

**BASAVRAJ
GURAPPA
PATIL**

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10331 OF 2022**

Sahil Salim Shaikh

..... Petitioner

Vs.

**Admission Regulating Authority,
State Common Entrance Test Cell & Ors.**

..... Respondents

Mr. Shantanu Raktate for the Petitioner

Mr. Sameer Khedekar for Respondent No.1

Ms. Sayali Patil a/w. Mr. Ashutosh Kulkarni for Respondent No.3

Mr. N. C. Walimbe, AGP for Respondent - State

**CORAM: S.V.GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : SEPTEMBER 27, 2022

P.C.

1 The Petitioner is admitted to B.E. (Mechanical) Engineering Course in the academic year 2019-2020 from Maharashtra Type-A Candidate Quota. Under the impugned communication, the Petitioner's candidature is cancelled on the ground that the Petitioner failed to submit a domicile certificate within the stipulated period. The learned Counsel for the Petitioner submits that the Petitioner has submitted the domicile certificate on 7th October 2019 and it is only in the year 2021 the Petitioner was communicated that he would not be eligible on the ground of late submission of domicile certificate. The Petitioner is in the final year of B.E. (Mechanical) Engineering Course.

2 The learned Counsel for Respondent No.1 submits that the schedule was given for admission and as per the schedule, in absence of domicile certificate, the Petitioner could not have been given admission from Maharashtra Type-A Candidate Quota. The Petitioner, as such, is ineligible to be considered from the State Quota. The same arguments are adopted by the learned AGP for the State.

3 Mr.Kulkarni, the learned Advocate for the University submits that it is for Respondent No.2 to consider the eligibility.

4 The Petitioner, it appears, is admitted from Maharashtra State Quota on the ground that the Petitioner is domicile of the Maharashtra State. Domicile certificate is a *sine qua non* for admission from the State Quota. The Petitioner was admitted in the month of August 2019 for B.E. (Mechanic) Engineering course. It is not disputed that the Petitioner has submitted the domicile certificate on 7th October 2019. The same appears to be accepted by the Respondents. The only contention is that the same is submitted belatedly after the prescribed date. It appears that the Petitioner submitted the domicile certificate after the cut-of-date. In that event, the Petitioner ought not to have been admitted and/or his admission ought to have been cancelled at that time only. However,

it does not appear so. The Petitioner continued to prosecute his course and it appears that after about two years, he is communicated that as the domicile certificate was submitted late, now he cannot be allowed to prosecute his further studies. By that time the Petitioner had completed half the course.

5 The Petitioner, today, is in final year. The Petitioner has already submitted the domicile certificate on record. It is not disputed that the Petitioner is domicile of Maharashtra and is entitled to the admission from State Quota. He conforms to other norms required for admission from the Maharashtra State Quota.

6 In light of that, the impugned communication is set aside.

7 The Petitioner's admission shall not be cancelled only on the ground that he had submitted domicile certificate late.

8 We have passed the present order in the facts and circumstances of the present case.

9 The Writ Petition is accordingly allowed. No costs.

(R.N. LADDHA,J.)

(S.V. GANGAPURWALA, J.)