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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION***

***PUBLIC INTEREST LITIGATION NO. 54 OF 2014***

Forum for Fairness in Education and 2 Ors. ... Petitioners.

V/s.

State of Maharashtra and 3 Ors. ... Respondents.

Mr. Bhagvanji Rayani, Petitioner-in-person.

Mrs. Jyoti Chavan, Assistant Government Pleader for Respondent 1.

Ms. Manorama Mohanty a/w. Ms. Rachita Romani i/b. S.K. Srivastav  
& Co. for Respondents 2 to 4.

***CORAM : DR. MANJULA CHELLUR, C.J. &  
N.M. JAMDAR, J.***

***RESERVED ON : JUNE 14, 2017.***

***PRONOUNCED ON : JULY 18, 2017.***

**P.C. :-**

The Petitioners have filed this Public Interest Litigation making a grievance regarding the method of admission of students to the Respondent – Colleges.

2. The Petitioner No.1 is a Non Governmental Organization registered under Societies Act and Bombay Public

Trust Act. The Petitioner No.2 is the founder of the Petitioner No.1. The Petitioner No.3 is the current President of the Petitioner No.1. The Respondent No.1 is the State of Maharashtra through the Deputy Director of Education. The Respondent Nos.2 to 4 are Colleges established and administered by Shri Vile Parle Kelavani Mandal. The Mandal is a minority educational institution in the State of Maharashtra, established for the Gujarati Community.

3. The Petitioners had earlier filed a Writ petition bearing No. 902 of 1998 in respect of the identical cause, i.e. the admissions given to students by the Respondent – Colleges. The Petitioner had based the challenge on the Government Resolution dated 26 June 1997 in the said Writ Petition. Rule was issued and the Writ Petition was finally disposed of on 27 September 2013, with liberty to the Petitioner to file a comprehensive petition in view of subsequent developments. Thereafter, the present petition has been filed.

4. In the present Public Interest Litigation, the Petitioners have made the following prayers :-

*“The Petitioners therefore pray before the Hon'ble Court to direct the Respondents to admit students in the minority run colleges in Std. XI from the academic year 2016-17 and in all the years thereafter in lieu of the judgment between St. Stephen's College V/s. University of Delhi Jt. 1991(4) SC 548 as quoted in para no.7 that :*

- (a) To admit atleast 50% students of the communities other than the minority community.*
- (b) To admit no student of minority community in the minimum of 50% seats strictly reserved for non-minority students.*
- (c) The category of Open or General be designated as non-minority.*
- (d) The 50% seats reserved for minority shall also include the minority students admitted from quotas of Management, inhouse, transferred, govt./private, handicapped, servicemen and ex-servicemen, sports, culture, govt. and all other categories of admission.*
- (e) The 5% Management quota shall not be distributed among the wards of trustees/members of Executive & Managing Committee and staff of Minority run institutions in lieu of bar u.s. 17,49 and 50 of the Indian Trust Act, 1982.*
- (f) The Management quota of 5% shall be allocated under the majority decision of the special committee formed every year consisting the trustees of the Management, staff and students union to the financially weaker students even with less percentage of marks but on merits in this category as contended in para 23 of the petition.*
- (g) There shall not be any seats allotted to the wards of freedom fighters as explained in the petition para no. 10.*

5. Gist of the prayers of the Petitioner is that the minority institutes, such as the Respondent – Colleges, must keep aside 50% of the seats to 'non-minority students'. In such 50% seats, which are kept aside, there cannot be any reservation for any category. Keeping aside the 50% seats for 'non-minority' students is a mandatory requirement in view of the decision of the Apex Court in *St. Stephen's College v/s. University of Delhi*<sup>1</sup>. A grievance is made in the petition that, disregarding this mandate, in a non-transparent manner, the Respondent – Colleges are admitting students far in excess of the 50% quota and through a back door method the mandate of the Apex Court in the case of *St. Stephen's College* is flouted by the Respondent – Colleges, for which nothing has been done by the Respondent No.1 – State. This is broadly the grievance in the Petition.

