevant subjects for which Geology is a basic subject or foundational subject, we direct Respondent No.3 to consider on its own merits, whether the prayer of the petitioner can be considered so as to include the Geology subject as a substitute for Chemistry for counting 50% marks in PCM group to be eligible for under graduate technical course. We make it clear that we have only issued directions to Respondent No.3 to consider the prayer of the petitioner, as reflected in the Petition on its own merits and we have not

expressed any opinion on merits of the subject matter of controversy in the Petition since it would not fall within our domain.

7. We hope and trust that Respondent No.3 shall undertake the said exercise of taking decision, in case already conscious decision is not taken by them, as expeditiously as possible within 10 days from today.

8. The Petition is disposed of in the above terms.

9. The parties shall act upon an authenticated copy of this order.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

...

SGA