

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

WRIT PETITION NO.13665 OF 2021

AMOL VIJAY KAMBLE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER ..RESPONDENTS

...

Mr. Vikram S. Undre, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondents-State.

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

...

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 15th DECEMBER, 2021.

PER COURT:-

1. Mr. Undre, learned counsel for the petitioner submits that, under the admission notice for the Academic Year 2021-22 concerning MBA Course, the Management Aptitude Test (MAT) qualified candidates are not eligible to apply. The learned counsel further submits that, for the Academic Year 2020-21 the MAT qualified candidate were eligible to apply MBA Course. The large publicity was not given to the Government Resolution dated 16.03.2020, so as to make candidates aware of the same.

2. Mr. Narwadkar, learned counsel for respondent submits that, on 16.03.2020 the Government Resolution was issued thereby making it clear that GMAT, MAT, ATMA and XAT examinations would not be considered as qualifying one for admission to the MBA Course.

3. The said aspect was subject matter of consideration before the Division Bench of this Court at Principal Seat at Bombay in Writ Petition (St) No.96887 of 2020. Under the judgment dated December 11, 2020 in Writ Petition (St) No.96887 of 2020 the Division Bench has observed and held that, decision as contained in the Government Resolution dated 16.03.2020 declaring that the results of ATMA, XAT, MAT, GMAT entrance tests not be a valid eligibility criteria for admission to the MBA and shall not operate for admission for the Academic Year 2020-2021.

4. According to the learned counsel, as the examination of ATMA, XAT, MAT, and GMAT were held prior to the issuance of the Government Resolution of March 2020, the said order was passed.

5. We have considered the submissions canvassed by the learned counsel for respective parties.

6. The operative part of the order dated December 11, 2020 in Writ Petition (St) No.96887 of 2020 passed by the Division Bench of this Court at Principal Seat at Bombay reads thus:

(i) The impugned decision as contained in the Government Circular dated 16 March 2020 declaring that the results of ATMA, XAT, MAT, GMAT entrance tests not be a valid eligibility criteria for admissions to the MBA/MMS courses, and only the Maharashtra State CET, CMAT and CET would be considered as valid entrance examinations, shall not operate for admissions being made for the academic year 2020-21 and may operate from the next academic year 2021-22.

7. It would appear that, the Division Bench of this Court at Principal Seat at Bombay in the said order nowhere prohibited the

operation of the Government Resolution dated 16.03.2020 for admission process of the Academic Year 2021-22. The second CAP round is in progress. It would not be appropriate to change the terms of admission at this stage. The Government Resolution is issued in March 2020. The candidates were aware of the same. Even the procedure for admission to MBA course was in tune with the Government Resolution dated 16.03.2020.

8. In view of that, request of the petitioner at this stage cannot be considered.

9. Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE