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

935 WRIT PETITION NO.1491 OF 2022

RAJHANS BHAUSAHEB ACHARYA
VERSUS
UNIVERSITY GRANT COMMISSION, THROUGH ITS
SECRETARY AND OTHERS

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Mr S. M. Kamble, Advocate for petitioner;
Mr S. B. Deshpande, Advocate for respondent No.1;
Mr S. S. Thombre, Advocate for respondent Nos.2 & 3

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 28th June, 2022

PER COURT:

1. By this petition, the petitioner has put forth prayer clauses (B) (B-1) and (C), which read as under :-

“B. The Applications and E-mail for Correction in “OBC Category” instead of “General Category” submitted by petitioner on dated 11.01.2021, 10.02.2021, 20.07.2021, 16.11.2021, 08/09.01.2022, 10.02.2022 & 18.01.2022 to the Resp. No. 2 and 3 may directed to decide, by issuing writ of certiorari or any other appropriate writ, order or directions in the nature of writ of certiorari.

B-1. The Order of Grievance issued on dated 09.03.2022 of the Resp. No. 2 may kindly be quashed

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and set aside, declare that the impugned order of the Resp. University is arbitrary and illegal by issuing the writ of Mandamus or any other appropriate writ, order, or direction like a Writ of Mandamus.

C. By issuing writ of mandamus or any other appropriate writ, order or direction, the Resp. University may be directed to consider the petitioner Claim of Petitioner from “OBC category” and thereby confirming the selection of the petitioner for Ph.D Final Selected Merit list of 2021.”

2. The issue before us is with regard to the applications for the “Entrance Test for the Ph.D. Programme PET-I and PET-II 2021”. The University published the said programme/time table on 30/12/2020. It was known as the ‘PET-2021 Time Table’ and all relevant details were available on the link provided in the said Notification. At the bottom of the said Notification, it was mentioned that PET-2021 score will be valid for one year only. Successful in PET examination or merely submission of application for Ph.D. registration would not confer on the candidate a right of admission to the Ph.D. programme. Admissions were dependent upon the availability of vacant seats at the Research Centres and availability of vacant seats with the University recognized Ph.D. Supervisor as per the decision of the

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RRC. Admittedly, there is no scope for carrying out any change in the choice/option of the candidates, once they have expressed such choice or option.

3. The petitioner has admittedly expressed a specific choice of being considered for such Test from the 'General' category, in the Form that she has filled in. Based on such preference, the Provisional General Merit List for the faculty of 'Humanities' in English Subject was declared and was available online. The petitioner is at Sr. No. 247 in the said list.

4. The grievance of the petitioner is, that she desires to change her category from 'General' to 'OBC' and for the same, she filed an application on 16/11/2021. Thereafter, she followed the said application with further request letters. She then approached the Grievance Committee and by the decision of the Grievance Committee, it was concluded that, as she had herself filled in a Form for the PET-2021 Test and indicated her choice for competing from the 'Open' category, that the Committee was unable to permit such a change in reservation category.

5. The petitioner concedes that, as these exams were scheduled during the Covid-19 pandemic period, a physical Admit Card was

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not issued. Exams were conducted online. The examinations are already over. Final results are already declared.

6. The learned Counsel for the petitioner relies upon an order passed by this Court on 16/12/2019 in Writ Petition No.716/2019, filed by Hanumant Raghunath Gutte Vs. University Grants Commission, through Chairman and others, wherein this Court has relied upon Instruction No.10 of the Admit Card, which prescribed correction in the Admit Card, only if the said mistake is apparent in the light of the online application. In that case, the applicant, while entering the online application, had typed category as NT(D) instead of NT(C). With this mistake, this Court permitted the respondents to consider the application of the petitioner if it was possible to carry out any correction.

7. In the instance case, the petitioner has categorically stated that, it was not a mistake that she had entered 'General' category. It was her choice. Now, she wants it to be converted into 'OBC' category, probably anticipating that her chances are better, if she switches over to such category. This would not amount to a correction, but would amount to a change in reservation choice and this is likely to affect the other candidates, who have been

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selected from that particular reserved category.

8. In view of the above, this petition, being devoid of merits is, therefore, dismissed.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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