

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5259 OF 2016

Shruti Deepak Kabra	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Surel Shah for the petitioner.

Ms. Sushma Bhende - AGP for respondent
no. 1.

CORAM :- S. C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATED :- APRIL 29, 2016

P.C. :-

1) The writ petition was mentioned in the morning session and since it pertains to a student, who is seeking admission card/hall ticket to appear for the Maharashtra State Common Entrance Test, 2016 commencing from 5th May, 2016 that we took up this case out of turn and urgently, post recess.

2) We have heard Mr. Surel Shah appearing for the petitioner. We have perused the petition carefully. The petitioner has described, in the writ petition itself, the procedure, which is on-line. Once a candidate accesses on-line and a form is displayed, he/she has to fill in all the details. That form itself is a file that is generated and which is to be saved by the candidate.

The candidate is then obliged to download a challan, which would carry all the details. The challan has to be taken to the nearest State Bank of India branch to make payment after 48 hours of registration. It is common ground that thereafter the bank would give the requisite receipt and the petitioner or the candidate like her is then required to log in by using this registration or password after 24 hours of making the payment. The registration process would be complete upon a verification page opening up and that is to be retained by the candidate.

3) The petitioner was, thus, aware that the challan has to be obtained and the payment has to be made. The petitioner got such challan, but claims that the payment was not made inadvertently. That is how a request is made by Mr. Shah to pass a mandatory order and direction directing the respondents to accept the amount in physical form belatedly and to issue the requisite clearance for appearance in the examination.

4) Reliance is placed by Mr. Shah on an order passed on 13th December, 2013 by a Division Bench of this court (Bench at Aurangabad) in Writ Petition (St.) No. 34244 of 2013.

5) Upon hearing Mr Shah, we are unable to agree with him that there was any mistake and particularly of the

respondents. There is not even a pleading to that effect. It is a clear default of the petitioner and for which the petitioner has none else to blame, but herself. If she is aware of the entire process and the terms and conditions to be complied with, then, no deviation from the same is permissible and for no fault or lapse on the part of the respondents. Granting any relief now would set a wrong precedent.

6) We do not think that the order passed by the Division Bench of this court (Bench at Aurangabad) will be of any assistance for the petitioner there applied for hall ticket on the basis that the examination fees was paid but the transaction ID was not communicated to the respondent resulting in the hall ticket being denied. It is in those circumstances that this court directed making arrangement by issuance of a hall ticket. That is on a primary satisfaction with regard to compliance with the procedural rules. Such is not the position emerging from the record of the present petition. The petition is, therefore, devoid of merits and it is dismissed.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (S.C.DHARMADHIKARI, J.)