

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

19 WRIT PETITION NO.12711 OF 2023

Ku. Ritesh Bhagwatrao Ambekar
Through His Natural Guardian Father
Bhagwatrao Pralhad Ambekar
Age : 51 years, Occu : Agriculture,
A/p. Handergulli, Tq. Udgir,
Dist. Latur

.. Petitioner

Versus

1. The State of Maharashtra
Through Its Principal Secretary
Higher and Technical Education Department,
Government of Maharashtra,
411, Fourth Floor, Mantralaya Annex,
Madam Cama Road, Nariman Point,
Mumbai
2. Commissioner and Competent Authority,
State Common Entrance Test Cell,
Maharashtra State, Mumbai,
8th Floor, New Excelsior Building,
A. K. Nayak Road, Fort, Mumbai
3. Principal,
Swami Vivekanand College of Pharmacy,
Swami Vivekanand Campus, Bodhan Nagar,
Udgir, Tq. Udgir, Dist. Latur

.. Respondents

...

Advocate for Petitioner : Mr. Shashikant T. Chalikwar
AGP for Respondent / State : Mr. M. M. Nerlikar
Advocate for Respondent No.2 : Mr. P. V. Tapse Patil
Advocate for Respondent No.3 : Mr. C. A. Jadhav

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

DATED : DECEMBER 04, 2023

PER COURT :

. Heard the learned advocate for the petitioner, the learned AGP, learned advocate for the respondent no.2 - competent authority, State Common Entrance Test Cell, Maharashtra and learned advocate for the respondent no.3 - College.

2. The petitioner, who was granted admission to B. Pharmacy course by the respondent no.3 - college on 08.09.2023, is awaiting approval to the admission by the respondent no. 2 - authority.

3. It appears from the affidavit-in-reply filed by the college that indeed, in accordance with the programme published by the respondent no.2 for admission to the B. Pharmacy course for the academic year 2023-24, the petitioner was granted admission against a vacant seat at the institutional level between the period provided for in the brochure i.e. 08.09.2023 and 15.09.2023. The college has even admitted the fact that, it was erroneously that the petitioner's documents had remained to be uploaded by 15.09.2023. However, it also states that a further communication was addressed to the respondent no.2 on 20.09.2023, but there was no response and no decision was thereafter communicated to either the petitioner or the college, in spite of a reminder.

4. It is being pointed out that subsequently Pharmacy Council

of India published a notice thereby extending the period for completion of the admission, process and counseling as per the directions of the Supreme Court. In spite of that no decision is being taken by the respondent no.2.

5. The respondent no.2 though has caused appearance, has not responded by filing any reply. The learned advocate only tenders across the bar a communication dated 01.12.2023, which is taken on record. It has been mentioned therein that though the schedule for taking admission has been extended up to 30.10.2023 and although there are 12 vacant seats in the college, the petitioner's admission cannot be approved. Not even single reason has been given for such stand being taken by the respondent no. 2.

6. If the petitioner was granted admission at the institutional level during the window period and it is only because of the fault on the part of the college that it was not notified to the respondent no.2 and when the period for admission has already been extended up to 30.10.2023 and still there are 12 vacant seats with the college, we see no impediment in directing the respondent no.2 to accept these documents from the respondent no.3 - college and grant approval to the petitioner's admission.

7. The writ petition is allowed. The respondent no.3 - college is directed to forward the documents to the respondent no.2 – Competent Authority, immediately. The respondent no.2 shall, thereafter, grant approval to the petitioner's appointment, if he is otherwise entitled to, but shall not refuse to consider it only on the ground that the documents were not uploaded by the cut off date.

8. Considering the fact that the examination form for the first semester is to be filled in by 06.12.2023, the Respondent no. 3 – college shall permit the petitioner to fill in the examination form.

9. Parties to act on the authenticated copy of this order.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE