

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

901 WRIT PETITION NO. 10363 OF 2018

UMESH DILIP PATIL AND OTHERS
VERSUS
KAVIYATRI BAHINABAI CHAUDHARI NORTH MAHARASHTRA UNIVERSITY
JALGAON AND OTHERS

...
Advocate for Petitioners : Mr. Deshmukh Rajendra S.
GP for Respondent No.1: Mr. A.B. Girase h/f. Y.B. Bolkar
...

**CORAM : R.M. BORDE &
MANGESH S. PATIL, JJ.**
DATE : 09.10.2018

PC. :-

The petitioners are questioning the validity of the Circular No. 210 of 2018 dated 28.08.2018 issued by respondent no.1-University, whereby the Circular No. 207 of 2018 dated 23.08.2018 has been partly withdrawn to the extent of the students of third year, who were permitted to take admission in the final year of engineering course with further directions to the institution imparting education in engineering stream to return the tuition fees to the students.

2. By virtue of the course the decision taken on 23.08.2018, the facility was extended to the students studying in second year and third year to secure admission to B.E. degree course. Although they possess deficit credit points of 15 or less than that, the aforesaid facility provided to the students

has been withdrawn within five days by issuing another Circular No. 210 of 2018.

3. An affidavit in reply has been presented on behalf of the University and in paragraph no.11 the reasons for withdrawal of the Circular No. 207 of 2018 have been recorded which are as below:

“11. I say and submit that, after issuance of the Circular No. 207/2018, the answering respondent has received the application / representation from the students demanding the application of 'Any 5' Rules. Accordingly, the said representation was placed before the next Board of Examination and Evaluation meeting which was held on 28/08/2018. In the meeting dated 28/08/2018, the earlier Resolution No. 03/2018 dated 21/08/2018 was also placed for confirmation. At that time, while confirming the same, the Board of Examination has again discussed the issue thoroughly and decided to make certain changes. Accordingly, the detailed resolution in that regard bearing Resolution No. 05/2018 was passed on 28/08/2018 in respect of application of ATKT. It is observed that, from academic year 2017-2018, seven engineering colleges who are affiliated to answering respondent have now obtained the affiliation from Dr. Babasaheb Amedkar Technological University, Lonere and students are admitted to F.E. (2017-2018) and to SE (2018-2019). As such, for the 2018-2019 would be the last batch of T.E. of the answering respondent in respect of these colleges of Engineering Course. Similarly, it is also discussed that, as there will be last batch of T.E. (2018-2019) in answering respondent, there should be facility of 15 or less credits (including FE and SE) students of CGPA pattern of 2012-2013 to take admission to TE. Also, last batch of CGPA pattern of 2012-2013 of the answering respondent will be of BE Course in academic year 2019-20, therefore, it would not be appropriate to give admission to BE to the students who are having 15 or less credits of SE and TE. Accordingly, the Board of Examinations and evaluation of the

answering respondent modified the Circular No. 207/2018 and thereby published the modified Circular No. 210/2018 on 28/08/2018. The answering respondent has further discussed the other demands and issues raised by the students. Hereto annexed and marked as EXHIBIT-"AR-5" is the copy of minutes of meeting dated 28/08/2018 and the resolutions."

4. It does appear that the board of examination and evaluation has taken a decision to bring about the changes and the reasons for the change has also been recorded in the affidavit. So far as the academic matters are concerned the experts dealing with the relevant issues are conversant with the facts and the realities and it is not for the High Court to cause interference in exercise of extra ordinary jurisdiction in respect of the issues which are within the exclusive domain of the experts in the academic field. It has not been pointed out that the petitioners have been put to any prejudice within the period of five days during which the decision has been rectified. The parties have not changed the position and as such no unreasonableness or prejudice to the students can be attributed.

5. For the reasons recorded above, no intreferece can be called for in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. The writ petition is devoid of substance and stands rejected.

[MANGESH S. PATIL, J.]

[R.M. BORDE, J.]