

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

WRIT PETITION NO. 8168 OF 2019

Aditi Avinash Mahajan U/g
Avinash Pandurang Mahajan
and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Kishorkumar B. Borde, Advocate for Petitioners.
Shri S. B. Yawalkar, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. G. Karlekar, Advocate for the Respondent No. 3.
Shri S. B. Deshpande, A.S.G. for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 22ND JULY, 2019.

ORDER :

. Mr. Borde, the learned advocate for petitioners submits that, the respondents be directed to conduct admission process for Bachelor of Architecture (B. Arch.) course for the academic year 2019-2020 after declaration of result of second examination of NATA scheduled on 07.07.2019 and the respondents be directed to reschedule the admission process for B. Arch.

2. According to the learned counsel, the purpose of conducting National Aptitude Test in Architecture (for short NATA) is to

provide a single window system for appearing in aptitude test and to facilitate institutions and students all over the country to apply for admission in Architecture seats in institutes spread across the country and to avoid appearing in multiple aptitude tests. However, actual admission shall be carried out only by the competent authority of the respective States/institutions based on NATA. According to the learned counsel, the first exam of NATA was held on 14th April, 2019 and the second exam was scheduled on 07th July, 2019. If the admission process for B. Arch for the year 2019-2020 commences prior to declaration of result of the exam held on 07th July, 2019, then conducting exam on 07.07.2019 would be redundant. No fruitful purpose would be served by conducting the exam for II time.

3. Mr. Deshpande, the learned A. S. G. for the respondent No. 4 submits that, NATA conducts two examinations in a year. Second exam is conducted for the purpose of improvement.

4. According to Mr. Karlekar, the learned counsel for the CET, the schedule of admission process has to be abided and followed as is laid down by the Apex Court in its judgment dated 13.12.2012 in a case of Parshavanath Charitable Trust and others Vs. All India Council for Tech. Education and others in Civil Appeal No. 9048 of 2012. The admission process of the academic year 2019-2020 is processed and the CAP round I and

final merit and seat matrix of Architecture admission of students was declared on 05th July, 2019 and the candidates have already reported to that allotted seats and finalized their admissions. The admission process cannot be re-scheduled.

5. In fact, if the IInd examination is held of NATA for the purpose of improving performance, then as a policy it would be appropriate if the NATA conducts the examination before the start of admission process. On one hand NATA contends that IInd exam is held by the NATA for enabling the students to improvise their performance. If selection process commences earlier, then very purpose for which examination is held would not be fructified. The said examination would be rendered superfluous. On the basis of the said exam, the students can get admission in institutional round only.

6. In the present case, the result of NATA exam is declared on 21st July, 2019. The reporting for the second round was on 22nd July, 2019.

7. As the admission process has commenced long back, the CAP round – I final merit list and seat matrix of Architecture admission students was declared on 05.07.2019 and the candidates allotted seats in respective colleges have already reported and finalized their admissions for all practical purposes

the second examination held by NATA becomes otiose for the students seeking admission in B. Arch. Course.

8. The CET cell cannot be blamed as it has to adhere to the schedule fixed by the Apex Court.

9. Considering the above, at this stage, no relief can be granted to the petitioner. However, we expect that if NATA is conducting two examinations and second examination is conducted to give opportunity to students to improvise their performance, then it would be appropriate to conduct the same before the start of admission process for B. Arch course. Of course, this is our suggestion and it is for the Council to take decision upon it.

10. In the light of the above, the writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 19