



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1771 OF 2023

Areeb Hasan Ansari Najeeb Hasan Ansari
VERSUS

The State Of Maharashtra Secretary Medical Educaiton And
Drugs Department And Others

AND

WRIT PETITION NO.1714 OF 2022

Mahadevi Vyankat Nandagave
VERSUS

The State Of Maharashtra And Others

AND

CIVIL APPLICATION NO.3232 OF 2023

IN

WRIT PETITION NO.11629 OF 2022

Simran Rajesh Patil
VERSUS

The State Of Maharashtra Through Its Secretary And Others

AND

WRIT PETITION NO.7418 OF 2022

Kailas Yallappa Babhulkar And Others
VERSUS

State Of Maharashtra Through Secretary And Others

AND

WRIT PETITION NO.9418 OF 2022

Bapurao Hari Rayghol
VERSUS

State Of Maharashtra Through Secretary And Others

AND
WRIT PETITION NO.8962 OF 2022

Yash Rajendra Nikalje
VERSUS
The State Of Maharashtra Through Its Secretary And Others

AND
WRIT PETITION NO.11629 OF 2022

Simran Rajesh Patil
VERSUS
State Of Maharashtra Through Principal Secretary And Others

AND
WRIT PETITION NO.12737 OF 2022

Vaishnavi Vijay Kamore And Another
VERSUS
State Of Maharashtra Through Secretary And Others

AND
WRIT PETITION NO.12799 OF 2022

Tahmeena Bano Mohammed Jabir Qureshi
VERSUS
State Of Maharashtra Through Its Principal Secretary and Others

AND
WRIT PETITION NO.12800 OF 2022

Ayesha Fatema Abdul Bari Shaikh
VERSUS
The State Of Maharashtra Through Its Director Of Medical
Education And Others

...
Mr. Taher Ali Quadri, Mr. Swapnil Deshmukh, Mr. A.N. Sabnis,
Mr. R.B. Temak, Mr. G. C. Navandar, Mr. M.S. Choudhari,
Advocates for the Petitioners in respective Petitions.

Mr.V. M. Kagne, AGP for Respondent-State Authorities.

Mr. S.G. Karlekar, Advocate for the Admission Regulatory
Authority (Resp.3) in WP/1771/2023, WP/9418/2022,
WP/12737/22, Respondent No.2 in WP/12799/2022, Respondent
Nos.3 and 4 in WP/1714/2022.

Mr. S.S. Gangakhedkar, Advocate for Respondent No.4 in
WP/1771/2023 and Respondent Nos.2, 3 & 5 in WP/8962/2022.

Mr. J.R. Patil, Advocate for Respondent No.4 in WP/12799/2022.

Mr. S. P. Brahme, Advocate for Respondent No.4 in
WP/9418/2022, WP/11629/2022 & WP/12800/2022.

Mr. M.D. Narwadkar, Advocate for Respondent No.3 in
WP/7418/2022, WP/8962/2022 & Respondent No.2 in
WP/11629/2022.

Mr. A. R. Kale, Advocate for Respondent No.4 in
WP/7418/2022, WP/12737/2022.

Mr.V.D. Sapkal, Senior Advocate i/by Mr. S.R. Sapkal,
Advocate for Respondent No.6 in WP/7418/2022.

Mr.A.V. Hon, Advocate for Respondent No.3 in WP/11629/2022.

Mr.D.J. Choudhari, Advocate for Respondent No.4 in
WP/8962/2022.

Mr.V.P. Latange, Advocate for Respondent No.6 in
WP/1714/2022.

Mr. V. D. Khivesara a/w Mr. D. L. Khivesara, Advocates for
Respondent No.5- College in WP/1771/2023 & WP/12800/2022.

Shri D.S.Bagul, Advocate for Respondent 6 in WP/12737/2022

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CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE : 13th April, 2023

ORAL ORDER (Per Ravindra V. Ghuge, J.) :-

1. In all these petitions, the admitted/undisputed factors are as under :-

A] The Petitioners are students.

B] All are identically placed.

C] All have been admitted to the graduation courses of BHMS/ BAMS/ BUMS/ BPTH/ B.Sc. Nursing.

D] Each of them had sought admission on the basis of the claim of belonging to the reserved category.

