



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: 20.12.2024.

Heard.

2. In compliance of the orders dated 12.12.2024 and 19.12.2024 passed by this Court the Director of Technical Education has communicated through the learned Assistant Government Pleader that the candidature of the petitioner can be considered for admission to B.E. Computer Science and Engineering Course 3rd Semester (2nd year) provided there is no more meritorious student seeking such claim against the seat which will be available during the said academic session. It is not in dispute that as far as present academic session is concerned the claim of the petitioner for change of branch from Civil to Computer Science and Engineering is based on her 1st place in merit list maintained by respondent college.

3. We are not impressed by such claim put-forth by the respondent Director of Technical Education for the reason that the petitioner who is a meritorious student as on date and is entitled for admission to the said course is denied admission by the circumstances which were beyond her control. Such circumstances ought to have been addressed effectively by the respondents. The respondent college is

willing to consider and grant the claim of the petitioner for admission but for the delay caused in declaring the result of petitioner by the University.

4. It shall be the responsibility of the respondent State authorities to resolve the aforesaid issue by granting approval to such admission as we have already observed that the petitioner cannot be blamed for the delayed claim, as the declaration of result by the University was not within her control. For the aforesaid reasons, we have to observe that the petitioner cannot be called upon to perform an impossible act viz. late declaration of result by the University. The respondent admission authority in such an eventuality, ought to have been sensitive to the fact of non-declaration of result by the University and accordingly should have scheduled its process of admission.

5. In this background, we deem it appropriate to direct that the admission be granted to the petitioner to 3rd Semester (2nd year) B.E. Computer Science and Engineering Course in the academic session 2025-2026 as has been undertaken by the respondent college.

6. In view of aforesaid directions, the writ petition stands disposed of.

(MRS.VRUSHALI V.JOSHI, J.)

(NITIN W. SAMBRE, J.)