

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.8420 OF 2020**

YADNYA SANDIP YEOLEKAR

..PETITIONER

VERSUS

THE UNION OF INDIA & OTHERS

..RESPONDENTS

...

Mr. Amit S. Savale, Advocate for the Petitioner.
Mr. A. G. Talhar, ASG for Respondent No.2.

...
**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.
DATED : 21st DECEMBER, 2020.**

PER COURT:-

1. The learned counsel for the petitioner submits that the petitioner was allotted seat in the first round at respondent no.3-Institute. The petitioner made part payment of the fees, but could not collect the entire fees. The respondent did not extend the time for payment of fees. The second round commenced. The students who were allotted seats in the second round were given extension of time to deposit the fees. The respondents adopted discriminatory approach. For the students admitted in the first round, the respondents did not extend time for payment of fees, however, the same benefit was given to the students admitted in the second round. No rational reason is put forth by the respondents.

2. Mr. Talhar, learned A.S.G. submits that the time was extended for payment of fees to the students admitted in the second round because of

natural calamities i.e. Cyclone Nivar and due to the impact of the Cyclone large number of requests from the candidates who were allotted seats in the Second Round were received as such the time was extended. Now the seats are not vacant.

3. It is not disputed that the petitioner had made part payment of fees. The petitioner had secured good marks in JEE (Mains) Examination and was allotted seat in the first round from OBC category. The petitioner's father is in private service. The petitioner had paid almost 50% amount of the fees i.e. Rs.37,000/-.

4. We cannot disturb the seats already allotted. It is submitted that the seat allotted to the petitioner with respondent no.3 is already filled in. For the fault of the petitioner, we cannot displace the candidates who are already allotted the seats.

5. In case, if any seat is vacant as on date of the category from which the petitioner had applied, then the respondent may consider allotment of seat to the petitioner on payment of entire fees.

6. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE