



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

WRIT PETITION NO.10532 OF 2023

Aryan Rajesh Enadle

..... Petitioner

Vs.

State of Maharashtra Thr. Its
Principal Secretary Higher Education
Dept. and Ors.

..... Respondents

Mr.J.G.Aradwad (Reddy) for Petitioner
Mr.S.B.Kalel, A.G.P. for Respondent nos.1 and 2
Mr.Yashodeep Deshmukh a/w Ms.Vaidehi Pradeep and Ms.Aditi Athawale
for Respondent no.3

**CORAM: SUNIL B. SHUKRE, J. &
FIRDOSH P. POONIWALLA, J.
DATED : 29th AUGUST 2023**

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.) :

1. Rule. Rule made returnable forthwith. With the consent of the parties taken up for final disposal.
2. The issue involved in this petition is about the reasonableness of the cut-off date of 25th August 2023 by which an aspirant to Engineering course should submit his HSC mark list.
3. According to the learned Counsel for the Petitioner, there can be some cases and in fact, case of the Petitioner is one of them, where the candidates are not able to produce their HSC mark list on or before the cut-

off date owing to the late declaration of the result of Standard XII – HSC Supplementary Examination held in July, 2023 and this is something not within the control of such candidates. He submits that such aspirants may not be punished for something over which they have no control and therefore, such candidates should be permitted to submit their mark list even after 25th August 2023, if otherwise, they fulfill the eligibility criteria for securing admission to the Engineering course.

4. However, the learned Counsel for the Respondent no.3 submits that the time table of admission process has its own sanctity and the authority in charge of the admission process is required to complete every stage of admission on or before the dates given in the time table. He further submits that if a particular cut-off date, as for example the cut-off date of 25th August 2023, is extended by this court, it would be like opening a pandora's box and there would be several petitions coming from various students making similar requests and if that is to happen it would lead to chaos in the admission process. He also submits that the petitioner has not challenged the cut-off date of 25th August 2023 and therefore, there is no need to entertain this petition.

5. We are of the view that if the cut-off date of 25th August 2023 is to be altered by this court and the petitioner is to be permitted to submit his HSC mark list even after 25th August 2023, it would certainly lead to chaos in the admission process, as there shall be several other aspirants facing

similar difficulties who would be wanting to submit their mark list even after the cut-off date - 25th August 2023.

6. Besides, the time lines provided in the admission process have their own sanctity and their object is to maintain order and discipline in the process of admission so that the admissions to various engineering courses are completed well within time and the teaching work starts by a certain date. Therefore, if these time lines are not adhered to, the time table for the whole academic year will collapse and then academic interests of students would suffer irreparably. It is for this reason that deadlines prescribed in the various stages of admission process are required to be adhered to strictly. Therefore, it may not be in the overall academic interest of the engineering admission process that the request of the petitioner is granted by this court.

7. The learned Counsel for the Petitioner has submitted that the last date upto which first year students can be admitted against vacancies as per academic calendar 2023-24 issued by AICTE is 15th September 2023 and therefore, in the present case, the petitioner can be granted indulgence by this court atleast till 15th September 2023. He also submits that these guidelines are binding upon the State Authorities as held by full bench of this court in the case of *Mahatma Gandhi Missions Institute vs. State of Maharashtra and Others*¹

1 (2008) 5 Mah. L.J. 913

8. Mr.Deshmukh the learned Counsel for the Respondent no.3 submits that the dates given in the academic calendar of AICTE are the last dates up to which liberty is granted to the State Authorities to complete those particular stages but these dates do not indicate in any manner that the State Authorities cannot prescribe any dates prior to the last dates mentioned in the academic calendar of AICTE. He submits that if the State Authorities had prescribed any date which was beyond the last date mentioned in the academic calendar of AICTE then only the Petitioner could have made out his case for making State Authorities to allow him to submit his mark list. He further submits that even in the case of ***Mahatma Gandhi Missions Institute vs. State of Maharashtra and Others*** (Supra), the full bench has held that in order that the admission process is fair and transparent, the admission authority must adhere to the instructions in the brochure which would include instructions relating to various dates by which particular stages of admission must be completed. He therefore, submits that there is no merit in the petition.

9. While it is true that full bench of this court in the case of ***Mahatma Gandhi Missions Institute vs. State of Maharashtra and Others*** (Supra) has held that the guidelines of AICTE would be binding upon the State Authorities, we must say that the guidelines of AICTE in the present case, only prescribe the outer limits by which particular stages of admission must be completed and these guidelines do not anywhere say that the State

Authorities would have no authority to reduce the time available for the students to complete the particular stages of the admission process. In the present case, the last date upto which First Year Students can be admitted against vacancies prescribed by AICTE may be of 15th September 2023 but the State Authorities have reduced it to 25th August 2023, which appears to be well within the liberty available to the State authorities as per the AICTE Guidelines. This is not the case where, the State Authorities have gone beyond the date of 15th September 2023 and therefore, whatever has been done by the State Authorities, in our opinion, is within the permissible limits of academic calendar prescribed by AICTE. That apart, the prescription of cut-off date of 25th August 2023 for submission of HSC mark list has not been challenged in any way by the Petitioner. If no such challenge has been made to the said date, we are of the view that direction cannot be sought by the petitioner from this Court regarding grant of permission to submit mark list of HSC after the expiry of the date of 25th August 2023. In the case of ***Mahatma Gandhi Missions Institute vs. State of Maharashtra and Others*** (Supra) full bench has held that the Information Brochure in respect of admission to various courses is binding on the applicants as well as all the authorities and that the information contained in the brochure cannot be altered at a subsequent stage particularly once the process of admission has begun. This is now the settled law, and it would squarely apply to the fact situation of this case.

That means petitioner cannot seek to submit his HSC mark list after the date prescribed in information brochure which is 25th August 2023. So, it is not possible for this court to grant permission to the petitioner to submit his HSC mark list beyond the said date of 25th August 2023 and if it is to be done by this Court, it would amount to altering the information brochure by this court and such exercise is not permissible in law.

10. In the result, we find that there is no merit in the petition.

11. Rule is discharged.

12. Petition stands dismissed.

(FIRDOSH P. POONIWALLA, J.)

(SUNIL B. SHUKRE, J.)