
(2006) 04 BOM CK 0018

In the Bombay High Court

Case No : Writ Petition No's. 5899 of 2005 and 1246, 1513, 1544, 1611, 1680 and 1814 of 2006

Vaishali Vivek Mhaske and Others

APPELLANT

Vs

Regional/State Level Chairman and Others

RESPONDENT

Date of Decision : 13-04-2006

Acts Referred:

B.Ed. Admissions Rules, 2005 — Rule 1.1, 1.5A, 1.7, 4, 50

Citation : (2006) 4 ALLMR 489 : (2006) 4 BomCR 752 : (2006) 4 MhLj 815

Hon'ble Judges : Kshitij R. Vyas, C.J.;Sinha D.D., J

Bench : Division Bench

Advocate : S.A. Gordey, J.T. Gilda, P.S. Patil and R.L. Khapre, for the Appellant; A.B. Chaudhary, Govt. Pleader for respondent Nos. 1 and 2, T. Khan and J.B. Jaiswal for respondent No. 3, L.A. Mohta, D.P. Dapurkar and P.S. Patil, respondent No. 4, for the Respondent

Judgement

Sinha D.D., J.—Rule made returnable forthwith by consent of the learned Counsel for the parties.

2. Mr. S.A. Gordey, learned Counsel for the petitioner in Writ Petition No. 5899/2005 has submitted that the petitioner has passed graduation from Amravati University with 44.22% aggregate marks. The petitioner belongs to caste "Kunbi" which is included in "Other Backward Class" category in the State of Maharashtra. The Director of Education issued advertisement dated 16.3.2005, inter alia, calling applications for B.Ed. entrance examination 2005-06. The relevant conditions for the purpose of appearing in the common entrance test and admission to the B.Ed. course prescribed in the advertisement dated 16.3.2005 are as under:

1. The students from Open Category as well as Other Backward and Special Backward Category who have obtained minimum 45 percentage of marks and the candidates from the Backward Category who have obtained minimum 45 percentage of marks in the Degree Course in Arts, Science, Commerce,

Agricultural Science, Computer, Information and Technology/Engineering, Home Science from the recognized Universities, Agricultural Universities, Open Universities (Mukta Universities) and Deemed Universities, will be eligible for B.Ed. Admission.

2. The condition of minimum percentage of marks for making an application for admission to regular B.Ed. Study Course will not be applicable to the candidates serving as Teacher and have completed two years full time service. However, their applications will be considered on the basis of merit and marks obtained in the Common Examination.

3. The merit list will be prepared after making the total of the total marks obtained by the candidate in final year Degree Examination and additional marks as per Government Rules 50 percent weightage and marks obtained in C.E.T.

4. It is the distinct peculiarity that the valuation of the answer sheets of the common entrance test will be made by computers only.

5. One hours common entrance test (CET) of 50 marks, based on multiple options, will be held of all students at the examination centers notified for C.E.T.

6. After consolidating the percentage in third year degree examination (with additional marks weightage) and the marks in common test, the medium-wise, category-wise, subject wise merit list in accordance with the existing reservation policy of the Government will be prepared with the help of computer.

3. Mr. Gordey, learned Counsel for the petitioner, has submitted that pursuant to the said advertisement dated 16.3.2005, the petitioner submitted application seeking permission to appear in the common entrance test conducted by respondent No. 1-Committee. Respondent No. 1 allowed the petitioner to appear in the examination and also evaluated her merit on the basis of the marks obtained in CET. Respondent No. 1 Competent Authority issued letter of admission dated 23.8.2005 and the conditions of B.Ed. Admission are mentioned in the same letter. It is contended by the learned Counsel for the petitioner that respondent No. 4 College allowed the petitioner to attend College for the academic session 2005-2006, however, in the month of September, 2005 directed the petitioner to obtain provisional certificate of eligibility from the concerned University as the petitioner is a candidate from other University. The petitioner, therefore, approached respondent No. 3. University. Respondent No. 3. University, however, by communication dated 12.9.2005 informed the petitioner that the provisional certificate of eligibility cannot be issued to her as she has secured less percentage of marks in the degree examination than prescribed under Rule 1.5A of the Rules. Respondent No. 4, therefore, issued communication dated 13.9.2005 to respondent No. 1 Competent Authority to take appropriate action in relation to the admission of the petitioner to the B.Ed. course. Respondent No. 4 College has categorically stated in the communication dated 13.9.2005 that the petitioner would not get enrolment of respondent - University in absence of eligibility certificate and she will also not be able to

appear in the examination.

4. Mr. Gordey, learned Counsel for the petitioner, has further contended that Rule 1.5A is inconsistent with the object to be achieved by the B.Ed. Admissions 2005-06 Rules. It is contended that only the best students, who are declared successful in the common entrance test, can be admitted to the B.Ed, course on the basis of their ranking in the merit list as per procedure prescribed under Rule 4, which reads thus:

Ranking In the Merit list and grievances redressal:

For a candidate who has appeared for CET his/her order of merit in the aggregate merit list will be decided as follows:

(A) 50 % of the sum of the marks obtained as per the Article 1.7 in this booklet and the additional marks obtained as per the Articles 2.1/2.2/2.3 if applicable.

(B) Marks obtained by the candidate in the CET.

(C) Order of merit will be decided on the basis of the sum of the scores in A and B above.

Complaints, if any, about the merit list will be resolved during the stipulated period as per the time table.

5. Mr. Gordey, learned Counsel for the petitioner, further contended that as per Clause (A) of Rule 4, 50 % of the marks obtained by the petitioner in the third year of her degree course needs to be considered as per Article 1.7. It is also contended that after taking into consideration the procedure prescribed under Rule 4, the petitioner is shown at Serial No. 22 in the State merit list and was granted admission and permitted to attend classes. It is further contended that the provisions of Rule 4 clearly demonstrate that the admission to the B.Ed. course is based on the ranking in the merit list done on the basis of marks obtained by the candidate in the third year of degree course as well as additional marks obtained as per Articles 2.1, 2.2 and 2.3 if applicable and, therefore, prescribing minimum percentage of 45 and 40 as eligibility criteria for appearing in the common entrance test for the candidates from the special backward class and backward class is inconsistent with the object of the rule and, therefore, the rule is bad in law and inconsistent with the object to be achieved. Consequently it cannot be sustained in law.

6. Mr. Gordey, learned Counsel for the petitioner, further contended that in the instant case it is evident that the petitioner was granted admission by the authority after being satisfied that the petitioner, in fact, fulfilled all the requirements for admission and also permitted the petitioner to attend classes for the whole year and, therefore, at the fag end of academic session i.e. just before the commencement of the final examination, the respondents are estopped from holding that the petitioner is not eligible according to rule for grant of admission at such a belated stage when the petitioner is not at fault. It

is contended that since the eligibility of the petitioner for grant of admission was considered by the Competent Authority and since the petitioner was permitted to undertake the B.Ed. Course, it is not permissible for the respondent authority now to cancel the admission of the petitioner or to refuse to grant eligibility certificate only on the ground that the initial admission of the petitioner is inconsistent with the Rule 1.5A. The learned Counsel, therefore, contended that even apart from merits of the matter the authority are estopped from cancelling admission of the petitioner and, therefore, the action of cancellation of the admission of the petitioner as well as refusing to grant eligibility certificate by the University is bad in law, hence the appropriate direction to the University be given to grant eligibility certificate in respect of the petitioner and the petitioner be permitted to appear for the final examination.

7. Mr. J.T. Gilda, learned Counsel for the petitioner in Writ Petition No. 1246/2006, has contended that as per Rule 1.1 of the B.Ed. Admissions 2005-06, the Director of Education (Higher Education), Maharashtra State, Pune, is the only Competent Authority to give admissions to the B.Ed. course (regular) in the Government, Non-Government aided and unaided Colleges of Education in the State of Maharashtra after conducting the Common Entrance Test (CET), through centralized admission procedure, on the basis of merit, in accordance with the university regions as per the Government Resolution dated 16.2.2004. It is contended that in view of the above referred rule, the criteria of admission to the B.Ed. Course is only on the basis of the marks obtained in the CET and the Competent Authority on the basis thereof is entitled to grant admission to B.Ed. Course. Mr. Gilda, learned Counsel for the petitioner, further contended that a candidate who has appeared for CET, the ranking/placement in the merit list is to be done as per the procedure prescribed under Rule 4 of the Rules and Sub-clause (1) of Rule 4 - 50 % of the marks obtained by such a candidates are required to be assessed as per Article 1.7. Article 1.7 contemplates that the merit will be decided considering the percentage of marks secured by the candidate in the third year examination of the degree course. It is further submitted that the petitioner was placed in the merit list of the candidate appeared for the CET on the basis of the marks secured by him in the third year of the examination of the degree course and on the basis thereof was found to be eligible and qualified for grant of admission and was granted admission by the Competent Authority i.e. Director of Higher Education. It is contended that after the grant of admission the petitioner was permitted to attend classes and complete the course and at no point of time the Director of Higher Education has either raise any objection or made any grievance about the eligibility of the petitioner for grant of admission and, therefore, in such circumstances, it is not open for the Amravati University to hold that the admission of the petitioner to the B.Ed. course was inconsistent with Rule 1.5A particularly in view of the above referred relevant admissions Rules.

