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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9163 OF 2022

Vishala Umesh Deshmukh (Minor)
Natural Guardian and Father Umesh
Krishnarao Deshmukh ... Petitioner
Versus
Union of India and Ors. ... Respondents

Mr. Ameya V. Borwankar for the Petitioner.
Mrs. Neeta Masurkar for the Respondents.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.
DATE : 12th SEPTEMBER, 2022**

P.C. :-

. The petitioners seek direction to admit in standard I in any of the schools of Kendriya Vidyalaya Sangathan i.e. respondent nos.3, 4 and 5. On the basis of the unamended admission guidelines 2022-23.

2. The learned counsel for the petitioner submits that as per the guideline effective as on the date of the filling of the application, the petitioner was entitled for admission being the grand daughter of an ex-service man. The learned advocate relies upon the Rule 1(ii) of Part B of the Guidelines for Admissions in Kendriya Vidyalaya. According to the learned counsel subsequent to the filling of the form for admission the respondents changed the rules and had done away with the said quota. According to the learned counsel as per the rules appearing as on the date of the filling of the application, the petitioner could have

applied for admission at any point of time. The learned counsel submits that rules of the game cannot be changed after the game is played. The learned counsel relies upon the Judgment of the Division Bench of this Court dated 29th June, 2022 in Writ Petition No. 2503 of 2022 to which one of us (S. V Gangapurwala, J.) was party. The learned counsel submits that the petitioners right is violated. The respondents could not have applied the amended rules for admission to the current academic year. The applicability of the said rules if allowed would operate with a retrospective effect, the same is not permissible. Now, the petitioner would not be in a position to get admission in any other institution.

3. The learned counsel for the respondents submits that last day for admission was 30th June, 2022. The learned counsel relies upon the judgment of the Division Bench at Kerala to submit that it is not the right of the candidate, however, it is the discretion of the institution.

4. We have considered the submissions, certainly the contention that the rules of the game cannot be changed once the game is played, need no debate. The same is the settled proposition of law. The respondents infact had changed the admissions rules after the applications for admissions are invited and during the midst of the admission process. We had in Writ Petition No. 2503 of 2022 under Order dated 29th June, 2022 observed the same, however, the said order was passed before the last date of the admission process.

5. In the present matter, the last date for admission was 30th June, 2022 and the present petition is filed on 20th July, 2022 i.e. near after the last date for admission is over. It would be too late in the day for us

to exercise our writ jurisdiction under Article 226 of the Constitution of India and set the clock back. We cannot direct that the admission be given after the last date for admission is over.

6. It is for the respondents to consider cause of the petitioner in case the vacancy exist.

7. With the aforesaid observations, writ petition is disposed of. No Costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]