

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

WRIT PETITION NO.11099 OF 2022

TEJAS RAMESH GHOTI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

...

Advocate for Petitioner : Mr. V. B. Jadhav h/f Mr. Ashwin V. Hon
AGP for Respondent Nos.1 & 2: Mr. S. K. Tambe
Advocate for Respondent No.3: Mr. Mrugesh D. Narwadkar

...

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 22nd November, 2022

PER COURT :

1. This matter was considered on 3rd November, 2022 by the learned Vacation Court. By an order passed on the same day, this Court directed the respondents not to initiate adverse action against the petitioner who had secured an admission through the State Common Entrance Test Cell in the Pune Institute of Computer Technology, Dhankawadi, Pune. This relief was to protect the admission of the petitioner till today.
2. The learned AGP representing the Committee submits, on instructions, that the pending claim of the petitioner has already been closed for orders in the last week and in any case, the Committee

would deliver its order, on or before 28th November, 2022. Copy of an order of the Committee would be delivered to the petitioner urgently.

3. The learned Advocate for the petitioner submits that if the protection is not extended until the claim is decided, his admission would stand cancelled. We would not have entertained this request, if the decision of the Committee was to be delivered after a passage of considerable time. However, as the Committee has conveyed to us that the decision would be pronounced on 28th November, 2022, which is just six days from today, that we deem it appropriate to protect the admission of the petitioner until 30th November, 2022.

4. The learned AGP has placed reliance upon the judgment of the Hon'ble Apex Court in **Parshavanath Charitable Trust & Others V/s All India Council for Technical Education & Others, 2013 (3) SCC 385**, more particularly Paragraph No.48 of the judgment, which reads as under;

“48. For the reasons afore-recorded, we find no merit in both the appeals afore-referred. While dismissing these appeals, we issue the following directions :

(i) Both grant/refusal of approval and admission schedule, as aforestated, shall be strictly adhered to by all the authorities concerned including the AICTE, University, State Government and any other authority directly or indirectly connected with the grant of approval and admission.

(ii) No person or authority shall have the power or jurisdiction to vary the Schedule prescribed hereinabove.

(iii) While dealing with the application for grant of approval to new colleges or additional seats, the AICTE shall inform the applicant within three weeks from the date of receipt of its application or date of inspection, as the case may be, the shortcomings/defects, who, in turn, shall remove such shortcomings/defects within 15 days from the date of such communication or within such period as the AICTE may grant and re-submit its papers without default. The process of grant of approval has to be transparent and fair. The AICTE or the concerned University or State Government shall take disciplinary action against the person who commits default in adherence to the Schedule and performance of his duties in accordance therewith.

(iv) The reports submitted by the Expert Committee visiting the college should be unambiguous and clear, and should bear the date and time of inspection and should be sufficiently comprehensive and inspection be conducted in the presence of a representative of the institute.

(v) The students of the appellant-college shall be re-allocated to the recognized and affiliated colleges in terms of the judgment of the High Court; and the AICTE and the concerned University shall ensure that the academic courses of these students are completed within the balance period of the academic year in all respects. For this purpose, if extra classes are required to be held, the concerned institute, the University and the AICTE are directed to ensure holding of such extra classes.

(vi) If the appellate authority decides the matter prior to 30th April of the concerned year and grants approval to a college, then alone such institution will be permitted to be included in the list of colleges to which admissions are to be made and not otherwise. In other words, even if the appellate authority grants approval after 30th April, it will not be operative for the current academic year. All colleges which have been granted approval/affiliation by 10th or 30th April, as the case may be, shall alone be included in the brochure/advertisement/website for the purpose of admission and none thereafter.”

5. The learned advocate for respondent no.3 submits that the cut-off date for the CAP third round was 12th November, 2022 and the mop-up round for completing all the admissions was concluded on

20th November, 2022. He, therefore, submits that if the petitioner suffers invalidation and his admission is cancelled, the seat would be left vacant and as the admission process cannot be postponed, no further recruitment of any candidate would be possible.

6. This petition is, therefore, disposed off with the following directions;

(a) The protection granted to the petitioner by the learned Vacation Court on 3rd November, 2022 would continue till 30th November, 2022.

(b) The Committee shall deliver the verdict in the claim proposal of the petitioner, on or before 28th November, 2022.

(c) The respondent no.3 herein would not cancel the admission of the petitioner till 30th November, 2022.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)