

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 5350/2017.

Prof. Ram Meghe Institute of Technology and Research, Amravati.

-VERSUS-

State of Maharashtra and others.

WRIT PETITION No. 4616/2017.

Shrirang A. Pathak, Buldhana and others.

-VERSUS-

Sant Gadge Baba Amravati University and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.

DATE : AUGUST 14, 2017.

Heard Shri M.M. Sudame and Shri A.R. Patil, learned Counsel for petitioners, Shri K.L. Dharmadhikari, learned A.G.P. for respondent State, Shri N.S. Badhe, learned Counsel for respondent University, Shri R.S. Sundram, learned Counsel for respondent AICTC and Shri A.P. Chaware, learned Counsel for respondent no.6 in Writ Petition no.4616/2017.

2. In Writ Petition No. 5350/2017, a College running Post Graduate Course (MCA), is, before this

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Court with a grievance that because of non-cooperation by respondent University, it could not find place in seat matrix with respondent no.3, and therefore, students could not participate for direct admission to second year in M.C.A. Course.

3. In Writ Petition No. 4616/2017, students of another College, which is respondent no.6 in that petition, are before us. Their grievance is because of communication earlier sent by very same University, College, name did not figure in seat matrix and therefore, they were prohibited from participating in direct admission to second year of MCA Course.

4. Eligibility of students with whom we are concerned in both the petitions, is not in dispute. Thus, the Director of Higher and Technical Education accepts that had respective colleges figured in CAP process, the students could have been admitted to second year of MCA course directly.

5. Learned A.G.P. however, points out that Sant Gadge Baba Amravati University forwarded a letter and deleted three names from CAP. Two such colleges form subject matter of two writ petitions before this Court. He submits that in absence of such deletion, students would not have faced any problem.

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As Director of Higher and Technical Education and University could not and did not include those colleges in CAP round, students could not take admission therein.

6. He also points out that later on University has given its no objection and the colleges are declared eligible for participation by the University. However, that is after completion of the admission schedule. It is therefore, claimed that at this stage no cognizance of this dispute can be taken.

7. Learned Counsel appearing for AICTE in Writ Petition No. 5350/2017 submits that when University did not recommend name of colleges, respondent no.5 is not concerned with the process.

8. Sant Gadge Baba Amravati University has filed reply and accepts that later on it has advised the Directorate of Technical Education to permit colleges to participate in the process.

9. Though learned A.G.P. is right in submitting that in the meanwhile the time fixed in schedule for completion of admission process has expired, our attention has been invited to a communication dated 09.08.2017, sent by the Assistant Director of Technical Education. This

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document shows that because of difficulties faced, the Hon'ble Supreme Court has in Misc. Application No.391/2017, extended the cut off date of admission for the year 2017-18, and therefore admissions can be completed by 31.08.2017. The contingency looked into in this letter is of students who failed in Summer 12th Class Examination, but, have cleared the later supplementary examination. Similarly, a chance appears to have been given to the students who could not produce necessary documents and participate in the admission process for admission against CAP seats or at Institute level.

10. Thus, in sum and substance, the State Government appears to have taken a decision to permit students who for no fault on their part, were prohibited from participating in admission process. Here the situation is not different. Though students of petitioner College in Writ Petition No. 5350/2017, or then petitioners in Writ Petition No.4616/2017 have participated in CAP round, in absence of any college in Amravati Division, they are constrained to take admission to second year MCA course in a college in other University located at some distance and therefore, incur more expenditure.

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11. It is an admitted position that no college in Amravati University has participated in CAP rounds because of earlier letter given by that University. The realization of mistake by the University, amends made by it therefore, must result in some fruitful purpose. Spirit of communication dated 09.08.2017, also has to be kept in mind. The students in Amravati Region who have participated in CAP round therefore can be given an opportunity to shift to college of their choice in the jurisdiction of Amravati University i.e. Sant Gagde Baba Amravati University.

12. The petitioners/students before us have already participated in that round, as such opportunity of choosing of college of their choice can definitely be extended to them.

13. We therefore, direct Sant Gagde Baba Amravati University and Director of Higher and Technical Education, Maharashtra State as also other concerned respondents, to take necessary steps in this regard so that the students are benefited and their parents are not required to spend more unnecessarily.

14. This can be permitted by allowing the student to submit their option on or before 24.08.2017 and by processing it and by completing the

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admission accordingly by 31.08.2017 in consonance with the letter dated 09.08.2017.

15. Accordingly with these directions we partly allow both the Writ Petitions. No costs.

16. Copy of this order be furnished to learned counsel for the parties to act upon.

Rgd.

JUDGE

JUDGE