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

WRIT PETITION NO.12007 OF 2024

Rahul Mahantesh Pattanshetti .. Petitioner
Vs.
State of Maharashtra .. Respondent

Adv. S. P. Joshi with Adv. Harshvardhan Bhende i/by Regulus
Advocates & Consultants, Advocates for petitioner.

Mr. Makarand Kale i/by Mr. Sameer Khedekar with Ms. Bharti
Gerella, Advocates for respondent no.2

Mr. N. C. Walimbe, Addl. GP with Mr. S. P. Kamble, AGP for
respondent-State.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 26th AUGUST, 2024.

P.C. :

1. The petitioner, a student pursuing his graduation in the Three Year BCom Course at Rani Channamma University, Belgaum, Karnataka desires to seek admission at the Three Year LLB Course pursuant to his appearance in the MH-CET Examination held by the second respondent-Maharashtra Common Entrance Test Cell. Since a candidate seeking such admission is required to indicate the marks secured in the Final Year Degree Examination and as the petitioner's result of the sixth semester examination of the Bcom Course is not yet declared by the Rani Channamma University, he has approached this Court.

2. The learned counsel for the petitioner submits that the petitioner has secured 99.26 percentile of marks is placed at all India Rank 116 in the merit list of students from Outside Maharashtra State. For want of the marksheet of the final semester examination, he is unable to participate in the admission process.

3. According to the second respondent in absence of the marks for the sixth semester, the petitioner cannot be treated to be eligible to participate in the admission process. Merely securing marks in the CET Examination would not be sufficient.

4. The basic qualification for seeking admission to the Three Year Law Course is obtaining a required score at the MH-CET Examination. It is also necessary that the candidate has to pass the Under Graduate Degree Examination and annex documents to that effect. The petitioner's examination for the sixth semester is currently under-going and it is his case that the result for the sixth semester would be declared by 23/09/2024. If the petitioner is not permitted to participate in the admission process at this stage he would lose an opportunity this year.

5. We have perused the schedule of admission and it is seen that CAP Round III has commenced from 06/08/2024 and is continue till today. The Institution Level Round is to commence

from 14/09/2024 and the cut off date for admission is 25/09/2024.

6. Considering the aforesaid position and in the peculiar facts of the present case, we are inclined to permit the petitioner to submit his application for CAP Round III subject to the condition that he shall produce a Mark Memo/status of his result of the sixth semester by 23/09/2023 with minimum 45% marks. This is for the reason that in case the petitioner fails to pass the said examination, the seat if allotted to the petitioner would thus become vacant. That seat could be allotted to any other eligible candidate as the cut off date for admission on 25/09/2024. It is made clear that the petitioner would not be entitled to claim any equity on the basis of this direction and it is subject to fulfillment of the aforesaid. Accordingly, the petitioner is permitted to fill a fresh application for CAP Round III which is presently operating. This direction would not create any equity in favour of the petitioner. The parties would be governed by the outcome of the writ petition.

7. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]