E] All of them were admitted by the respective Managements on their mere claim of belonging to the reserved categories and none of them had validity certificates on the dates of their admissions.

F] In all these cases, the Admission Regulating Authority (ARA) has cancelled their admissions and the Review Petitions have been dismissed. Despite these facts, the Managements did not cancel the admissions of these Petitioners.

G] Each of them has received the validity certificate after the admission cut-off date.

2. Considering the above, we do not find it necessary to reproduce the entire selection process or the various dates on which various stages of the admission process were conducted. Suffice it to say that, none of the Petitioners had a validity certificate prior to the cut off date of their admissions and all of them secured validity certificates after the cut off date.

3. The learned Senior Advocate Shri V.D. Sapkal has fairly stated, on behalf of the Management, in Writ Petition No.7418/2022, that the Admission Rules i.e. “NEET UG-2017-Information Brochure of Preference System for admission to Health Science Courses in State Government/ Corporation/ Private & Minority Colleges” as prescribed by the Commissionerate, Common Entrance Test Cell, Mumbai, more particularly Annexure S (Undertaking) annexed to NEET UG 2017, permitted the admission of students, whose validity claims were pending. Under the said ‘Information Brochure of NEET UG 2017’, admission of such students was permissible. Subsequently, the rules were amended with the introduction of the ‘NEET UG 2018 Information Brochure’, and the reserved category validity certificate was made mandatory. With the changed Rules under the ‘NEET UG 2018 Information Brochure’, the Managements were restrained from admitting

students claiming to be from the reserved categories, unless the validity certificates were obtained.

4. He refers to Section 4(A) of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, (for short “the Caste Certificate Verification Act, 2000”), which permits production of proof to the effect that the student has made an application for issuance of a validity certificate. However, he fairly states that Section 4(A) (2)(ii) mandates that the candidate should produce his validity certificate to the Admission Authorities, on or before such date as may be specified by the ARA.

5. He, therefore, submits that the Management has not intentionally or deliberately granted admissions to students who did not have the validity certificates. Ulterior or oblique motives or laches are not attributable to the conduct of the Management. He refers to the judgment delivered by this Court at Nagpur in *Kuldeep s/o Sanjay Deshmukh vs. The State of Maharashtra*, Writ Petition No.326/2020 decided on 13.07.2022, wherein, this Court concluded that as the candidate had moved an application for issuance of a validity certificate to the Scrutiny Committee prior to the specified date and was thereafter, admitted to a

professional course, his admission was not liable to be cancelled by relying upon Section 4(A)(2)(ii) and that Section 4(A)(3) and (4) would not be attracted.

6. Shri Sapkal then refers to an order passed by this Court at the Principal Seat dated 19.12.2022 in Writ Petition No.10361/2018, filed by ***Hridaya Manoj Ingale vs. Director of Technical Education and others***. In this order, it was concluded that the cancellation of admission was only on account of the reason of delay in submission of the validity certificate and, hence, the admission was validated.

7. All the learned Advocates representing the other Petitioners, have adopted the submissions of the learned Senior Advocate and in addition, submit that none of these Petitioners, who are innocent students, could be blamed. They secured their admissions on their own merits. Not a single admission is illegal. There is no deviation from the admission norms. The Managements have not indulged in picking and choosing candidates for admission. No malafides can be attributed to these Petitioners.

8. The learned Advocates Shri S.G. Karlekar and Shri M.B. Narwadkar, have put forth extensive submissions, so also, their written notes. Their submissions can be summarized as under:-

(a) These Petitioners are seeking regularization/ approval of the admissions granted for the various professional courses from the academic year 2018-19.

(b) The reason in not approving the admissions of all the petitioners is on the count that, they did not submit the validity certificates before the cut-off date as prescribed in the schedule/ notice/ brochure for admission as formulated and implemented by the Admission Regulating Authority established pursuant to enactment of the Maharashtra Unaided Private Professional Educational Institutions (Regularization of Admission and Fees) Act, 2015, (in short “the Act of 2015”).

(c) Chapter- 2 of the Act of 2015 deals with the regularization of admissions, wherein the registration and manner of admission is provided. Section 5 categorically provides that any admission made in contravention of the provisions of the said Act and or rules/ regulations made there under, shall be void. It is further submitted that, section 5 of the said Act refers to functions/ powers of the Admission Regulating Authority to verify the admission proposals and to grant the approval.

