

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11999 OF 2023

Heenal Manish Dhanwani
Through her natural Guardian i.e.
Father Shri. Manish Dhanwani ... Petitioner.

V/s.

Government of Maharashtra & Anr. ... Respondents.

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Mr.Girish R.Agrawal a/w. Mr.Shubham Jangam for the Petitioner.
Mr.Sameer Khedekar for Respondent No.1.
Mr.Mahendra Agvekar for Respondent No.2.

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 11 October 2023.

P.C. :

The Petitioner herein is a Student, being aggrieved by the action of cancellation of her admission to Respondent No.2- Vivekanand Education Society's Institute of Technology (College) on the direction of the Respondent No.1, i.e. the State Common Entrance Cell has approached this Court. According to the Petitioner, she had applied through the Centralized Admission Process on 25 July 2023, for the seat in Artificial Intelligence and Data Science course with Respondent No.2-college. Her application

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was under the Economically Weaker Section Category (EWS Quota). She had submitted EWS Certificate issued by the Tahsildar Ulhasnagar bearing No.97 of 2023 dated 9 August 2023.

2 On the basis of said certificate she was admitted to Respondent No.2-College and on 17 August 2023 she started attending the said course. On 17 August 2023 on the same day at 5.30p.m. she received an E-Mail from Respondent No.2-College raising issue relating to her Admission. When she visited Admission Department of the College on 18 August 2023, she was orally informed that her admission is being cancelled because she has not submitted her Certificate of EWS in State Format. Since the Petitioner along with four other students were facing similar problem. They made a common representation requesting for extension of time to comply with the objection raised by the Commissioner CET Cell vide their communication dated 18 August 2023. On 24 August 2023 the Petitioner was informed by E-mail since her Certificate was not in accordance with the format prescribed by CET cell. Hence her admission has been cancelled and her name is removed from the list of admitted candidates.

3 It is the contention of the Petitioner that the Petitioner received her EWS Certificate in the prescribed format from the Tahsildar on 24 August 2023 itself. The Petitioner approached the Commissioner CET Cell and submitted the Certificate along with letter dated 25 August 2023. On 25 August 2023 when she tried to

submit the said Certificate the authorities of Respondent No.2-College refused to accept the said Certificate. Therefore, the Petitioner approached this Court seeking indulgence of the Court and further praying to quash and set aside the decision of Respondent No.1 and 2 cancelling her admission by the Communication dated 24 August 2023.

4 The Petitioners case in short seems to be that though she had submitted the required certificate but the same was submitted not in the required format of the State as per the brochure but as per the format prescribed by the Central Government . Therefore, objection was raised by the Competent Authority because her certificate was not in the format as prescribed by the Competent Authorities and also not in accordance with the rules of admission as prescribed in the brochure. When the matter was heard by this Court on 27 September 2023, considering the genuine case of the Petitioner the notice was issued to the College in order to ascertain whether any solution can be found out. After the College has caused appearance through its counsel the matter was heard on 6 October 2023.

5 During the course of the hearing the counsel for the Respondent No.2-College made a statement that if the Respondent No.1-Common Entrance Cell permits the Petitioner, they are not averse to admit the Petitioner. Therefore, the Secretary of the State CET Cell was directed to look into the Petitioner's case and if necessary give audience to the Petitioner through her guardian and

inform the Court whether any solution can be found in the case of the Petitioner. The matter was then adjourned to 11 October 2023. When the matter was listed on 11 October 2023 i.e today. The counsel for the Respondent No.1- CET Cell has placed on record a decision/communication dated 10 October 2023, wherein it was informed that hearing was given to the candidate along with her Mother. After hearing the Petitioner, the CET Cell Authority has taken decision that as the cut-off date as prescribed in the schedule given by the CET Cell being already over, the State CET can not allow any admission after cut off date. Therefore, the candidate can not be given admission in the academic year 2023-24.

6 The counsel for the CET Cell has also placed on record the document which is titled as Admission Notice No.3/23/1478 dated 11 July 2023. Which is a notice for admission to the B.E., B-Tech and Master of Engineering Course, for the academic year 2023-2024. In the said notice the schedule for admission, right from making an online application is given. The schedule of dates for admission in Maharashtra State for NRI/ OCI/ PIO/ CIWGC (CIWGC)/Foreign National (FN) Candidates has been provided. In the said schedule at Item No.3 display of provisional merit list for Maharashtra State was scheduled on 14 July 2023. Item No.4 provides that candidate shall raise their Grievance about the correction in data displayed in provisional list through their login. The dates shown for the same are from 15 July 2023 up to

17/7/2023. Thereafter on 19 July 2023 final merit list of Maharashtra/All India Candidates was to be displayed and the cap round was to begin from 20 July 2023. Therefore, the date within which the correction was to be made was only up to 17 July 2023, which was already over, and the Petitioner could not upload the fresh Certificate. Therefore, her admission stood cancelled.

7 Since the said period for correction of data has already lapsed and the Respondent No.1 has already taken the decision that after the cut off date is over even if the seat is vacant in the allotted College, the State CET cannot allow any admission after cut off date. Considering that the said decision of the CET Cell which is in accordance with the Schedule for admission given by the CET Cell and made known to the Students through the admission Notice on 11 July 2023 itself. Therefore, this Court cannot interfere at such belated stage as many stages of admission are already over. Hence the Writ Petition being devoid of any merit stands dismissed.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)