6. We have heard Mr. Bhagvanji Rayani, Petitioner No.2 in-person on behalf of the Petitioners, Ms. Jyoti Chavan, Assistant Government Pleader for the State and Ms. Mohanty for Respondents 2 to 4.

7. The Petitioner in-person has read out his petition as well as pointed out the passages from the annexures. He has sought to tender certain material/charts in respect of admissions to the students given by the Respondent – colleges in the year 2008-2009. He has also tendered his written submissions, which is a summary of the

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1 JT. 1991(4) SC 548

Writ Petition. Reply affidavit is filed on behalf of the Respondent No.1 by the Deputy Director of Education along with compilation of decisions of the Apex Court and of the relevant Government Resolutions. Reply affidavit is also been filed on behalf of Respondent – Colleges.

8. Mr. Rayani, Petitioner-in-person in short submitted : The Government Resolution dated 26 June 1997, which was the subject matter of the earlier Writ Petition, is still made applicable, as it is clear from the affidavit filed by the Respondent – colleges. The Apex Court in the decision of *St. Stephen's College* has mandated that, in no case the intake of the students belonging to minority shall exceed the 50% of annual admissions. The various reservation provided, such as for the in-house students, wards of transferred employees, management quota, sports and cultural activities, children of freedom fighters, wards of ex-servicemen, are nothing but back door methods to flout the mandate of the Apex Court. For instance, there are no freedom fighters as on date who will have children young enough to be admitted in colleges. There were various complaints regarding the Respondent – Colleges that, inspite of substantially higher marks, various students were not admitted and the students with lower marks were admitted. Reports have appeared in newspapers, such as Indian Express, regarding the manner in which the colleges run by Shri Vile Parle Kelavani Mandal have admitted their students. The chart annexed to the Petition for

the year 1997-1998 will show that in Commerce stream - 74.26% of Gujarati students were admitted, in Electronics - 76% were admitted, while 71% Gujarati students were admitted in Respondent No.4 – College. The merit list of students with break-up of the year 2008-2009 will clearly demonstrate that overall admission of students belonging to Gujarati community is far in excess of 50%. The admissions have been given in the Respondent – colleges in opaque manner and simply on recommendations of various authorities, such as Police Officers. It is, therefore, necessary that the institutions are directed to follow the mandate of the Apex Court in the case of *St. Stephen's College* for the academic year 2016-2017.

9. Ms. Chavan, the learned Asstt. Govt. Pleader submitted : The dicta of the Apex Court in the case of *St. Stephen's College* has been modified, explained and varied by the Apex Court in subsequent decisions in the cases of *T.M.A. Pai Foundations v/s. State of Karnataka*<sup>2</sup>, *Islamic Foundations v/s. State of Karnataka*<sup>3</sup> and *P.A. Inamdar v/s. State of Maharashtra*<sup>4</sup> and various other decisions. The mandate that the minority colleges must keep aside 50% seats for non-minority has been diluted and the rights of minority institutions under Article 29(2) and Article 30(1) of the Constitution of India have been recognized and it has been clarified that needless restrictions cannot be imposed on these rights. The

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2 2002(8) SCC 487

3 2003(6) SCC 697

4 2005(6) SCC 537

Education Department of State of Maharashtra has framed a policy on 26 June 1997 in respect of giving admissions to the students in the XI standard. After the decision in the case of *T.M.A. Pai Foundations*, the Education Department has issued a Government Resolution on 27 May 2003. By the Government Resolution dated 28 May 2009, the Respondent – State has taken a decision to make Online admission compulsory. The entire admission process is done Online for all the students, including those who are admitted in the 50% quota, the 20% in-house quota and the 5% management quota. Certain directions were issued by this Court in PIL No. 127 of 2014 to the State Government to come out with a concrete policy of Online admission, pursuant to which a Resolution was issued on 20 March 2016. Another Government Resolution was issued on 7 January 2017 in respect of Online admissions. Therefore the petition, which simplicitor seeks implementation of observation of the Apex Court in the case of *St. Stephen's College*, disregarding subsequent decisions of the Apex Court and the Government Resolutions, cannot be entertained and the Petitioner has not disclosed, neither placed on record, the current state of affairs, nor has challenged any of the Government Resolutions and the Petition be dismissed.

