

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

WRIT PETITION NO.6299 OF 2023

- | | |
|------------------------------|------------------------|
| 1. Sudarshana Suresh Mahajan | |
| 2. Sudha Namdeo Mali | |
| 3. Sonali Dinesh Mahajan | ... PETITIONERS |

VERSUS

- | | |
|--|------------------------|
| 1. The State of Maharashtra
through, its Secretary of
Higher & Technical Education
Department, Mantralay Mumbai | |
| 2. Admission Regulating Authority,
Narayan Marg Fort, Mumbai 400001
through its Chairman. | |
| 3. Director of Higher Education,
Education Directorate Office,
Central Building Pune (M.S.). | |
| 4. Kavayitri Bahinbai Chaudhari
North Maharashtra University,
Jalgaon, through it's Chancellor and
Director, Board of Examination
and Evaluation | |
| 5. Principal,
Mahatma Fhule Shikshanshasra
Mahavidyalay, Chalisgaon,
Dist. Jalgaon. | ... RESPONDENTS |

...

Advocate for Petitioners : Mr. Patil (Borse) Paresh B.
AGP for Respondents/State : Mr. A.S. Shinde
Advocate for Respondent No.2 : Mr. M.D. Narwadkar
Advocate for Respondent No.4 : Mr. A.B. Girase
Advocate for Respondent Nos.5 and 6 : Mr. Ujwal Patil

...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 06.11.2023

PER COURT :

Heard both the sides. The learned advocate for the respondent No.2 – Admission Regulating Authority tenders across the bar a scan copy of the reply and undertakes to file the original after it is received.

2. We have heard both the sides. The petitioners were admitted in the respondent – College for B.Ed. course through Common Entrance Test in the academic year 2021 and have even completed the course. They are aggrieved by the decision of the respondent No.2 refusing to grant approval to their admissions.

3. The learned advocate for the petitioners points out that in spite of the petitioner Nos.1 and 2, had applied from OBC category against a reserved seat they have been accommodated in open category seats and the authorities ought not to have insisted for submission of validity certificate of caste/tribe. Even there was no question of insisting for the Non-Creamy Layer Certificate from them.

4. As far as petitioner No.3 - Sonali is concerned, he would point out that a similarly placed student who did not possess a non-creamy layer certificate on the cut off date that is 05.03.2021 and was able to have it subsequently on 26.04.2021 the respondent No.2 upon a positive recommendation of respondent - Joint Director has granted approval to his admission. If petitioner No.3 - Sonali has also subsequently obtained the non-creamy layer certificate on 28.06.2021

and authorities ought to have considered her case on similar grounds and should have granted approval to her admission.

5. The learned advocate for the respondent No.2 referring to the affidavit-in-reply submits that in fact the process was already over. Since there were several students whose admissions were not approved a camp was organized by the respondent No.3 and pursuant to his recommendations (Exhibit – I) the decision was taken. He would submit that if the petitioners through their college make a fresh proposal that can be considered on its own merits inasmuch as, the petitioner Nos.1 and 2 have been accommodated against open seats and were not supposed to file any certificate of validity to secure the admission. He would also submit that if it's a case of parity with a similarly placed candidate who also had procured the non-creamy layer certificate after the cut off date, even the petitioner No.3 - Sonal's case can be considered.

6. Keeping open all the issues, we direct the respondent - College to forward a fresh proposal and call upon the respondent No.2 to reconsider the proposals of the petitioners on their own merits and in the light of their aforementioned observations, as expeditiously as possible.

7. The learned advocate for the petitioners points out that the respondent No.4 - University has withheld the original mark sheets of the petitioners and at least in respect of the petitioners Nos.1 and 2 a direction be issued to the University to release the mark sheets.

8. Since we have found that the petitioners Nos.1 and 2 were

given admission against unreserved seats, we find no impediment in conceding to the request of the learned advocate.

9. We direct the respondent No.4 - University to immediately issue mark sheets to the petitioners Nos.1 and 2.

10. The respondent No.5 - College shall forward the proposal within two weeks and the respondent No.2 shall thereafter consider it on its own merits within three weeks thereafter.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)