

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13625 OF 2018

Shruti Gorakshanath Jaware

.. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Mr. V. H. Dighe h/f. Mr. S. S. Wagh, Advocate for the Petitioner.

Mr. S. M. Ganachari, A.G.P. for Respondent Nos. 1 and 3.

Mr. M. D. Narwadkar, Advocate for Respondent No. 2.

Mr. A. V. Hon, Advocate for Respondent No. 4.

CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 8th JANUARY, 2019

PER COURT :

1. The admission of the petitioner has been cancelled.

2. Heard Mr. Dighe, learned Advocate for the petitioner. The learned Advocate submits that the petitioner was allotted respondent no. 4 - college in the first round. The petitioner exercised Float

option. In the second round, the petitioner did not get the first choice made by her. Respondent no. 4 - college was the second preference. The petitioner paid the fees on 01.08.2018 of the first year and submitted the documents and continued with the studies. The petitioner was never communicated about admission of the petitioner having been cancelled. The notices issued to the petitioner are not in consonance with the brochure. The respondents have refrained the petitioner for appearing in the examination.

3. Mr. Hon, the learned Advocate submits that the petitioner had paid the part fees for the first year on 01.08.2018 and submitted all the documents. The list of the students was received from the respondent authority, the name of the petitioner did not appear. The institution cancelled the admission of the petitioner on 04.10.2018, however, allowed the petitioner to attend the classes.

4. Mr. Narwadkar, learned Advocate for respondent no. 2 submits that the petitioner had exercised Float option in the first round as the institution which was made available to the petitioner was her second preference. In the second round, the petitioner remained absent. The name of the petitioner was not registered on-line. Respondent no. 4 - college could not have admitted the petitioner. The notices are issued which would spell out the reasons. The petitioner is taking contradictory stand. On one hand the petitioner states that it is because of the persons present the the Float option was marked instead of Freeze and subsequently comes with the case that by mistake instead of Freeze the Float option was marked. Respondent no. 4 - college did not have any authority to admit the petitioner, the action is rightly taken. The eligibility number is also not given to the petitioner.

5. It is not disputed that respondent no. 4 - college was the second preference given by the

petitioner. The petitioner was allotted respondent no. 4 - college in the first round on 27.07.2018. On 01.08.2018, the petitioner paid the fees. The second list was published on 10.08.2018. Prior to that, the petitioner had already secured admission with respondent no. 4 - college on 01.08.2018. The Brochure, as pointed out, very specifically refers to the options to be exercised. The same reads thus-

"Before accepting the seat allotted during CAP, a candidate can opt to "Freeze" or "Float" option (refuse) the allotted seat option for college as per the procedure given below:

(a) Freeze- Candidates accept the offered seat and if they do not want to participate in any further rounds of seat allocation. Such Candidates will not be considered in subsequent rounds of admission.

(b) Float- Candidates accept the offered seat and indicate that, if admission to an academic program of higher preference in any Institution is offered, they will accept it. Else, they will continue with the currently academic program. Such candidates will be considered in second round of admission.

If candidate opt for Float option he/she will have to pay non-refundable on line payment of Rs.1000/- (One Thousand only) irrespective of his/her

category against seat processing fee. Freeze & Float option will be provided in Candidates login. Candidates will not have to report to College allotted to him for Floating his/her admission.

Only those who want to confirm his/her admission will have to report to the allotted college with original documents along with two sets of self-attested xerox copy which were uploaded in on line application form and pay the prescribed fees."

The petitioner has exercised Float option which means that the candidate accept the offered seat and indicated that if admission to the academic programme to the higher preference in any institution is offered, she will accept it. Else she will continue it with the currently accepted academic programme. The petitioner by conduct accepted it. The respondent no. 4 college admitted to her by paying the fees to the college and submitting the documents. It is also fact that the petitioner in the second round not allotted institution of her first choice. There was no reason to cancel the admission. It is only if after choosing the Float option a candidate secures the seat of his or her choice of higher

preference then that would result in the cancellation or forfeiture of the seat accepted by the candidate in the earlier round. If the petitioner had been allotted the institution of her first preference, then naturally the seat allotted to the petitioner in respondent no. 4 college would stand forfeited. As observed supra, the petitioner was not allotted the institution of the first preference, as such her admission with respondent no. 4 college should not have been cancelled.

6. In the light of above, we hold that the petitioner has been admitted in the five year law course to respondent no. 4 - college. In case the petitioner has attended the lectures as is required under the statute and the Rules, then the petitioner shall be allowed to appear for the examination of the first year. The petitioner is duty bound to pay the fees of respondent no. 4-college.

7. Authenticate copy be given.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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