10. Ms. Mohanty, the learned Counsel for the Respondent – Colleges submitted : The Petitioner No.2 is himself a member of Shri Vile Parle Kelavani Mandal which runs the Respondent –

colleges and has needlessly filed series of petitions only to discredit the Respondent - institution. The Petitioner has not made any other minority institution as a party and such so called public interest petition against Respondents – institutions, of which the Petitioner No.2 is a member, is nothing but the personal vendetta of the Petitioner No.2. The earlier Petition filed by the Petitioners was disposed of on the ground of subsequent changes in law and without bothering to challenge the Government Resolutions or even making an attempt to distinguish the decisions, again another Writ Petition with same cause has been filed, which is a abuse of the process of law. The absolute position of law that the minority institutions must keep aside 50% of the seats for non-minority students is no longer in existence in view of the decisions of the Apex Court in the cases of *T.M.A. Pai Foundations*, *Islamic Foundations* and *P.A. Inamdar*. The Respondent Nos.2 to 4 colleges are most prestigious and reputed colleges and receive various applications from all over which are processed on merit. If a student from the minority community submits a form in open category, without claiming benefit of minority status and if he is selected on merit, then it is not possible for the colleges to assume his community only on the basis of his surname. Therefore, if the students from minority community on their own merit get admitted through open category, no grievance can be made that the quota has exceeded. There is no irregularity or illegality in the admission process and the totally transparent

methodology is being followed pursuant to the Government Resolutions, which have made the process of admission Online. The Petition is filed and argued in a casual manner and should be dismissed with cost.

11. We have considered the rival contentions. First limb of the Petitioner's submission is regarding the quota that is available to minority institutions, and the second part is the manner in which the Respondents – colleges are admitting the students.

12. As regards the aspect of quota, the entire basis of the Petitioner's case is the passage from the decision of the Apex Court in the case of *St. Stephen's College*. The passage relied upon by the Petitioner is as under :-

*“104. In the light of all these principles and factors, and in view of the importance which the Constitution attaches to protective measures to minorities under Article 30(1), the minority aided educational institutions are entitled to prefer their community candidates to maintain the minority character of the institutions subject of course in conformity with the University standard. The State may regulate the intake in this category with due regard to the need of the community in the area which the institution is intended to serve. But in no case such intake shall exceed fifty percent of the annual admission. The minority institutions shall make available at least fifty per cent of the annual admission to members of communities other than the minority community. The admission of other community candidates shall be done purely on the basis of merits.”*

13. Before proceeding further to examine this contention of the Petitioners, it is necessary to consider the earlier round of litigation instituted by the Petitioners. The Petitioners had filed Writ Petition No. 902 of 1998, with the following points, which have been reproduced in the present Writ Petition :-

*“6. The Petitioners refer will to and rely upon the important points of the said 26, June 1997 GR i.e. '97 GR for short at Ex.B of the said W.P. No.902 of 1998 on admissions to Std. XI, popularly called as Junior College as under :*

*(i) 50% seats to be filled from the students of the minority community running the institution.*

*(ii) 50% seats to be reserved for open (or general) category.*

*(iii) 20% for inhouse students i.e. the students passing Std. X from the school located in the same premises of the college which school is also run by the same minority institution.*

*(iv) 5% seats for the wards of transferred employees of State / Central Govt. employees / defence personnels / employees being transferred from private sectors, handicap / wives / ward of ex-servicemen / students of freedom fighters / students at the school / college level, is on basis of merit only.*

*(v) 2 (now 5%) seats will be reserves for students having first second rank in sports or cultural activities on district / state / national level. These seats will also be filled on merit only.”*

The Petitioner-in-person sought to contend that the Petition was disposed of, since due to passage of time the factual position had

changed and the allegations regarding the irregular admissions of students pertained to the year 1997-1998 and the current factual position was not on record. It was submitted that the Writ Petition was therefore disposed of with a liberty to file afresh pointing out the current factual position. The Petitioner-in-person contended that the Respondent – colleges continue to indulge in the same activity and their methods have not changed from the year 1997-98 till date, and therefore there is no need to change the pleadings.

