

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

BENCH AT AURANGABAD.

WRIT PETITION NO.14525 OF 2017

Mr.Shivani D/o Gokul Bhokre
and others. ... Petitioners.

Versus

Union of India and others. ... Respondents.

...
Mr.Kalyan V. Patil, advocate for the petitioners.
Mrs.A.V.Gondhalekar, Additional Government
Pleader for the State.
Mr.D.G.Nagode, Standing counsel for Respondent
No.1.
Miss.Kamble, advocate holding for Mr.S.V.Adwant,
advocate for Respondent No.2.
Mr.K.M.Suryawanshi, advocate for Respondent No.3.
...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 26.03.2018.

PER COURT :

1. We have heard Mr.Kalyan Patil, learned
counsel for the petitioners.

2. The petitioners seek following

reliefs :

"B. By a writ of Mandamus or any other appropriate writ or order or directions in the like nature, the impugned online notification clause 4 restraining the B.Tech students to apply for GPAT 2018 aptitude test issued by the respondent No.2 may kindly be quashed and set aside.

C. By a writ of Mandamus or any other appropriate writ or order or directions in the like nature, the respondent No.2 may kindly be directed to either include the syllabus in GATE exam or allow to appear the GPAT exam to the petitioners.

3. According to the learned counsel, the petitioners are pursuing B.Tech (Chemical) Pharmaceutical and Fine Chemical Technology degree course from Department of Chemical Technology, Dr.Babasaheb Ambedkar Marathwada

University, Aurangabad. The Respondent Nos.1 and 2 are responsible for framing Rules and Regulations in conduct of GPAT, GATE, CMAT examinations. The learned counsel submits that up to the year 2010, the Respondent No.2 was conducting GATE aptitude test. It was common for all B.Tech., B.Pharm. and other equivalent students. In the year 2011, the Respondent No.2 bifurcated the scheme of examination into two parts viz. GATE and GPAT. According to the learned counsel, the Respondent No.2 allowed all faculty students to appear for GATE examination for Bachelor of Technology but in the said examination, there is no separate syllabus and stream kept for the students of Pharmaceutical and Fine Chemical Technology. The syllabus GATE aptitude test is not conducive for the students of B.Tech. (Pharmaceutical and Fine Chemical Technology). Only 20% syllabus of the said course is included in the GATE aptitude test, whereas in GPAT aptitude test about 80% syllabus of B.Tech. Pharmaceutical and Fine Chemical is included. The learned counsel submits that the Respondents are required to include the syllabus

of B.Tech. Pharmaceutical and Fine Chemical Technology) in the GATE examination. The petitioners be also allowed in GATE and GPAT examination. The petitioners are losing the opportunity for getting scholarship, Ph.D. and so on. It would be in the interest of students if the directions as sought are given to the Respondents.

4. Miss.Kamble, learned counsel for Respondent No.2 submits that GATE aptitude test is not conducted by the Respondent No.2. It is conducted jointly by Indian Institute of Science and seven other institutes. The Respondent No.2 conducts GPAT at a national level as per the directions of Human Resource Development. The scope of both the examinations is different and distinct. The syllabus of GPAT is prepared by expert Committee of GPAT consisting of renowned expert. The eligibility is well laid down. B.Tech.(Pharmaceutical and Fine Chemical Technology) students are exempted from appearing for GPAT as GPAT is exclusively meant for B.Pharmacy graduates to take admission in

M.Pharmacy. The contention of the petitioner that 80% of the syllabus of GPAT is within their curriculum is incorrect.

5. We have considered the submissions. The Information Brochure of GATE is placed on record. From the said Information Brochure, it appears that AICTE is not conducting the said examination.

6. Prescribing syllabus for a particular course is a job of experts. Persons having expertise in a particular field, work upon the necessary syllabus to be included in the particular course. The Courts do not possess the necessary expertise in that regard nor can sit over as an appellate authority over the decision taken by the authority, more particularly, in the arena of academics.

7. The relief claimed would not be within the realm of the writ jurisdiction of this Court. It is for the experts to determine the necessary syllabus.

8. In light of the above, no interference is called for. The Writ Petition as such is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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