

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2525 OF 2016

Yuvraj Ashok Tajane

...Petitioner

Versus

Commissioner, Common Entrance
Test Cell, Mumbai & Ors.

...Respondents

...

Mr. D.S. Patil for the Petitioner.

Mr. Dushyant Kumar, AGP for the State.

Mr. Mandar Limaye for Respondent No.3.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 22nd SEPTEMBER , 2016.

P. C. :

Heard Mr. Patil, the learned counsel for the Petitioner, Mr. Dushyant Kumar the learned Additional Government Pleader for Respondent Nos.3 and 4 and Mr. Mandar Limaye for Respondent No.3.

2. The Petitioner had submitted online admission form for admission for 1st year LLB Course from OBC Quota. The Petitioner was granted provisional admission in Respondent No.3- College. The Petitioner subsequently realised that he is not eligible to take admission from OBC Quota as he does not belong to non creamy layer, as his

family income is more than Rs.6 lakhs. The Petitioner therefore, claims that he is entitled for admission in the open category in second and subsequent rounds of admission.

3. There is no dispute that the Petitioner does not belong to non-creamy layer category. Hence, in terms of Rule 14.1.A of Admission Rules framed by Respondent No.1 in exercise of powers under section 23 of Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admission and Fees) Act, 2015, the Petitioner is entitled to be treated as a candidate of open category in next round and would be entitled for admission in accordance with the merit.

4. In view of the above, we allow the petition in terms of prayer clause (e). The Respondent Nos.1 and 2 accordingly are directed to treat the Petitioner as a candidate from open category for second and /or subsequent rounds for admission for the first year of five year LLB course.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)