8. Mr. Gilda further contended that the Competent Authority having being satisfied that the petitioner was eligible and qualified for grant of admission

permitted the petitioner to complete the course and at the fag end of the academic session as well as just before the commencement of the final examination, it is not open for the University to hold that the petitioner is not qualified for grant of admission in view of Rule 1.5A. On the other hand, the University is estopped from holding that admissions are inconsistent with the rule at such a belated stage, particularly when the Competent Authority i.e. the Director of Education granted admission to the petitioners and the petitioners have completed the course. Mr. Gilda, therefore, contended that the communication of the Amravati University to the concerned college is invalid in law and the communication issued by the college to the petitioner whereby the admission of the petitioner to the B.Ed. course is cancelled, cannot be sustained in law.

9. In order to substantiate the contentions reliance is placed on the decision of the Supreme Court in the cases of Rajendra Prasad Mathur Ors. Vs. Karnataka University and Another, and Sanatan Gauda Vs. Berhampur University and others, .

10. Mr. P.S. Patil, learned Counsel for the petitioners in Writ Petition Nos. 1513/2006, 1544/2006, 1680/2006 and 1814/2006, has adopted the contentions canvassed by Mr. S.A. Gordey and Mr. J.T. Gilda and further submitted that Rule 1.7 of the admissions Rules demonstrate that merit will be decided considering the percentage of marks secured by the candidate in the third year examination of the degree course and, therefore, contended that the admissions to the B.Ed. course was granted to the petitioners by the Competent Authority on the basis thereof which, in fact, is the appropriate criteria prescribed under the admissions Rules for grant of admission. It is submitted that Rule 1.5A cannot be considered in isolation and will have to be considered in the light of the stipulations in Rule 1.7 coupled with Rule 4 of the Admissions Rules. Mr. Patil, therefore, contended that the cancellation of admission merely on the basis of Rule 1.5A and by ignoring the provisions of Rule 1.7 and 4 by the college as well as the University is not proper and is also inconsistent with the Rules of Admissions. It is therefore contended that the admission given to the petitioners is just and proper and is also consistent with the Admissions Rules.

11. Mr. R.L. Khapre, learned Counsel for the petitioner in Writ Petition No. 1611/2006, also adopted the argument advanced by the other respective Counsel and further contended that while considering the eligibility for grant of admission to the B.Ed. course cannot solely be determined on the basis of Rule 1.5A alone by ignoring other Rules 1.7 and 4 of the Admissions Rules. It is contended that the merit needs to be decided considering the percentage of marks secured by the candidate in the third year examination of degree course in view of Rule 1.7, the Competent Authority, after taking into consideration this aspect, found that the petitioner in Writ Petition No. 1611/2006 was eligible to appear for the CET as well as for grant of admission to the B.Ed. Course and was permitted to undertake the said course and, therefore, at such a belated stage, it

is not open for the Competent Authority to take a different stand only on the basis of Rule 1.5A of the Admissions Rules.