(d) In the process of admission being regulated by the Admission Regulating Authority for the professional courses to which the petitioners claim to have been admitted for academic

year 2018-19, submission of documents for verification after the completion of the admission process by the respective managements, is required.

(e) The necessary documents of all the students admitted in the Institutions and which are to be considered by the Admission Regulating Authority in terms of the stipulation as contained in the admission brochure and notices issued from time to time during the admission process, have to be filed before the cut-off date.

(f) Considering the said provisions, requiring respective managements to submit documents, so as to seek approval from the Admission Regulating Authority, the students like the petitioners, who are admitted, either in the cap round or the institutional round, are required to be admitted only pursuant to the fulfillment of the necessary requirements of the eligibility criteria as prescribed in the admission brochure and the notification issued from time to time by the Admission Regulating Authority, which are binding on the students as well as the institutions.

(g) With reference to the requirement of the certificate of validity at the time of admission, in the backdrop of the admissions granted to students under the interim orders of this Court in absence of certificates of validity, the Hon'ble Supreme

Court, in Civil Appeal No.11234-48/2017 (*Dilip Vitthal Bambale V/s Vinitkumar Toltod and others*), vide order dated 06.09.2017, has observed that, the admissions cannot be granted under ad-interim orders without certificate of validity. The Hon'ble Supreme Court has also clearly observed that the candidates who have certificates of validity are only to be admitted.

(h) Considering the order of the Hon'ble Supreme Court in *Dilip Vitthal Bambale (supra)*, the admission brochure and the notices, so also notifications issued by the Admission Regulating Authority after academic year 2017-18, providing for submission of the validity before the cut off date of admission for the respective academic years, is sustainable.

(i) In the academic year 2018-19, Section 4A was introduced in the Caste Certificate Verification Act, 2000 with a view to permit registration/participation in the admission process for such students whose caste claims were pending before the respective Scrutiny Committees and with a further provision requiring submission of a validity certificate before the date as may be specified by the Admission Regulating Authority.

(j) The purpose behind introducing the said temporary provision was considering the fact that the duration of admission process, from the date of registration and till the last date of admission, on an average, was in between 2 and ½ months,

whereby considering the temporary provision, the students could initially participate in the admission process on the basis of pendency of validation proceedings and would get breathing time, during which, they could pursue the Scrutiny Committee and obtain validity certificates before the specified date as prescribed by the Admission Regulating Authority.

(k) The said temporary provision provided for participation in the admission process by producing proof of pendency of validation proceedings and requiring submissions of validity certificates before the cut-off date.

(l) The said amended Section 4A of the Caste Certificate Verification Act, 2000, was considered by this Court at the Nagpur Bench in Writ Petition No.326/2020 filed by ***Kuldeep s/o Sanjay Deshmukh vs. State of Maharashtra and others*** and it was held that Section 4A(2)(i) requiring submission of proofs of pendency of validity proceedings will have to be read individually vis-à-vis Section 4A(2)(ii) with requirement of submission of validity before the specified date as prescribed by the Admission Regulating Authority. It was in such premises, that this Court proceeded to regularize the admission of the petitioner therein.

(m) The order in ***Kuldeep Sanjay Deshmukh (supra)*** delivered by this Court at the Nagpur Bench was carried to the

Hon'ble Supreme Court in Petition for Special Leave to Appeal (C) No.17291/2022 filed by the ***Commissioner, State Common Entrance Test Cell vs. Kuldeep and others***. The Hon'ble Supreme Court, although did not interfere with the order, has kept the point of law open for adjudication.

(n) The temporary provision of Section 4A(2) (ii) is a non-obstante clause, specifically provided for students possessing the caste certificate and whose applications for verification and issuance of validity certificate are pending before the Scrutiny Committee. It is in such contingency, such students, who are eligible to participate on the basis of their caste certificates, were permitted to participate in the admission process, subject to the condition as mentioned in sub- clause (i) and sub clause (ii) further providing that such participation in the admission process would be subject to submission of validity certificates, before the date, as specified by the Admission Regulating Authority.

