

Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7978 OF 2026

Janhavi Vinod Shegonkar

...Petitioner

Versus

State of Maharashtra & Ors.,

...Respondents

Mr. Sariputta Sarnath for Petitioner.

Mr. A.I. Patel, Addl. G.P. a/w V.G. Badgujar, AGP for Respondent Nos.
1 to 3 – State.

Mr. Krishnakant Dhere for Respondent No.4.

CORAM : R.I. CHAGLA AND
FIRDOSH P. POONIWALLA, JJ.

RESERVED ON : 24th AUGUST, 2026.

PRONOUNCED ON : 8th SEPTEMBER, 2026.

JUDGMENT: (Per R.I. Chagla, J.)

1. By this Writ Petition, the Petitioner is seeking a direction to Respondent No. 2 to issue hall tickets, conduct demo examination, practical and final examinations to be held on 1st and 2nd July 2026 for the Certificate Course in Health Sanitary Inspector of the Petitioner and other similarly placed students. Further consequential relief has also been sought.

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2. The Petitioner has amended the Petition pursuant to the Order dated 12th August, 2026 by joining Applicants as party Respondents. The Applicants are similarly placed as the Petitioner who has filed the petition.

3. The newly joined party Respondents have supported the Petition.

4. The facts briefly stated are as under:

(i) The Petitioner claims to have secured admission to the Certificate Course in Health Sanitary Inspector for the Academic Year 2025-2026. This is based on the premise that Respondent No. 4 – Institute has uploaded information of 161 students, which included the Petitioner, on the Web Portal along with their fees, and it is averred in the Petition that the admission was accepted by Respondent No. 2 and at no point of time objected to until the Respondent No. 4 - Institute sought additional intake for the aforesaid Certificate Course.

(ii) The Respondent No. 2 issued a Letter dated 13th September 2024 directing Respondent No. 3 to stop accepting any Applications for new institutions, courses, or additional intake of students.

(iii) The Respondent No. 4 - Institute, in which Institute the Petitioner claims to have secured admission, had, on various dates, viz. 10th July 2025, 27th October 2025, 10th November 2025, and 14th November 2025, sought permission from Respondent No. 3, for additional intake to the said Certificate Course in Health Sanitary Inspector.

(iv) The Respondent No. 3, vide Letter dated 18th July 2025, sought clarification from Respondent No. 2 with regard to increase of intake to the said Certificate Course in view of the Application of the Respondent No. 4 – Institute.

(v) The Respondent No. 3, vide Letter dated 4th December 2025, informed the Respondent No. 4 – Institute that request for additional intake has been rejected.

(vi) The Respondent No. 3, vide Letter dated 17th December 2025, intimated the Respondent No. 4 - Institute that the Institute shall attract penalty under the Maharashtra Unauthorized Institutions and Unauthorized Courses of Study in Agriculture, Animal and Fishery Sciences, Health Sciences, Higher Technical and Vocational Education (Prohibition) Act, 2013, (for short "**the Act**"), for admitting excess students than the intake capacity.

(vii) The Respondent No. 3, vide letter dated 8th April 2026, once again informed the Respondent No. 4 - Institute that their Application for additional intake capacity has been rejected.

(viii) The students, including the Petitioner of the said Certificate Course, vide Letter dated 17th June 2026, wrote to the Respondent No. 3 requesting them to appear for the aforesaid examinations in the said Certificate Course.

(ix) The present Petition has been filed in view of the Respondent Nos. 2 and 3 not granting permission

to the Petitioner for appearing in the aforesaid examination for the said Certificate Course.

(x) Subsequent to the filing of the Petition, it was informed to this Court on 25th June, 2026 that the Petitioner had filed an Application before the Competent Authority in terms of the prayer made in the Petition and a hearing had been held by the Competent Authority on 19th June 2026. Thereafter, on the same date viz. 25th June 2026, an order was passed on the Application, which order has been placed before this Court and taken on record.

(xi) The Respondent - State has filed their Affidavit-in-Reply to the Petition on 29th June 2026.

(xii) The Respondent No. 4 - Institute has also filed their Affidavit-in-Reply as well as Additional Affidavit-in-Reply on 2nd July 2026 and 15th July 2026, respectively.

(xiii) There is an Affidavit-in-Rejoinder filed by the Petitioner to the Affidavit-in-Reply filed by the

Respondent – State.

5. Mr. Sariputta Sarnath, the learned Counsel for the Petitioner, has submitted that the Petitioner and similarly placed students, who have been joined as Respondent Nos. 5 to 45, were admitted to the Respondent No. 4 - Institute and have also paid the their fees for such admission. He has placed reliance upon the List of 161 Students, including 101 excess students, which he submits have been admitted along with their fees and which are available on the Web Portal of Respondent No. 2 (Exhibit C to the Petition). This has also been averred to in Paragraph 6 of the Petition.

6. Mr. Sarnath has submitted that the Respondent No. 4 - Institute had sought approval of excess intake capacity and the approval was not granted by Respondent No. 2 and communicated by Respondent No. 3 vide Letter dated 4th December 2025. This was for Academic Year 2025-2026. He has submitted that Respondent No. 3, had issued subsequent Communication dated 8th April 2026, informing the Respondent No. 4 - Institute that Application for additional intake capacity for Respondent No. 4 - Institute is rejected. However, the Petitioner and Respondent Nos. 5 to 45, who had been

admitted to the said Certificate Course, were not informed about the rejection of the Application for additional intake capacity. He submitted that these students were thus under the impression that the Respondent - State, taking into consideration the academic losses, may absorb the students and permit them to complete the said Certificate Course.

