
(2012) 08 BOM CK 0036

In the Bombay High Court

Case No : Writ Petition No. 6491 of 2012

Master Sujit Suresh Divekar and Another

APPELLANT

Vs

The State of Maharashtra and Others

RESPONDENT

Date of Decision : 07-08-2012

Acts Referred:

Citation : (2013) 1 ALLMR 795

Hon'ble Judges : R.D. Dhanuka, J; D.Y. Chandrachud, J

Bench : Division Bench

Advocate : Narendra V. Bandiwadekar, for the Appellant; Sandeep K. Shinde, GP for Respondent Nos. 1 to 3 and Mr. Burhan V. Bukhari instructed by . Mr. Avinash K. Jalisatgi, for the Respondent

Final Decision : Dismissed

Judgement

D.Y. Chan Drachud, J.—The First Petitioner appeared for the SSC Examination in March 2012 and amongst the subjects in which he appeared was General Mathematics (Code 74). The First Petitioner was desirous of seeking admission in the Fourth Respondent which conducts a Polytechnic. The student was informed that since he had passed the SSC Examination in General Mathematics (Code 74), he is not eligible for admission. The admission brochure for Academic Year 2012-13 specifically provides in a note which is appended to paragraph 2 containing the eligibility criteria that candidates who have passed maths/ mathematics (Code 71 for Maharashtra State Board candidates) and Science and Technology (Code 72 for Maharashtra Sate Board candidates) are only eligible for admission. Now, admittedly, the First Petitioner did not have mathematics (Code 71) as one of his subjects for the SSC Examination. The Petitioner instead passed the examination in General Mathematics (Code 74). In the affidavit in reply filed by the Directorate of Technical Education, it has been stated that there is a difference in the course content of Mathematics (Code 71) and General Mathematics (Code 74). The topics which are covered in Mathematics (Code 71) are of greater complexity than those in General Mathematics (Code 74) which

are of a basic level. In that regard, the following rationale is set out in the affidavit in reply:

Mathematics subject (Code No. 71) is consisting topics of Algebra having Arithmetic Progression, Quadratic Equations, Linear equations in two variables, Probability, Statistics & Geometry having Similarity, Circle, Co-ordinate Geometry, Geometric Constructions, Trigonometry and Menstruation which is of high level, where as General Mathematics subject (Code No. 74) is consisting topics of Arithmetic, Commercial Mathematics, Algebra, Geometry, Construction & Statistics which is of basic level. Taking all this aspects into consideration candidates not opting for Mathematics (Code No. 71) are not eligible for seeking admission to First Year of Post SSC Diploma Courses in Engineering/Technology for the academic year 2012-13.

2. However, it has been urged on behalf of the Petitioners that on 18 February 2011, a circular was issued by the School Education Department stating that no distinction should be made between students, who have passed General Mathematics or Mathematics, in granting admission to Polytechnics. In order to counter this submission, the Learned Government Pleader has placed on the record a copy of the information brochure for Academic Year 2011-12 which was issued after the circular dated 12 February 2011. The admission brochure for the previous year also made it clear that the only State Board Candidates, who had passed Mathematics (Code 71), would be eligible for admission. Consequently, the Court has been informed on instructions that even for Academic Year 2011-12, a student, who had not passed the examination from the State Board in Mathematics (Code 71), was not eligible for admission to Polytechnics and no such student was admitted. For the current Academic Year as well, the information brochure makes it clear that in order to be eligible for admission, a student ought to have passed the subject of Mathematics (Code 71). The academic requirement which has been laid down by the Directorate of Technical Education is based on the rationale that the subject of Mathematics (Code 71) involves a higher level of proficiency in the subject, which is necessary for admission to a Polytechnic. In the exercise of the writ jurisdiction, it would not be appropriate for this Court to review the wisdom of such a requirement or to direct the grant of admission contrary to the requirement of eligibility prescribed by an expert academic authority. For these reasons, no case for interference is made out. The Petition is accordingly dismissed.