



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

WRIT PETITION NO.7000/2024

(Miss. Prachi D/o Gajanan Tewale Vs. State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.S. Shingane, Advocate for the petitioner.
Mr. N.R. Patil, Assistant Government Pleader for respondent Nos.1 to 3.
Mr. K.P. Mahalle, Advocate for respondent No.4.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 19.12.2024.

Heard.

2. After having cleared 12th standard examination and obtaining 64% marks, the petitioner got admission to 1st year B.E. Civil Engineering course with respondent No.4 College in academic session 2024-2025. The said admission was approved by respondent Nos.2 and 3.

3. Rule 16(1) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admission to the Full Time Professional Undergraduate Technical Courses) Rules, 2017 contemplates change of stream, in the present case it is from Civil to Computer Science and Engineering. The petitioner though was intending to have a change of stream, as referred above, in the academic session 2024-2025, her request was not processed as the result of 1st year examination was declared subsequent to the cut-off date. The same prompted the petitioner to approach before this Court wherein the petitioner has tried to rely on the '*principle of impossibility*'. According to the learned Advocate for the petitioner, the declaration of the result of the University was one of the key

elements to be satisfied for shifting the candidature from Civil to Computer Science and Engineering stream. Since such result of the 1st year examination was declared subsequent to cut-off date, the petitioner cannot be put to loss particularly having regard to her meritorious candidature and performance of the 1st year Engineering course.

4. The learned Advocate for the petitioner, having regard to the time frame which was prescribed for admission to 2nd year course including that of change of stream, has tendered an affidavit duly sworn by the petitioner stating that she is willing to shift from Civil branch to Computer Science and Engineering branch for the academic session 2025-2026 provided the respondents assure that her candidature will be accommodated.

5. The learned Advocate appearing for respondent No.4 College has consented for the same and assured that the candidature of the petitioner shall be forwarded to respondent Nos.2 and 3 for approval. The learned Assistant Government Pleader assured on oral instructions, that the candidature of the petitioner shall be accordingly considered and granted the approval.

6. In response to the Court's query, the learned Assistant Government Pleader, at this stage seeks time till tomorrow i.e. 20.12.2024 to have written instructions.

7. Stand over to 20.12.2024.

(MRS.VRUSHALI V.JOSHI, J.)

(NITIN W. SAMBRE, J.)