

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
902 REVIEW APPLICATION (CIVIL) NO.27 OF 2019  
IN WP/4950/2018**

PRIYADARSHINI VIDYA MANDAL KALLAMB DIST OSMANABAD  
THROUGH SECRETARY K T GULAM DAS ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Vivek Vasantryao Bhavthankar, Advocate for the  
Applicant.

Mrs. V. N. Patil-Jadhav, AGP for Respondent-State.

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

**DATED : 08<sup>th</sup> FEBRUARY, 2019.**

**PER COURT:-**

1. The present review application is filed for modification of the order dated 12.12.2018 by which penalty of Rs.1,00,000/- was imposed upon the applicant.

2. Mr. Bhavthankar, learned counsel for the applicant submits that no fault exists on the part of the applicant. The list has been given. This Court had wrongly observed in the order under review that the applicant did not communicate the names of the students till 23.03.2018. According to the learned counsel the applicant by letter dated 25.09.2017 issued by the Principal of the said college informed the names of the students admitted for the course to the Deputy Director of Education, Latur. The respondent no.5-authority found that online admission of the 4 students out

of 11 students was within time. Therefore, the result was declared. The offline admissions were given to the remaining students. They were admitted as per the norms.

3. Even if, the contention of the applicant is accepted that out of 11 students 4 students were given admission online, fact still remains that 7 students were given admission offline and the same is not permissible. The penalty is imposed to the Institution on account of the procedural irregularities. The fault lies with the petitioner for not communicating the names of the students online till 10.10.2017. We had protected the admissions of the students. However, for the procedural irregularities and the acts of omission and commission penalty of Rs.1,00,000/- is imposed upon the applicant-Institution. It was further made clear that the applicant shall not recover the said amount from the students. The students shall not be penalized and their academic year shall not be interfered with either by the Authorities or the applicant. If the applicant does not deposit the amount, further coercive steps shall be taken by the Authorities to recover the said amount from the applicant.

4. Review Application is disposed of.

**(R. G. AVACHAT)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**