(o) Section 4A(2)(ii) further provides that the date to be specified by the Admission Regulating Authority shall be before the date of closure of admission process for the respective academic years.

(p) Section 4A(3) provides that failure to submit the validity as provided under sub-section 4A(2)), will mean that the

provisional admission against the reservation seat, shall be deemed to be cancelled.

(q) In such circumstances, on failure of the petitioners in these Writ Petitions, to submit the validity certificate, on or before completion of admission process for the respective academic years, has clearly resulted in deemed cancellation, for which reason, the claim of the petitioners seeking regularization of the admission should not be considered by this Court.

(r) In absence of challenge to Section 4A of the Caste Certificate Verification Act, 2000, the claim of the petitioners seeking regularization of admissions, does not deserve consideration.

(s) This Court or the Hon'ble Supreme Court, till this date, has not struck down the requirement of certificate of validity to be submitted before the last date of admission to the professional course of the respective academic years and as such, all earlier orders passed by this Court or the Hon'ble Supreme Court were only considering equities.

(t) Considering the fact that the Admission Regulating Authority is a statutory body empowered to regulate the admission with requirement of validity before the cut off date, by virtue of the powers conferred by the Act, 2015 and after due consideration of the orders of the Hon'ble Supreme Court in

Dilip Vitthal Bambale (supra), the Authority has rightly cancelled the admission of students, for not possessing validity certificate prior to the cut-off date.

(u) Some petitioners in these petitions were admitted in the academic years 2018-19 and some were in 2021-22.

(v) As such, the rejection of approval to the admission of the petitioners was intimated to the Institution as earlier as in January, 2019. It is thus evident that in all the petitions, the rejection of their admission is communicated to the respective institutions within 3-4 months of the admissions.

(w) It is evident that, despite having knowledge about rejection of the admissions, the students pursued their course under the assurance of the management that on completion of their course, they could seek regularization of admission by approaching this Court.

(x) A few of the Institutions on initial rejection of approval, have approached the Admission Regulating Authority seeking review of the admission and submission of caste validity certificate, either at the time of filing of the review or before the decision on the review applications.

(y) The power of review by the Admission Regulating Authority cannot be extended to mean that the Admission Regulating Authority can exercise its power of review to

condone and remove the deficiency, which is otherwise incurable considering the mandatory provisions.

(z) The claim of the petitioners to consider the case for regularization of admissions, having obtained caste validity certificate much after the cut off date as prescribed by the Admission Regulating Authority for the respective academic years, also does not deserve consideration on the spacious plea of having completed their course.

(aa) The claim of the petitioners that the respective institutions did not inform the rejection of approval to their admission, also cannot be considered, in light of the fact that the petitioners, while getting themselves admitted for the respective reserved category, were absolutely aware that, they had no rightful claim for admission against the reserved category, in the absence of caste validity certificates before the date specified by the Admission Regulating Authority.

(bb) The Division Bench of this Court at the Principal Seat, in the recent judgment in *Dr.Pallavi Manohar Dalvi and others vs. State of Maharashtra and others, 2022 SCC Online (Bom) 981 : 2022 (5) Mh.L.J.674*, has held that jurisdiction under Article 226 of the Constitution of India cannot be exercised to uphold the course of action that is not in accordance with the prescribed legal procedure. The Division Bench has

even considered the situation that the petitioners had completed their course and refused to regularize admission and has further saddled exemplary cost on the Management and further directed refund of 50% fees to the petitioner therein.

(cc) The Division Bench of this Court at the Principal Seat in the case of *Prince Jaibir Singh vs. Union of India*, Writ Petition (L) No.26135/2021 decided on 12.11.2021, 2022 (1) BCR 122, has held that, the rules as formulated by the competent authority are binding and as such, any direction cannot be issued resulting in the authority being required to violate its own rules and regulations.

(dd) The petitioners, by their own conduct of seeking admission in violation of the regulations, have put their career at stake and as such, now they are not entitled to seek equitable relief from this Court. Considering the sympathetic view of this Court and the Hon'ble Supreme Court on an earlier occasion, has emboldened the Managements and the students like the petitioners to continue to seek admission in violation of the regulations and for which reason, the respective institutions in this group of petitions, deserve to be saddled with exemplary cost so as to ensure that the Managements do not indulge themselves in such illegal admissions hereinafter.

