

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

WRIT PETITION NO. 9921 OF 2016

Syed Noorul Wajed Syed Noorul
Hasan and another

...PETITIONERS

versus

Director of Technical Education, Pune
and ors.

...RESPONDENTS

.....
Mr. S. V. Dixit, Advocate for Petitioner
Mr. S. B. Pulkundwar, AGP for respondents No. 1, 2 and 4
.....

**CORAM : R.M. BORDE AND
K.K. SONAWANE, JJ.**

DATED : 27th SEPTEMBER, 2016.

Order :-

1. Rule 13 of the Information Brochure for admission to Post Graduate Technical Courses for the year 2016-2017 (for short "Information Brochure") prescribes procedure of admission against institutional quota and vacant seats after CAP round. Clause (d) of the Rule 13 of the Information Brochure prescribes that aspiring candidates fulfilling the eligibility criteria as notified by the Government and specified by the appropriate authority from time to time shall apply to the Principal or Director of the respective institution for admission at the Institution level as provided in rule 3(2)(b). The eligibility criteria prescribed under Rule 7(7)(1) of the Information Brochure for admissions, in the Maharashtra State makes it obligatory to obtain score in CET conducted by the competent Authority (MAH-MBA/MMS-

CET 2016). For securing admission under all India quota it is mandatory to secure score in CET conducted by the competent Authority. Rule 3(b)7(4) of the Information Brochure relates to institutional quota seats, which prescribes that for those seats the candidates shall first/initially apply to the Competent Authority, who shall prepare merit list of all such candidates to enable the institutions to give admission to such applicants on the basis of *inter-se* merit, as specified by the appropriate authority. The eligibility criteria under Rule 7 i.e. to obtain score in CET conducted by competent authority is not dispensed with in respect of candidates seeking admission against institutional quota and return of seats after CAP round. In view of provision contained in rules, the request made by the petitioner to permit him to secure admission to the Management Course, although he has not appeared for common entrance test cannot be considered favourably. The petitioner is not eligible under relevant rules to secure admission against management quota.

2. Learned counsel appearing for petitioner invites our attention to proviso below sub-rule (i) of Rule 13 of the Information Brochure, which provides that if any seat remains or becomes vacant after the CAP rounds then the same shall be filled in by the candidate from the same category for which it was earmarked during the CAP round. Further if the seats remain vacant then those shall be filled in on the basis of *inter-se-merit*. The petitioner contends that in respect of the seat filled in after CAP round, if any seats remain vacant then the Institution can fill in seats from the candidate, who do not fulfill

eligibility criteria of appearing for CET.

3. *Prima facie*, according to us, such inference is impermissible. Even otherwise, it would not be appropriate for an Institution to admit any candidate, who does not fulfill the eligibility criteria i.e. obtain score in CET conducted by the competent Authority (MAH-MBA/MMS-CET 2016) or when there is no approval of the competent authority to fill in seats by adopting other mode, as suggested by the petitioner. The petition is devoid of substance and the same stands dismissed.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[R.M. BORDE, J.]

MTK