14. It is not possible to accept such a simplistic submission. The Petitioner had made identical prayers in the earlier Writ Petition No. 902 of 1998. The order passed by the Division Bench disposing of the Writ Petition No. 902 of 1998 is reproduced as under :-

*“1. The petition was filed in the year 1998 and is based on the position in law as enunciated in the judgment of the Supreme Court in Unikrishnan vs. State of Andhra Pradesh<sup>1</sup>. The position of law has now undergone a fundamental change, in view of the subsequent judgments of the Supreme Court, in T.M.A. Pai Foundation & others vs. State of Karnataka and others, Islamic Academy of Education and another vs. State of Karnataka and others, and P.A. Inamdar and others vs. State of Maharashtra and others and subsequent judgments which have followed the earlier decisions. In view of the subsequent position in law as expounded by the Supreme Court, we dispose of the petition by reserving liberty to the Petitioner to file a comprehensive petition, if necessary, on the same cause of action having due regard to the position in law as laid*

*down in the subsequent decision of the Supreme Court. The petition is, accordingly disposed of. There shall be no order as to costs.*

*2. In view of the disposal of the writ petition, Notice of Motion No. 356 of 2003 in the petition will not survive and is accordingly disposed of.”*

Thus Division Bench did not dispose of the Writ Petition only on the ground of change in the factual position. The Division Bench took note of the change in position of law regarding the minority institutions and observed the decisions of the Apex Court by which the law regarding minority institutions had undergone a substantial change. Liberty was given to file a fresh Petition having regard to the subsequent changes in law. The order dated 27 September 2013 was not challenged further.

15. After the disposal of the Writ Petition No. 902 of 1998, the Petitioners were clearly aware regarding the subsequent decisions of the Apex Court. It was thus expected that the Petition filed pursuant to the liberty will be based on the subsequent developments in law. Liberty was not granted to file the same Petition again. As the perusal of the present Petition shows, after the order passed by the Division Bench on 27 September 2013 is quoted, all that the Petitioners have stated that still the junior colleges admissions are given mainly on the basis of Government Resolution No. HSC 1097 and the Petitioners stand also remains the

same. There is no reference to the decisions in the case of *T.M.A. Pai Foundation* or *Islamic Foundations and P.A. Inamdar*, let alone any averments as to how inspite of these decisions of the Apex Court in *T.M.A. Pai Foundation, Islamic Foundations and P.A. Inamdar*, as to how a writ of mandamus can be issued to direct the Respondents to admit students on the basis of decision of *St. Stephen's College*. During the course of oral arguments, the Petitioner-in-person has repeatedly relied upon the above quoted passage from the decision in the case of *St. Stephen's College* and that the status of the colleges as aided and non-aided, without there being any pleadings. On the basis of such pleadings and oral submissions, the Petitioners are calling upon us to issue a mandamus to the State Government to change the method of admissions to all minority institutions.

16. As noted in the order dated 27 September 2013, substantial changes in law have taken place after the decision was rendered in the case of *St. Stephen's College* in the year 1997. After the decision in *St. Stephen's College* various questions arose regarding right of minorities to establish and administer educational institutes of their choice under Article 30(1) r/w. Article 29(2) of the Constitution of India. A doubt was expressed regarding the correctness of the decision in the case of *St. Stephan's College*, and the matter was initially placed before the bench of seven learned Judges of the Apex Court. Thereafter, questions were framed and the bench directed that the matter be placed before the larger bench

of eleven learned Judges, which culminated in the decision in the case of *T.M.A. Pai Foundation*.