(ee) Lastly, it is stated that, this Court should saddle exemplary costs on the respective institutions, which would serve as a deterrence to all institutions, which otherwise are continuing to indulge in such illegal admissions.

9. In *Dilip Vitthal Bambale and others vs. Vinitkumar Motiram Totlod and others, Civil Appeal Nos.11234-48 of 2017*, the Honourable Supreme Court has delivered an order on 06.09.2017 by noting that the Petitioners' admissions were protected by the interim orders of the High Court. The Honourable Court, on considering that 11 students were validity holders, though after the cut-off date, the Institution was directed to admit the students in order of merit. It was further observed that "*Before parting with the case, we are obliged to say that the Division Bench of the High Court has been absolutely ill-advised to pass such an interim order. The same is hereby set aside.*" Finally, the Honourable Supreme Court recorded that "*The candidates who have got the certificate of validity by virtue of the High Court order shall be admitted and vacant seats can be filled up from amongst the students who have got the certificate of validity. The Medical Council of India shall intimate this order to the concerned Educational Institution.*"

10. We have no doubt that a candidate, who has already acquired a validity certificate, has to produce the same before the Competent Committee regulating the admissions as per the schedule meant for producing the documents/ verification of documents. However, a candidate who does not possess the validity certificate, has to furnish proof of having applied for the validation of his claim and is mandated to produce the validity certificate prior to the cut off date.

11. In *Dr.Pallavi Manohar Dalvi (supra)*, this Court at the Principal Seat, has concluded in paragraph Nos.21, 22 and 23 as under:-

“21. *It is not in dispute that the ad-interim relief granted on 25th July 2017 in Writ Petition (st) No.19278/2017 ceased to operate on 17th June 2019 with the unconditional withdrawal of the aforesaid writ petition. Similarly, the reliance placed on the decision in Maharashtra Medical Education and Research Centre (supra) is also misplaced for the reason that the facts therein indicate that this Court considered the position as prevailing in the academic year 2015-16 and not in the academic year with which we are concerned in these writ petitions. We, therefore, find that there is no ground made out whatsoever to accept the contentions of the Petitioners that their admissions to the Postgraduate course as made in the year 2016-17 are liable to be regularised. The order passed by the Authority on 3rd July 2019 also does not deserve to be interfered with for the reason that it has been found that the Petitioners’ admissions were not pursuant to PGA-CET 2016.*

22. *It is well settled that jurisdiction under Article 226 of the Constitution of India cannot be exercised to uphold any course of action that is not in accordance with the prescribed legal procedure. Granting relief to the Petitioners in these facts would result in condoning the illegal admissions granted by the Colleges and validating the admissions of the Petitioners who were not eligible to seek admission in accordance with PGA-CET 2016. Having found that the admissions of the Petitioners have been made in a manner contrary to the Act of 2015, the Rules of 2016 and PGA-CET 2016, the Petitioners would not be entitled to any discretionary relief. Mandatory statutory provisions referred to herein above cannot be bypassed. Moreover, there are no equities in favour of the Petitioners to grant them relief in these facts.*
23. *Having found that the admissions of the Petitioners are not liable to be approved, the alternate prayer made by the students for grant of compensation as well as refund of tuition fees deserves consideration. We find that the respective Colleges disregarding the Act of 2015, the Rules of 2016 and PGA-CET 2016 proceeded to admit the students by issuing an advertisement at their level. Such course was not permissible in law. The justification sought to be put forth by the Colleges is that on account of financial constrains, they did not deem it proper to permit the seats to remain vacant. This can hardly be a justification for by-passing the mandatory statutory provisions. If such plea is permitted to be accepted, it would result in grave consequences thereby diluting prescribed minimum standards in the field of education. Under the garb of financial constraints, the Colleges cannot be permitted to disregard statutory provisions as well as the procedure prescribed and make admissions. The aspect of public law damages has been considered by the Hon'ble Supreme Court in Krina Ajay Shah and others, Saraswati Educational Charitable Trust & another and*

Firdos Vahajuddin Ansari (Supra). In the present case there is no question of saddling any damages on the State or the University. It is only the Colleges who have transgressed the statutory provisions and have made admissions in breach of the provisions of law. We, thus, find that in these facts, Petitioners would be entitled to compensatory relief that would have to be saddled on the Colleges.”