12. Mr. A.B. Chaudhari, learned Government Pleader appearing on behalf of the respondents/State, on the other hand, contended that the relevant Rules for eligibility to grant admission to the candidate belonging to reserved category is Rule 1.5A and if the candidates fulfill the criteria mentioned in the said Rule are eligible to appear in the CET and are thereafter eligible for consideration for grant of admission to the B.Ed. Course. It is submitted that after the advertisement dated 16.3.2005 issued by the Competent Authority, the precaution required to be taken by the candidate is also mentioned in the Admission Rule itself. The candidate has to assess his eligibility and after assessing the same has to fill up the form and to submit the same in person to the Competent Authority. The learned Government Pleader, therefore, contended that in the instant case all the petitioners belong to the reserved category and do not fulfill the criteria of minimum percentage of marks required to be obtained by them in their graduation examination stipulated in 1.5A Rules and, therefore, they are not eligible for grant of admission. Mr. Chaudhari, learned Government Pleader further contended that due to inadvertence at the stage of scrutinizing of the applications of the petitioners, the Competent Authority failed to take into consideration the requirements of Rule 1.5A and due to inadvertence while scrutinized the application of the petitioners on the basis of Rule 1.7 of the Admission Rules and, therefore, permitted the petitioners to appear in the CET and granted admission to the B.Ed. Course on the basis of the merit list of CET. Mr. Chaudhari, learned Government Pleader, therefore, contended that the petitioners are not eligible for grant of admission in view of Rule 1.5A of the Admissions Rules.

13. Mr. J.B. Jaiswal, learned Counsel for the Sant Gadge Baba Amravati University, specifically submitted that none of the petitioners were eligible/qualified for grant of admission in view of Rule 1.5A of the Admissions Rules, since they have not secured the minimum percentage of marks required to be secured by the candidate belonging to reserved category and as stipulated in Rule 1.5A and in absence thereof, permission to appear in the CET as well as grant of admission based on such CET, being inconsistent with the Rule, admissions are bad in law and, therefore, the University is justified in informing the college to cancel the admissions of the petitioners.

14. We have given our anxious thought to the various contentions canvassed by the respective Counsel. Perused the relevant admissions Rules as well as the decisions of the Apex Court relied on and cited by the respective counsel.

15. At the outset, it will be appropriate to consider the relevant admissions Rules which are necessary for just decision in these Writ Petitions. Rule 1.1 of B.Ed. Admissions 2005-2006 Rules contemplates that the Director of Education (Higher Education), Maharashtra State, Pune will be the Competent Authority to give admissions to the B.Ed. course (regular) in the Government, non-Government,

aided and unaided colleges of Education in the State of Maharashtra after conducting the Common Entrance Test (CET) through centralized admission procedure, on the basis of merit, in accordance with the university regions as per Government Resolution dated 16.2.2004. It is, therefore, evident that the Competent Authority, who hold common entrance test and grant admission on the basis of merit, is the Director of Education (Higher Education). However, before the candidate is permitted to appear for the CET and granted admission on the basis of the marks secured in the CET to the B.Ed. course, the candidate has to fulfill and satisfy the requirements of Rule 1.5A which reads thus:

The candidates belonging to general, other backward and special backward categories who have secured 45 % marks and those belonging to backward categories having secured 40 % marks in the degree examination under the disciplines of Arts, Science, Commerce, Home Science or Agriculture, computer, Information Technology and Engineering of the Statutory Universities, Agriculture Universities, Open Universities or Deemed Universities will be eligible for appearing CET and for seeking admission to B.Ed. course.

16. The plain reading of the above referred Rules makes it implicitly clear that the candidate whether belonging to general or reserved category unless he or she obtains minimum percentage of marks prescribed for such reserved category in his or her degree examination, he or she shall not be eligible for appearing in CET and for seeking admission to B.Ed. course. It is, therefore, evident that if the candidate belongs to reserve category and has applied for admission to the B.Ed. Course, unless and until he satisfies the requirements in Rule 1.5A is not eligible or qualified for grant of admission to appear in the CET and, therefore, consequently, is also not qualified for grant of admission to the B.Ed. course. In other words, as per the scheme of Rule 1.5A only those candidates belonging to general or reserved category, who have secured requisite percentage of marks prescribed for the said category stipulated in Rule 1.5A alone, are eligible for grant of admission to appear in the CET and not otherwise. In all these writ petitions the petitioners are the candidates belonging to reserved class category and have applied for admission to the B.Ed. Course for the academic session 2005-2006. It is not in dispute that none of the candidates has secured 45 % or 40 % of marks in their degree examination stipulated for the said reserved category as mentioned in Rule 1.5A of the admissions Rules. If that is so, we have no hesitation to hold that none of them is eligible/qualified for grant of permission to appear in the CET. Since the petitioners are not eligible and qualified to appear in the CET, question of grant of admission to the B.Ed. Course in such situation does not arise.

