



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10294 OF 2024

SANJAY KRISHNAJI BHOKARDOLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Bhokarikar Madhav M.
AGP for Respondent/State : Ms. V. N. Patil Jadhav
Advocate for Respondent No.2 : Mr. Sachin Vijay Kuptekar
DSGI for Respondent Nos.3 to 7 : Mr. A.G. Talhar
...

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 23.10.2024

PER COURT:

We have heard both the sides finally.

2. The petitioner is aspiring to undertake education for L.L.B. three years degree course. He was allotted with a Provisional Allotment Letter by the respondent No.2 dated 06.09.2024, for admission to the course from EWS open category.

3. The petitioner and the respondent - College are at loggerheads as to if the petitioner was ready with all the necessary documents while taking the admission as is contemplated in the stipulations in the Clause No. 'F' and 'G' of Round-III which is stated to be a part of the Provisional Allotment Letter which is at page No.38.

4. The learned advocate for the petitioner would strenuously point out that he was possessing the requisite documents which were duly verified and uploaded as per the e-Verification Status (page No.32), which fact is strongly denied by the learned advocate for the respondent – College. This being a factual dispute, we may not be able to enter into that arena while exercising the powers under Article 226 of the Constitution of India, more so when the admission process is already over and it is only on the basis of ad-interim order one EWS open seat has been kept vacant. Even the learned advocate for the respondent - College and the respondent No.2 – Common Entrance Test Cell admit that one seat has been kept vacant.

5. In the light of above, when every admission is subject to the approval to be granted by the Admission Regulating Authority at a later point of time, eligibility of the petitioner would be subject to such approval to be granted. The authority would have an opportunity to embark upon and consider whether he was otherwise eligible and should have been admitted against that seat on its own merits. With such a rider, according to us, the interest of justice would be met if the College is directed to admit the petitioner against that vacant seat by completing the formalities and by further directing the respondent No.2 – Common Entrance Test Cell to permit it to happen, keeping open all the issues.

6. The writ petition is allowed partly. The respondent No.2 shall enable and the respondent No.5 shall process the petitioner's

admission and accommodate him against the vacant EWS open seat. This admission shall be subject to the approval to be granted by the Admission Regulating Authority on its own merits. We shall not be treated as having decided anything on merits, as far as, eligibility of the petitioner. He shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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