12. In *Amardeep Singh Sahota vs. State of Punjab and others, (1993) 4 SLR 673 (FB)*, the learned Full Bench of the Punjab and Haryana High Court concluded in paragraph Nos.22, 29 and 30 as under:-

“22. *It may at this stage further be stated that the Notification dated July 13, 1992 goes contrary to the policy which was laid down for admission in the Notification dated May 20, 1992 on the basis of which the Prospectus had been issued to the students and the students appeared for test on the basis of the policy laid down in the prospectus: The Prospectus cannot subsequently be changed by the State Government to the detriment of the students to benefit certain other students. In Ravdeep Kaur v. The State of Punjab, Division Bench of this Court had an occasion to consider the value of a Prospectus issued for admission to an entrance examination. It was held that the eligibility for admission to a course has be seen according to the prospectus issued before the entrance examination and that the admission has to be made on the basis of instructions given in the prospectus as the instructions issued have the force of law. We agree with the view taken by the Division Bench. Since the Prospectus issued for admission to the 1992-1993 course in the medical college has the force of law and the students appeared in the examination on the basis of the instructions laid*

down in the said Prospectus, it was not open to the State Government to issue contrary instructions and as such also the Notification dated July 13 1992 issued by the State Government is invalid in law.”

“29. *We have now to consider the question in regard to those students who though they are not entitled to be admitted within the principles laid down by us but have been granted provisional admission due to orders passed by this Court. In regard to these students also since the law was wholly unsettled and there were different decision by different Benches of this Court in regard to the principles of admission, they should not be made to suffer in the interests of justice and they be also permitted to continue their course in the Medical Colleges as regular students.*

30. *We have held that it is the jurisdiction of the State Government to lay down the policy for admission to the sports quota in the Medical Colleges but in our opinion the State Government should not change the policy every year and in one year change it many time as has been done in this year. We expect the State Government that any policy which it determines in regard to the sports quota for the next year, shall be permitted to continue for atleast three years so that students who are eligible in the sports quota may be aware of the said policy.”*

13. In ***Prince Jaibir Singh vs. Union of India***, Writ Petition (L) No.26135/2021 decided on 12.11.2021, this Court at the Principal Seat, recorded in paragraph No.24 and 25 as under:-

“24. *The Petitioner having failed to follow the rules despite being aware of the same now cannot be heard to say that he be allowed to continue his admission and be allowed to make payment of the Seat Acceptance Fee or that he be allotted another seat after the closure of the*

process of admission as provided for in the Rules. The said Rules are binding on all the participants as the candidates have entered the process by submitting to the said Rules. Though, we are aware that computerization/digitization is not to harass the citizens, but to assist them in going about their activities in a more efficient, convenient and hassle free manner, the Petitioner by not availing of the Grievance Redressal in time, as provided for in the Rules, has entailed the consequence of rejection from the process and has been unfortunately ousted from the process.”

25. *It is trite that the Rules of business being formulated by the competent authority, in this case JoSAA, are binding on the petitioner. This Court is also fully conscious of the principle highlighted by the Supreme Court in the case of Maharashtra Dayanand University (Supra) and followed by the Delhi High Court in the case of Pallavi Sharma (Supra) that a direction of this Court cannot result in an authority violating its own rules and regulations. We therefore cannot and are not issuing any such directions. True also that Petitioner is a poor but meritorious student having secured a merit rank in the JEE Advance and a seat for B.Tech (Civil) course at the prestigious IIT Bombay and we fully sympathise with his situation. However, in view of what we have discussed and observed above we find it difficult to issue any directions to the Respondents as prayed for in this Petition or otherwise.*