17. Rule 1.5A is the basic/primary Rule which prescribe eligibility criteria for grant of permission to appear in CET and consequently for admission to the B.Ed. Course. As per the scheme evolved by the said Rule, it is evident that if the candidate who is qualified and eligible will be permitted to appear in the entrance examination as per Rule 1.5A and will be given admission to the B.Ed. Course on

the basis of his ranking in the merit list required to be prepared as per Rule 4. It is, therefore, evident that Rule 4 comes into play after the candidate fulfills and satisfies the eligibility criteria stipulated in Rule 1.5A. Similarly so far as Rule 1.7 is concerned, this has a nexus with Rule 4 and needs to be considered while granting ranking to the candidate those who have appeared in CET as per the procedure stipulated in the Rule 4. Rule 1.7, in our view, needs to be read along with Rule 4 and not otherwise. The contentions canvassed by the respective counsel that the Competent Authority rightly granted admission to the petitioners in view of Rule 1.7 of the Admissions Rules is misconceived and cannot be sustained in law, in view of the Rule 1.5A of the Admissions Rules.

18. So far as the contention canvassed by Mr. Gorde, learned Counsel for the petitioner, that Rule 1.5A is inconsistent with the object to be achieved by the B.Ed. Admissions Rules 2005-2006 is concerned, it is difficult for us to accept the said contentions particularly in view of the fact that Rules 1.5A and Rule 1.7 are attracted at different stages in the process of admission and operate in different situation. Rule 1.5A is the basic Rule which provides basic criteria of eligibility for grant of permission to appear in the CET and for admission in the B.Ed. Course and Rule 1.7 and Rule 4 come into play only after the candidate is permitted to appear in the CET if he is otherwise eligible as per the requirement of Rule 1.5A. It is, therefore, evident that these Rules and procedure prescribed therein will have to be considered as per the scheme of the said Rules. As we have already observed hereinabove if the candidate is not qualified and eligible as per Rule 1.5A, in such situation, Rule 1, 7 and 4 is not attracted at all and, therefore, the contention canvassed by Mr. Gorde, learned Counsel for the petitioner, that Rule 1.5A is inconsistent with the object of the Admissions Rules is misconceived and cannot be sustained in law.

19. The contention canvassed by Mr. Gilda, learned Counsel for the petitioner, that in the instant cases the admission to appear in the CET as well as to the B.Ed. Course is granted by the Competent Authority as mentioned in Rule 1.1 i.e. The Director of Education (Higher Education), on the basis of merit in CET and, therefore, University is not entitled to issue communication to the College that the admission granted to the petitioner is inconsistent with Rule 1.5A. Consequently the College is also not entitled to issue communication to the petitioner that his admission to B.Ed. Course is cancelled. It is difficult for us to accept the above referred contention of the learned Counsel. It is, no doubt, true that so far as the Competent Authority to grant admission to B.Ed. Course is concerned, it is the Director of Education (Higher Education), however, such admission must be in conformity with statutory admissions Rules. If the admission granted even by the Competent Authority is inconsistent with the admissions Rules, in that event, such admission cannot be treated to be valid even though given by the Competent Authority.

20. Similarly, even if admission granted by the Competent Authority i.e. Director of Higher Education, the power to grant enrolment as a student of the University

is vested with the University.

21. In the instant case, respondent No. 3 Amravati University, at the time of considering the entitlement of the petitioners, found that the petitioners were given admission by the Competent Authority de hors of the conditions mentioned in Rule 1.5A of the Admissions Rules and, therefore, the petitioners were not eligible to be admitted and, therefore, refused to grant enrolment as student and consequently directed the relevant colleges to cancel the admission of such students. Even otherwise it is not in dispute that the admission for B.Ed. Course are required to be done as per the B.Ed. Admissions Rules 2005-2006 and, therefore, any admission granted to the B.Ed. Course de hors of the requirement of the Admissions Rules 2005-2006 such admission, even otherwise, cannot be treated to be valid and the respondent can always cancel such admission which is inconsistent with the Rules. We want to make it clear that the admissions made de hors of the Rule are invalid admission and does not create any legal right to seek direction to the Competent Authority to permit such students to complete the course and to award Degree or Diploma. In that view of the matter, once it is held that the admissions are inconsistent with the relevant Admissions Rules, such candidates are not entitled to seek direction as a matter of right to the authorities to allow him to complete the course and to permit him or them to appear in the examination. In the instant case, it is not in dispute that all the petitioners do not fulfill the requirements of minimum percentage of marks required to be obtained by the candidate belonging to the relevant reserved category as stipulated in Rule 1.5A and, therefore, in our considered view, none of them were eligible/qualified to get permission to appear in CET, consequently question of granting admission to the B.Ed. Course, on the basis of the marks obtained in the CET, does not arise.