17. In the case of *T.M.A. Pai Foundation*, the Apex Court held that there can be no doubt that in seeking affiliation or recognition, the Board or the university or the affiliating or recognizing authority can lay down conditions consistent with the requirement to ensure the excellence of education. It can, indicate the standard of teachers and the courses of study and curricula, and the existence of sufficient infrastructure. The Apex Court however emphasized that the essence of a private educational institution is the autonomy that the institution must have in its management and administration, and needless bureaucratic or governmental interference in the administration of such an institution will undermine its independence. It was emphasized that for admission into any professional institution, merit must play an important role. It was observed that an educational institution cannot grant admission on its whims and fancies, and must follow some identifiable or reasonable methodology of admitting the students. The ultimate decision to grant admission to the students who have otherwise qualified for the grant of admission must be left with the educational institution concerned. The Apex Court then considered the decision of *St. Stephen's* case in *extentio*. As regard the mandate of 50%, heavily relied upon by the Petitioner-in-person, the Apex Court observed thus :-

*“151. The right of the aided minority institution to preferably admit students of its community, when Article 29(2) was applicable, has been clarified by this Court over a decade ago in St. Stephen's College case. While uploading the procedure for admitting students, this Court also held that aided minority educational institutions were entitled to preferably admit their community candidates so as to maintain the minority character of the institution, and that the State may regulate the intake in this category with due regard to the area that the institution was intended to serve, but that this intake should not be more than 50% in any case. Thus, St. Stephen's endeavoured to strike a balance between the two articles. Though we accept the ratio of St. Stephen's which has held the field for over a decade, we have compelling reservations in accepting the rigid percentage stipulated therein. As Article 29 and Article 30 apply not only to institutions of higher education but also to schools, a ceiling of 50% would not be proper. It will be more appropriate that, depending upon the level of the institution, whether it be a primary or secondary or high school or a college, professional or otherwise, and on the population and educational needs of the area in which the institution is to be located, the State properly balances the interests of all by providing for such a percentage of students of the minority community to be admitted, so as to adequately serve the interest of the community for which the institution was established.” (emphasis supplied).*

18. The Apex Court thereafter proceeded to consider the question of regulation by the Government or University in respect of admission of students to minority educational institutions. In the

conclusion, specific questions were framed and answered by the eleven Judges Bench. In respect of *St. Stephen's College* it was as under :-

*“Q.8. Whether the ratio laid down by this Court in St. Stephen's case (St. Stephen's College v. University of Delhi) is correct ? If no, what order ?*

*A. The basic ratio laid down by this Court in St. Stephen's College case is correct, as indicated in this judgment. However, rigid percentage cannot be stipulated. It has to be left to authorities to prescribe a reasonable percentage having regard to the type of institution, population and educational needs of minorities.”*

The above culled out paragraphs clearly indicate that the dicta in the case of *St. Stephen's College* was diluted to that extent and it is left to the State to properly balance the interest of all by providing such percentage of students in minority community.

19. The issue of the right of minority institutions to admit students to educational institutes again arose for consideration in the case of *P.A. Inamdar*. A Bench of seven learned Judges of the Apex Court was constituted to consider the following questions :-

*(1) To what extent can the State regulate admissions made by unaided (minority or non-minority) educational institutions ? Can the State enforce its policy of reservation and/or appropriate to itself any quota in admissions to such institutions ?*

*(2) Whether unaided (minority and non-minority) educational institutions are free to devise their own admission procedure or whether the direction made in Islamic Academy, (2003) 6 SCC 697, for compulsorily holding an entrance test by the State or association of institutions and to choose therefrom the students entitled to admission in such institutions, can be sustained in light of the law laid down in Pai Foundation (2002) 8 SCC 481 ?*

*(3) Whether Islamic Academy, (2003) 6 SCC 697, could have issued guidelines in the matter of regulating the fee payable by students to the educational institutions ?*

*(4) Can the admission procedure and fee structure be regulated or taken over by the Committees ordered to be constituted by Islamic Academy (2003) 6 SCC 697 ?*

20. The Apex Court held thus :-

*“116. First, we shall deal with minority unaided institutions.*

*117. We have in the earlier part of this judgment referred to Kerala Education Bill and stated the three categories of minority educational institutions as classified and dealt with therein. The seven-Judge Bench decision in Kerala Education Bill still holds the field and has met the approval of the eleven-Judge Bench in Pai Foundation. We cull out and state what Pai Foundation has to say about such category of institutions :*

*(i) Minority educational institution, unaided and unrecognized.*

118. *Pai Foundation is unanimous on the view that the right to establish and administer an institution, the phrase as employed in Article 30(1) of the Constitution, comprises of the following rights : (a) to admit students; (b) to set up a reasonable fee structure; (c) to constitute a governing body; (d) to appoint staff (teaching and non-teaching); and (e) to take action if there is dereliction of duty on the part of any of the employees.*

