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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11800 OF 2018

Gaurav Shivprasad Mahajani .. Petitioner

Vs.

The State of Maharashtra & ors. .. Respondents

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Mr. S.A. Rajeshirke for the petitioner.

Mrs. Kavita N. Solunke, AGP for respondent No.1.

Mr. C.G. Patil for respondent No.2.

Mr. P.M. Palshikar for respondent No.3.

Mr. S.S. Kanetkar for respondent No.4.

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**CORAM : B.R.GAVAI &
M.S. KARNIK, JJ.**

DATE : 16th OCTOBER, 2018

P.C. :

Rule. Rule is made returnable forthwith.

2. Heard by consent of the parties.

3. The facts of the present case are almost similar to the facts in Writ Petition No. 10363 of 2018 which is decided by this Court on 9th October, 2018.

4. The petitioner has approached this Court being aggrieved by the refusal of admission to the petitioner in the respondent No.4 College in the third round of admission for the first year LLB Course. The petitioner since was desirous for being admitted to the LLB Course had appeared for the Common Entrance Test (CET). The petitioner scored 97 marks and as such was offered admission in the Fergusson College. However, since the petitioner was desirous for being admitted in respondent No.4 college, he kept his admission in Fergusson College on hold. The petitioner was given the provisional admission in the respondent No.4 college on the basis of the CET marking as well as marking in the graduation degree. The petitioner had mentioned the marks obtained by him in graduation as 81.43%. However, it was noticed by the respondent No.4 college that the average of the three years marks obtained by the petitioner was 80.30%. As such, the petitioner's admission in the second round came to be cancelled, and now in the fourth round the name of the petitioner has been put in the bottom of the list. Apprehending that the petitioner

will not get the admission on account of the mistake in mentioning the marks of the graduation examination, the petitioner has approached this Court.

5. This Court in Writ Petition No. 10363 of 2018 has found that since there was no uniformity in different Universities with regard to the basis on which marks of Graduation or Post Graduation are to be taken into consideration, the students are unnecessarily prejudiced. In some Universities last years marks are considered as marks obtained in the Graduation examination whereas in some Universities three years aggregated marks are considered as marks obtained in Graduation examination.

6. The petitioner, though is meritorious on account of the mistake committed, is being now deprived of the admission. We have already observed that atleast in the State of Maharashtra, the State Government should direct all the Universities to follow uniform pattern. Undisputedly the petitioner has secured 97 marks in the CET and it is not disputed that in second round in which the petitioner was admitted, even

the students who have secured 93 marks in CET have been granted admission. In that view of the matter, we are inclined to allow the Petition.

7. The respondent No.4 is directed to regularize the provisional admission granted to the petitioner.

8. Accordingly the Petition is disposed of as such.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)