

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4950 OF 2018

Priyadarshini Vidya Mandal Kallamb

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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Mr. V.V. Bhavthankar, Advocate for petitioner.

Mr. V.S. Badakh, A.G.P. for respondent – State.

Mr. A.R. Nikam, Advocate for respondent no.5.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 12th DECEMBER, 2018

ORDER :

The petitioner assails the communication dated 04th May, 2018. Under the said communication, it was affirmed by the Director, Maharashtra Vidya Pradhikaran, Pune that the names of 11 students cannot be included in online admission process and their admissions cannot be regularized.

2. Mr. Bhavthankar, the learned Counsel for the petitioner submits that these 11 students were admitted before the cut-off date i.e. 16th August, 2017. They were admitted off line. It was immediately

communicated to the respondents. It has also been accepted that these students are admitted before 16th August, 2017 in the special round and thereafter no admission has taken place. It is only because of the technical glitch, their names could not be taken in online admission process. The learned Counsel submits that there is no fault of these students or the institution. These students were admitted at institution level.

3. The learned A.G.P. submits that the admission procedure was to be completed by 10th October, 2017 and the last date for admission was 16th August, 2017. According to the learned A.G.P., the petitioner, for the first time, applied to Respondent No.3 under letter dated 23rd March, 2018 communicating off line admission of the concerned 11 students. This shows that the same was not as per the procedure. Now in pursuance of online admission procedure, the admission process cannot be interfered by manually. The said system has already been closed. Illegal admission by the management cannot be regularized.

4. Mr. Nikam, the learned Counsel for Respondent No.5 supports the argument of the learned A.G.P.

5. It appears that the petitioner – institution did not communicate till 23rd March, 2018 about admission of these 11 students. Even if the contention of the petitioner is accepted, still it appears that there is procedural irregularity on the part of the petitioner. The petitioner was required to communicate before 10th October, 2017 the number of students admitted for taking their names in online process. But the petitioner for the first time communicated on 23rd March, 2018 when the online process was completed. The petitioner seeks to rely on the receipts of the fees paid by these students to suggest that they were admitted before 16th August, 2017. Even if the contention of the petitioner is accepted, however, the fault lies with the petitioner for not communicating the names of the students online till 10th October, 2017.

6. For the said reason we cannot put the careers of the students in jeopardy. The course is of two years. Pursuant to the interim orders of this Court, the students are allowed to appear for the examination and they have completed one year.

7. We had specifically asked the learned A.G.P. about the number of students admitted by the petitioner – institution. It has been confirmed that the petitioner had not admitted students beyond its intake capacity.

8. Considering the aforesaid aspect, we direct the respondents to accept these 11 students as they are admitted before the cut off date and treat them as regular students. However, the petitioner deserves penalty for their acts of omission and commission. The petitioner shall deposit Rs.1,00,000/- (Rupees One Lakh) with Respondent No.2 by way of penalty within a period of four weeks from today. The petitioner shall not recover the said amount from the students. Writ Petition is disposed of.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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