

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8040 OF 2020

Ajit s/o Baliram Tandale and Ors.

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr D.S. Bagul, Advocate for Petitioners

Mr S.P. Tiwari, A.G.P. for Respondent Nos. 1 and 2

Mr M.D. Narwadkar, Advocate for Respondent Nos. 3 and 4

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 16th DECEMBER, 2020

PER COURT :

1. Mr Bagul, the learned Counsel submits that the respondents be directed to conduct MH-CET examination afresh. According to the learned Counsel, MH-CET examination was conducted on 14th and 15th March, 2020. On 16th March, 2020, the circular was issued by the State of Maharashtra, thereby ordering that the examinations conducted by GMAT, MAT, ATMA and XAT shall not be conducted as qualifying examination for admission to MBA/MMS course. Four times examinations are held. Some of the petitioners had appeared for said examination earlier. The petitioners were desirous of appearing in the examinations conducted by these agencies. As such, they did not appear for MH-CET examination and in view of the circular dated 16th March, 2020, some of the petitioners did not appear for the examination conducted by these agencies as they were

banned from conducting the competitive examinations as qualifying examination for MBA/MMS course.

2. The learned Counsel submits that at the Principal Seat vide order dated 11th December, 2020 passed in Writ Petition (St) No.96887 of 2020, it is held that the said circular dated 16th March, 2020 would not apply for admissions to the academic year 2020-2021.

3. We have heard Mr Narwadkar, learned Counsel for respondent Nos. 3 and 4.

4. In a case before the Division Bench at the Principal Seat bearing Writ Petition (St) No.96887 of 2020, the students appeared for the examination, in that context, the Court directed that those petitioners be considered for the admissions to MBA/MMS course though they have passed through GMAT, MAT, ATMA and XAT.

5. In the present case, it appears that some of the petitioners had appeared for the examination conducted through these agencies before March, 2020. They could not get through, and subsequently, though the examinations were conducted by these agencies, some of the petitioners did not appear.

6. It would not be appropriate to direct the authorities to conduct MH-CET examination afresh only for some of the petitioners. Some of the petitioners, who had taken their chance to appear for the examination conducted by GMAT, MAT, ATMA and XAT before 16th March, 2020 had failed. Some of the petitioners did not appear for MH-CET examination

though they had opportunity. The agencies i.e. GMAT, MAT, ATMA and XAT also conducted the examinations subsequent to 16th March, 2020, still, some of the petitioners did not appear and now, when the admission process has commenced, the petitioners are approaching this Court seeking directions against the authorities to conduct MH-CET examination. The petitioners in equity also do not stand to gain.

7. In light of the above, prayer for conducting MH-CET examination for MBA/MMS course cannot be considered.

8. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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