

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

WRIT PETITION NO. 1903 OF 2021

Suchet S/o Digambar Channawar ... Petitioner.

Versus

The State of Maharashtra
and another ... Respondents.

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Mr. Ganesh A. Gadhe, Advocate for the Petitioner.
Mr. P. K. Lakhotiya, A.G. P. For Respondent No.1.
Mr. M.D. Narwadkar, Advocate for Respondent No.2.

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

DATE : 04th FEBRUARY, 2021

PER COURT:-

1. Mr. Gadhe, learned counsel for the petitioner submits that the petitioner had applied from SBC category for admission to direct 2nd year of four year degree course in Engineering and Technology along with non creamy layer certificate and all other relevant documents. It is also not disputed that the petitioner has submitted the validity certificate before 13.1.2021. The petitioner was given admission at

D.Y. Patil Collage of Engineering, Akurdi from open category instead of SBC category in the first round. In the 2nd round, the petitioner is given admission in Bansilal RamnathAgrawal CharitableTrust's Vishwakarma Institute of Technologhy, Bibwewadi, Pune from GNTB category. The petitioner had never applied from the said category. Learned counsel submits that the petitioner is not at fault. The mistake has been committed at the hands of the respondents for which the petitioner may not made to suffer.

2. Mr. Narwadkar, the learned counsel for respondent No.3, on instructions, submits that the mistake appears to have been committed at the end of facility center, but to rectify such mistake opportunity was provided up to 04.01.2021. The petitioner did not avail the said opportunity. The petitioner can only be considered from SBC category on whatsoever seat would be available.

3. Upon hearing the learned counsel for the parties it transpires that the petitioner is not at fault. The petitioner's application for admission from SBC category was complete in all respects along with all attending documents. No fault can be attributed to the petitioner.

4. In view of that, the respondents shall consider the allotment of seat to the petitioner from SBC category as may be available or if the seat allotted to the petitioner can be considered from the SBC category. The said decision shall be taken by the respondents by tomorrow i.e. 05.02.2021.

5. Writ petitionis disposed of. No costs.

6. Authenticated copy be given.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P Rane