119. *A minority educational institution may choose not to take any aid from the State and may also not seek any recognition or affiliation. It may be imparting such instructions and may have students learning such knowledge that do not stand in need of any recognition. Such institutions would be those where instructions are imparted for the sake of instructions and learning is only for the sake of learning and acquiring knowledge. Obviously, such institutions would fall in the category of those who would exercise their right under the protection and privilege conferred by Article 30(1) "to their hearts' content" unhampered by any restrictions excepting those which are in national interest based on considerations such as public safety, national security and national integrity or are aimed at preventing exploitation of students or the teaching community. Such institutions cannot indulge in any activity which is violative of any law of the land.*

120. *They are free to admit all students of their own minority community if they so choose to do.*

(ii) *Minority unaided educational institutions asking for affiliation or recognition.*

121. *Affiliation or recognition by the State or the Board or the university competent to do so, cannot be denied*

*solely on the ground that the institution is a minority educational institution. However, the urge or need for affiliation or recognition brings in the concept of regulation by way of laying down conditions consistent with the requirement of ensuring merit, excellence of education and preventing maladministration. For example, provisions can be made indicating the quality of the teachers by prescribing the minimum qualifications that they must possess and the courses of studies and curricula. The existence of infrastructure sufficient for its growth can be stipulated as a prerequisite to the grant of recognition or affiliation. However, there cannot be interference in the day-to-day administration. The essential ingredients of the management, including admission of students, recruiting of staff and the quantum of fee to be charged, cannot be regulated.”*

In the Petition there is no reference at all to the above observations and this position of law. Liberty was not granted by the earlier bench to file a petition disregarding these decisions.

21. By this Petition, which is nothing but a reproduction of the earlier Writ Petition, a simplicitor mandamus is sought that the decision in the case of *St. Stephen's College*, be followed. The Petition proceeds as if the decisions in the cases of *T.M.A. Pai Foundation*, *Islamic Foundations* and *P.A. Inamdar*, do not exist. If these decisions are not applicable, the Petitioner should have challenged the order passed on 27 September 2013, which held them to be so. The Petitioners are misusing the liberty granted to file a

fresh petition by again filing an identical petition.

22. Furthermore, the Petition is also completely silent as to the various Government Resolutions issued by the State Government, these have also not been referred to neither they have been challenged. In the case of *T.M.A. Pai Foundation* of the Apex Court had made it clear that the directions to keep 50% seats in the case of *St. Stephen's College* is not mandatory and it is upto the State to fix a reasonable quota. Nothing has been demonstrated before us as to how the steps taken by the State are unreasonable, except orally referring to certain facts. The Government Resolutions are annexed to the reply filed by the State as well as compilation of Government Resolution are placed on record. The Petitioners have referred to the Government Resolution dated 26 June 1997 and have stated that this still holds the field. The copy of the said Resolution is placed on record. The Resolution dated 26 June 1997, a reference is made to a decision of this Court in Writ Petition No. 475 of 1997, the Resolution states that the minority institutions which would be admitted the 50% students relating to their own community will have to recruit the same on the basis of merit from the minority community. It states that if the institution has a secondary school adjacent in one compound then the 20% quota can be reserved for students from such institutes on the basis of merit. 5% of total seats were also permitted to be reserved but that would be permitted to be admitted, which will be on merits. 5% quota reservation for

handicapped students, the children from all the State and Central Government, transfers of shelters, etc. is provided admissions on the basis of merit, so also the students from sports quota. The Government Resolutions which have been issued from the year 2003 onwards find no reference in the present Petition.

23. On 27 May 2003, a Government Resolution was issued taking into consideration the decision in the case of *T.M.A. Pai Foundation*. The Government Resolution dealt with reservation for the backward classes in the minority institutions. It was stated that the minority institutions without grant will have a right to give admission in the 50% quota provided certain guidelines are followed. Thereafter, a Government Resolution has been issued on 28 May 2009, in respect of the admission process for XI standard by which Online admission process has been introduced. A detailed methodology has been laid down as to how this Online admission process has to be conducted. Thereafter, the Government Resolutions have been issued on 7 January 2017 bringing more transparency in the admission process. There is no reference at all to these resolutions and what is their effect as on today in the Petition.

24. We will have to keep in mind that this petition is purported to be moved in public interest. The Court will be hesitant to launch a roving enquiry and enter into various complex issues which will affect large number of students, unless a clear, cogent and

well researched challenge is brought before the Court, especially when the Court is already over burdened with regular cases, which require pressing and immediate attention.

25. Turning now to the second limb of Petitioner's argument that is the allegation of the Petitioner regarding irregularities in the Respondent – institutions. The Petitioners have reiterated the incidents which have occurred in the year 1997-98 which were part of the earlier Writ Petition. As far as the current position, no cogent material is annexed to the Petition. The Petitioner-in-person has sought to tender the list of students of the year 2008-2009, across the bar with hand written calculation, to demonstrate how the intake of students from Gujarati minority community has exceeded 50% limit. Again this material is without any supporting affidavit and simply handed over to the Court. Even this position is of 8 to 9 years ago. As it has rightly pointed out by the learned AGP that it is not possible for the colleges to admit students on private recommendations, as the procedure now has been made transparent by the State Government by issuing various Government Resolutions dated 28 May 2009, 28 March 2016 and 7 January 2017. The Respondents – colleges in their affidavits have placed on record the procedure followed by these colleges while admitting the students. It is asserted that the admission notice is placed on the notice board of the college as well as college website that 50% of the seat in their college are reserved for the minority community and the

students seeking admission in the minority quota will have to apply to the College in the minority quota along with requisite proof to show that they are eligible to be admitted under the minority quota; after the cut-off date of submission of forms. A special merit list from the students who have applied in minority quota is prepared and put up on the Notice Board of the College as well as on the Website of the College, and the admission are within the dates specified in the notice. The vacant seats are filled up by the students appearing in the merit list. A separate list for admission to the courses in the College in the open category and after the cut-off date, a list on the basis of merits is made and put up on the notice board. There is no rejoinder filed controverting these assertions.

26. The perusal of the Government Resolutions issued from 2009 onwards shows that the State Government has taken a decision to make the process of admission of students Online. The Government Resolutions take their ambit the minority institutions as well. The entire admission process is done Online, including of those students who are to be admitted in the 50% quota, 5% management quota as well as 20% inhouse quota. The admission to all these categories is on merit. The minority institutions have to upload their management quota as well as the inhouse quota and the system adopted is transparent. In the Government Resolution dated 7 January 2017, a detailed methodology is laid down regarding Online admissions which includes the seats for minority, inhouse

quota as well as the non-minority quota.

27. In view of this policy of the State Government, assuming deviations and irregularities existed twenty years ago, they are not easily possible today. Therefore, based on the allegations of the years 1997-1998 and charts of the year 2008-2009, it cannot be said that as on today the Respondents – colleges are violating the decisions of the Apex Court or the Government Resolutions. As rightly contended by the learned Counsel for Respondent Nos.2 and 4, the reputation of the Respondents – Colleges cannot be maligned only on the basis of the oral assertions across the bar, without there being any cogent material. If there are any concrete instances as on today, the Petitioners can always draw the attention of the Authorities to them.

28. The admission process to all the colleges has been going on as per the Government Resolutions which have been issued from time to time by the State Government in consonance with the decisions of this Court and the Apex Court. The Online process has brought in transparency. There is no challenge to any of the Government Resolutions issued after the year 1997. Earlier Petition was disposed of and liberty was granted to file a new Petition in view of the subsequent decisions of the Supreme Court, which has not been done.

29. Keeping in mind the manner in which the Petition has been moved, purportedly under public interest, and considering the sweep of the prayers sought, we are not inclined to issue any direction in the petition. If the directions as sought for by the Petitioner are issued, disregarding all the subsequent developments, it will lead to a chaotic situation and disrupt the entire admission process in the State of Maharashtra. Resultantly, the Petition is dismissed.

*(N.M. JAMDAR, J.)*

*(CHIEF JUSTICE)*