

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11486 OF 2016

Sarvesh Arun Sawant

...Petitioner

vs.

The Principal,

B.R. Harne College of Architecture & Anr.

...Respondents

Mr. Sanjay Kulkarni, for the Petitioner

Mr. C.K. Thomas, for Respondent No. 1.

Mr. S.B. Kalel, AGP for Respondent-State.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : **OCTOBER 15, 2016**

PC.:

. Parties through their counsel.

2. The Petitioner is a student who got admission in the fourth round of CAP to the first year of Under Graduate Technical course in Architecture for the academic year 2016-2017. The Petitioner was allotted college at Kolhapur. However, the Petitioner's father wrote a letter dated 20th August, 2016 to the Principal of the college at Kolhapur (Exhibit G) that his son is not inclined to be admitted in the college at Kolhapur and therefore his admission be cancelled.

3. Through this Petition, the Petitioner is seeking direction to the Respondents to admit the Petitioner in the said course in the college of first Respondent at Vangani, Tal. Ambernath, Dist. Thane.

4. The learned AGP on instructions has stated that the admission process has already closed on 14th August, 2016 and in view of the judgment of the Supreme Court in the case of **“Parshwanath Charitable Trust & Others vs. All India Council for Technical Education and Others”**¹ no admission can be granted after the said cut-off date. He on instruction has also stated that even the college at Kolhapur has already acceded the prayer made by the Petitioner's father and cancelled the admission of the Petitioner in the college at Kolhapur. He therefore submits that now at this juncture, neither the transfer of the college is permissible nor the admission in the first Respondent college is permissible in view of the law laid down in the case of **Parshwanath Charitable Trust** (supra).

5. Having considered the submissions made by the learned counsel for the parties, we are of the view that since the Petitioner's

¹ (2013) 3 SCC 385.

admission has already cancelled by the college at Kolhapur and the cut-off date for admission has expired long back, in view of the law laid down by the Supreme Court in the case of Parshwanath Charitable Trust (supra) it is not possible for this Court to pass any order in regard to the relief claimed by the Petitioner.

6. As a result, the Petition fails and is hereby dismissed.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)