
(1998) 08 BOM CK 0031

In the Bombay High Court

Case No : Writ Petition No. 3437 of 1997

Chandrakant Ranganath Mahajan

APPELLANT

Vs

The State of Maharashtra

RESPONDENT

Date of Decision : 06-08-1998

Acts Referred:

Citation : (1999) 1 ALLMR 529 : (1999) 2 BomCR 199 : (1999) 1 MhLj 781

Hon'ble Judges : R.J. Kochar, J;A.D. Mane, J

Bench : Division Bench

Advocate : S.V. Warad, for the Appellant; S.V. Chillarge, A.G.P., for the Respondent

Judgement

A.D. Mane, J.—Rule. By consent of learned Counsel for the respective parties, Rule is made returnable forthwith.

2. The petitioner's claim for D.Ed, course was rejected solely on the ground that he did not pass his S.S.C. from the school located in District Osmanabad, though the petitioner is permanent resident of Osmanabad district.

3. The petitioner explained that there is no educational facilities in the village, where he resided and therefore, he was required to take education from the adjoining Tehsil place, which however, is located within the limits of District Latur. The petitioner was, therefore, treated as outsider and permission was refused to him.

4. In view of the statement of fact, which goes uncontroverted, that where the petitioner resides in District Osmanabad, there is no educational facilities upto S.S.C., and merely because the petitioner got his S.S.C. examination passed from the High School situated within the limits of other adjoining district, namely, Latur, that by itself, in our opinion, could not have been considered as bar to give admission to the petitioner to D.Ed, course.

5. In Writ Petition No. 4410 of 1996 this Court has held that prima facie, at least,

the candidates who are residents of District, though have passed the qualifying examination from any other district, should be considered as candidates of native district. We, therefore, find no justifiable reason in refusing admission to the petitioner by the concerned officer.

6. We, therefore, allow the writ petition and direct the respondents to admit the petitioner to D.Ed, course, if he applies, as per the advertisement issued by the respondents for academic year 1998-99 and 1999-2000 irrespective of merit list of the relevant year.

7. Rule is accordingly made absolute. No order as to costs.

8. Petition allowed.