14. Shri Karlekar, therefore, submits that all these Petitioners are not as innocent as it is tried to be made out. So also, the Managements are not naive so as to be oblivious of the fact that the students cannot be admitted even by way of a provisional admission, until they have validity certificates. In the

absence of validity certificates, they cannot be admitted and hence, their admissions would be patently illegal. The ARA has rightly cancelled their admissions. He relies upon the recent order passed by the Honourable Supreme Court in *National Medical Commission and another vs. Annasaheb Chudaman Patil Memorial Medical College and others, 2023 LiveLaw (SC) 113 : Civil Appeal No.966 & 967/2023 decided on 10.02.2023*, wherein, the conduct of the Management was noted and cost of Rs.2.5 crores was imposed. It was further directed that the said amount shall not be recovered from the students and the Management would be duty bound to deposit the said amount. He, therefore, prays that if this Court comes to a conclusion, to regularise the admissions of these Petitioners as a one time arrangement, exemplary costs of Rs. 5 lakhs each, be imposed on the Management for the reason that such admissions have become a 'modus operandi' of the Managements so as to fill in the seats/ vacancies illegally and collect huge amounts from the candidates. This has become a business for such private managements.

15. Section 4A(2)(ii) of the Caste Certificate Verification Act, 2000, has not been challenged and is not held to be arbitrary by any Court. Clause 9.1.5.1 of the Information Brochure issued by the Common Entrance Test Cell, which is the

authority empowered to regulate admissions to Health Science Courses in the State Government/ Corporation/ Private and Minority Colleges, mandates that a student cannot be admitted to the college without a validity certificate.

16. It is apparent that the admissions were de-hors the rules. It also cannot be lost sight of the fact that the Managements made the parents believe that the admissions would be regularized after the validity certificates are granted by the Scrutiny Committee. In some of the cases, it is clear that the cancellation of the admissions by the ARA, was not even communicated to the students by the Management. It was only after the University declined permission to the students to appear for the examination, that these Managements had no option, but to confess to the students that their admissions have been cancelled.

17. It also cannot be ignored that these admissions of the Petitioners are from the Institutional Quota. We are unaware as to whether, the Managements have collected donations. The fact remains that, with the admission of these candidates, they are exempted from the payment of regular fees and such fees are reimbursed by the State Government. It cannot be ruled out that there could be some candidates, who had validity certificates and who were below the ranks in merit vis-a-vis the Petitioners. They

may have lost their admissions as these Petitioners were admitted without validity certificates. These factors are to be considered as being sufficient reasons to impose heavy costs on the Managements for admitting the students, de-hors the rules. Taking into account the facts and circumstances in these cases, we are not inclined to impose costs on the students.

18. In view of the above, **these Writ Petitions are partly allowed**. The impugned orders cancelling the admissions of these Petitioners are quashed and set aside and their admissions shall stand regularized, as a onetime measure.

19. By way of costs, the Managements of the Colleges in which these students have been admitted, shall deposit an amount of Rs.50,000/- per student, within thirty days, in this Court. After the amount as directed above is deposited, the Registry of this Court shall transmit the same to the following Institutions as under:-

Sr.No.	Name of Institution	Bank Details	Amount to be Transmitted
1.	NAAM Foundation, 1132-3, 2nd Floor, Vishnu Darshan, Above Rahul Medical, Behind Hotel Lalit Mahal, Fergusson College Rd, Shivajinagar, Pune, Maharashtra 411016. (Mobile: 9881041354.)	Account No. 35226127148 IFS Code: SBIN0007339 State Bank of India, University Road, Pune.	Rs.2,00,000/-
2.	Infant India, Anandwan,	Canara Bank	Rs.2,00,000/-

	659/Infant Hill, Infront of Bindusara Dam, N.H. 211, Pali, Beed-431122. Mobile-9422693585/9822456411.	A/c No. 3773201000011 IFS Code: CNRB0003773	
3.	Orphanage home i.e. "Shantivan", Arvi, Tq. Shirur Kasar, District Beed. "Bhavani Vidhyarthi Kalyan Pratishthan, Arvi",	State Bank of India, Branch Shirur (Kasar), Account No. 33446000963 IFSC Code : SBIN0005995	Rs.2,00,000/-
4.	The Day Care Center, High Court of Bombay, Bench at Aurangabad.		Rs.1,00,000/-

20. We caution the Managements that they shall not recover the amounts, directly or indirectly, from the students under any pretext, including for the purposes of gathering/development fund etc., failing which, the Health University would be at liberty to initiate strict action against the Managements by following the due procedure laid down in law.

21. The pending Civil Application does not survive and stands disposed off.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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