22. It is, no doubt, true that in the instant case the petitioners have applied for grant of admission pursuant to the advertisement dated 16.3.2005 issued by the Director of Education. It is also not in dispute that the Director of Education has permitted them to appear in the CET and at the later point of time, granted admission to the B.Ed. Course on the basis of the marks obtained by them in the CET. It appears that the petitioners were also permitted to attend classes and the admission is cancelled at the end of the academic session by the respondent. In the normal circumstances if this Court otherwise would have been satisfied that the grant of admissions is consistent with Rule 1.5A of the Admissions Rules and only on the basis of some frivolous grounds the admissions came to be cancelled by the respondent, in such situation, the law laid down by the Apex Court relied and cited by Mr. J.T. Gilda, learned Counsel for the petitioner, would have been helpful to the petitioners. However, in the instant case, we have already recorded findings that the admissions are wholly inconsistent with Rule 1.5A and, therefore, in our view, completely invalid. Consequently there is no occasion to show misplaced sympathy particularly in the field of academic where the basic norms and standards prescribed under the Rules should be the sole criteria to decide the eligibility for grant of admission. We cannot lose sight of the fact that

in the field of academic the criteria other than merit cannot be the basis for permitting undeserving candidate to pursue the course if they are neither eligible nor qualified according to the Admissions Rules which also results in denying the rightful claim of the deserving candidate.

23. In that view of the matter, we are afraid that the law laid down by the Apex Court in the cases referred to hereinabove and in view of the peculiar facts and circumstances of the present case, is of no help to the counsel for the petitioners.

24. In the instant case the Admission Committee while scrutinizing the applications of the petitioners ignored the mandate of Rule 1.5A of the Admissions Rules and permitted the petitioners to appear in CET. It is, therefore, evident that the admission committee has committed a mistake by permitting petitioners to appear in CET though they were not eligible and also wrongly granted admissions to the B.Ed. Course and permitted them to undertake the course.

25. In the backdrop of the above these facts, we are of the view that the Director of Higher Education was not diligent while scrutinizing the applications of the petitioners as per the requirements of the Rule as well as while granting admissions and, therefore, in the interest of justice, it will be appropriate to issue direction to the respective colleges to refund the tuition fees and all other charges for which the valid receipt is issued by the concerned colleges, particularly because the petitioners have lost the year because of the mistake committed by the authorities, within a stipulated period.

26. Mr. L.A. Mohta, learned Counsel for one of the Colleges, has submitted that the direction to refund fees would be harsh so far as the colleges are concerned, since the colleges have acted purely on the basis of the direction given by the Competent Authority i.e. the Director of Higher Education and discontinued the admissions only on the basis of the communication received from the University and, therefore, colleges have no primary role to play in the whole episode. It is, therefore, prayed that the direction for refund of fees may not be given. It is not possible for us to accept the contentions canvassed by Advocate Mr. Mohta in view of the above facts and circumstances.

27. In the instant case the petitioners have not only lost their academic year but had to incur expenses other than tuition fees to pursue the course without their fault. We have already observed that it is the Competent Authority who was at fault in permitting the petitioners to appear in the CET and in granting admission to the B.Ed. Course and, therefore, looking to these aspects coupled with the time, energy and money spent by them, we feel it appropriate to issue direction for refund of fees etc. to the colleges.

28. Mr. Patil, learned Counsel for the petitioners, has submitted that so far as the other expenses incurred by the students during the academic year 2005-2006 while pursuing B.Ed. Course, the petitioners be given liberty to file appropriate proceedings according to law for recovery of damages.

29. For the reasons stated hereinabove, the action of cancellation of admissions taken by the respondent is legal and sustainable in law. The petitions suffer from lack of merit and the same are dismissed. The concerned colleges are directed to refund the tuition fees and all other charges for which the valid receipt is issued by the concerned authorities to the students within a period of four weeks from the date of receipt of this judgment.

30. Rule is discharged. There shall be no order as to costs.