

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 729 OF 2024

(Vinayak s/o.Diwakar Chaware...Vs... The State Common Entrance Test Cell and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Rushikesh Bhoyar, counsel for petitioner.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : FEBRUARY 01, 2024

Heard learned counsel for petitioner Mr. Rushikesh Bhoyar.

2. The petitioner holds a graduate degree in the subject Chemical Engineering based on which, the petitioner claimed to have appeared for Common Entrance Test (CET) conducted by the State Government, who is competent authority. The said authority, thereafter, granted admission to the petitioner on 23.9.2023 in the subject of Master in Computer Application.

3. Vide issuing communication dated 30.10.2023, the admission granted to the petitioner on 23.9.2023 is informed to have been cancelled on 19.10.2023, as such this petition.

4. The submissions are, even if, the basic qualification required for getting admission to the aforesaid Post Graduation Course i.e. Masters in Computer Application is

that of B.Tech or B.E. in Computer Science or Information Technology, the petitioner is holding such qualification i.e. graduation in Chemical Engineering is not suppressed from the respondent authorities. His further contentions are since there is no suppression on the part of the petitioner, the admission of the petitioner cannot be cancelled. He would draw support from the judgment of Hon'ble Supreme Court in the case of ***Ashok Chand Singhvi Vs. University of Jodhpur and Others*** [(Civil Appeal No. 183/1989 (arising out of SLP (C) 8072/1988)], reported in Law Finder Doc Id#89227. Paragraph No. 17 of the said judgment reads thus:

*“17. It is submitted on behalf of the University that it was through mistake that the appellant was admitted. We are unable to accept the contention. It has been already noticed that both the Dean and the Vice-Chancellor considered the objections raised by the Officer-in-Charge, Admissions, and thereafter direction for admitting the appellant was made. When after considering all facts and circumstances and also the objections by the office to the Admission of a candidate, the Vice Chancellor directs the admission of such a candidate, such admission could not be said to have been made through mistake. Assuming that the appellant was admitted through mistake, the appellant not being at fault, it is difficult to sustain the order withholding the admission of the appellant. In this connection, we may refer, to a decision of this Court in *Rajendra Prasad Mathur v. Karnataka University, 1986(Suppl) SCC 740*. In that case, the appellants were admitted to*

certain private engineering colleges for the B.E. Degree Course, although they were not eligible for admission. In that case this Court dismissed the appeals preferred by the students whose admissions were subsequently cancelled and the order of cancellation was upheld by the High Court. At the same time, this Court took the view that the fault lay with the engineering colleges which admitted the appellants and that there was no reason why the appellants should suffer for the sins of the management of these engineering colleges. Accordingly, this Court allowed the appellants to continue their studies in the respective engineering colleges in which they were granted admission. The same principle which weighed with this Court in that case should also be applied in the instant case. The appellant was not at fault and we do not see why he should suffer for the mistake committed by the Vice-Chancellor and the Dean of the Faculty of Engineering.

Of course, in our opinion, the petitioner is justified in contending that he has not suppressed his basic qualification of holding graduate degree in Chemical Engineer. However, this Court also required to be sensitive to the principles of promissory estoppel

5. When the rule of admission contemplate, that the petitioner must hold qualification in subject of Information Technology or the Computer Science, the petitioner, who is holding qualification in the subject of Chemical Engineering cannot be said to be qualified. That being so, the petitioner must satisfy this Court that even if, the rules does not permit him an admission in the course of

Masters in Computer Application and by mistake he was granted admission, same is required to be protected.

6. Issue notice to the respondents, returnable on 29.2.2024.

(ABHAY J. MANTRI, J.) (NITIN W. SAMBRE, J.)