

Manisha Vitthal Patil and Anr.	}	Petitioners
versus		
Maharashtra University of Health	}	
Sciences and Ors.	}	Respondents

Ms. Sushma Bhende - AGP for respondent nos. 5 and 6.

DATED :- MARCH 30, 2016

2) It is conceded that there is no rule or regulation by which the college can decide for itself as to how a student meritorious or otherwise but belonging to Backward Class should

be admitted. If there is an admission against the reserved seat, then, it is not open to the college to treat the student as open category candidate and request the university to change the nomenclature and allow him to pursue his studies. Once there is no rule or regulation enabling the college to do what the petitioner now prays, then, we cannot, in writ jurisdiction, substitute the views of the academic bodies and experts in the field. The only concern that the seats in the college will remain vacant does not enable us to exercise our writ jurisdiction and create any precedent in absence of any law in the field. No relief on sympathetic and humanitarian ground can be granted. That is bound to be considered as undue interference in the decision of academic body or experts in the field. Once there are insufficient job opportunities and for those candidates who come out from such colleges, then, the seats are bound to remain vacant. All such issues are to be addressed by the experts in the field and not by this court. The writ petition is devoid of merits and it is dismissed. There would be no order as to costs.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)