7. Mr. Sarnath has further submitted that the Petitioner and other similarly placed students requested Respondent No.3 to permit them to appear for the examination. A hearing was conducted by the competent Authority on 19th June 2026, when the Petitioner and other similarly placed students were permitted to be heard. He has submitted that in view of the delay in deciding the above issue by Respondent – State, which would result in academic loss to the Petitioner, that the present Writ Petition was filed.

8. Mr. Sarnath has accordingly submitted that the Petitioner and other similarly placed students be permitted to take the examinations for the said Certificate Course as they were under a legitimate expectation that the Respondent No. 4 – Institute would obtain permission with regard to their admissions. He has submitted

that any lapse on the part of Respondent No. 4 - Institute should not be at the prejudice of the Petitioner and similarly placed students, given their bonafide belief that their admissions have been accepted as they have been made to carry on with the said Certificate Course which is near completion.

9. Mr. A.I. Patel, learned Addl. GP appearing for the Respondent Nos. 1 to 3 – State, has placed reliance upon the Affidavit of Respondent No. 2. He has submitted that the Petitioner has made a false statement in Paragraph 6 of the Writ Petition viz. that the Petitioner and other similarly placed students who were part of the 101 excess students have been admitted to the Respondent No. 4 - Institute by paying their fees. The particulars of the 161 students, including the 101 excess students, is stated to be uploaded on the Web Portal of Respondent No. 2 (Exhibit-C to the Petition). He has submitted that this is contrary to the documents produced by Respondent No. 2 in the said Affidavit. He has submitted that the true fact is that the entire process of admission is through online portal <https://msbsvet.edu.in>. The domain is governed and regulated by the Government of Maharashtra Skill, Employment, Entrepreneurship and Innovation Department of Maharashtra State

Board of Skill, Vocational Education and Training. From this portal, in the login section of Respondent No. 2 and Respondent No. 4 - Institute, it clearly appears that only total sanctioned intake by Respondent No. 2 is 60 seats, and the Respondent No. 4 - Institute had admitted 60 candidates against the available 60 seats. All admitted 60 candidates are approved by Respondent No.2 as per online approval process.

10. Mr. Patel has further submitted that Exhibit-C to the Petition, which has been relied upon by the Petitioner, is not the admission confirmation page as seen in the Respondent No.4 - Institute's online account. After login by Respondent No. 4's Institute, Paras Skill Development Institute, Akola, the details shown is the List of Candidates who had applied and not being confirmed by Respondent No. 4 – Institute.

11. Mr. Patel has submitted that the mere application, generation or payment of application fees on the online system does not amount to scrutiny, verification, approval, validation, or acceptance of the admission by Respondent No. 2. He has placed reliance upon the relevant documents which have been annexed to

the Petition in support of his submissions.

12. Mr. Patel has submitted that the Petitioner has deliberately used the expression "accepted" without there being any order, communication, or decision of Respondent No. 2 evidencing such acceptance.

13. Mr. Patel has accordingly submitted that the Petition deserves to be dismissed on the preliminary ground of misleading statement made in the Petition and thus not approaching the Court with clean hands. Reliance has been placed on the decision of the Division Bench of this Court in *Jagdish Ramnaresh Yadav vs. The State of Maharashtra and Anr*, Writ Petition No. 6624 of 2026, vide Judgment dated 6th July 2026, which has placed reliance upon the decision of the Supreme Court in *S.P. Chengalvaraya Naidu vs. Jagannath*¹, which lays down that, "a litigant who approaches the Court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds vital documents in order to gain advantage on the other side, then he would be guilty of playing a fraud on the Court as well as on the opposite party."

¹ 1994 1 SCC 1

14. Mr. Krishnakant Dhere, learned Counsel appearing for Respondent No. 4 - Institute has submitted that during the pendency of the Petition, the competent authority has passed the Order dated 25th June 2026, holding the admissions of 101 students in excess of the sanctioned intake to be unauthorized, refusing permission to such students to appear for the examination, directing refund of fees, imposing penalty upon Respondent No. 4 - Institute, and directing furnishing of an undertaking. He has submitted that the said order has been passed inspite of Respondent No. 4 - Institute repeatedly requesting enhancement of intake, and after the students had already completed substantial part of the academic course.

15. Mr. Dhere has submitted that the Respondent No. 4 - Institute has filed an Appeal from the said Order dated 25th June 2026 within the prescribed period of limitation, and which is pending consideration before the appellate authority. He has accordingly submitted that the said order dated 25th June 2026 is under challenge and has not attained finality.

16. Mr. Dhere has submitted that the Respondent - State on similar issue concerning welfare of students have allowed 50 students

of MG Paramedical Technical Development Institution, Gondia in the Year 2022 to appear for examination vide Order dated 6th May 2022.

17. Mr. Dhere has further submitted that there are orders which have been passed by Respondent - State granting additional intake to other institutions on earlier occasions, and which orders have been relied upon by Respondent No. 4 – Institute and annexed to their Additional Affidavit-in-Reply. He has submitted that Respondent No. 4 - Institute possesses infrastructure several times more than the minimum requirement prescribed by the Government authorities which is sufficient to conduct the said Course. He has placed reliance upon the building plan, infrastructure details and photographs which have been annexed to the Additional Affidavit.

18. Mr. Dhere has submitted that it was only on 4th December 2025, for the first time, Respondent No. 2 specifically informed Respondent No. 4 - Institute that admissions made in excess of the sanctioned intake would not be considered. Until the issuance of this communication, Respondent No. 4 – Institute genuinely believed that the proposal for enhancement remained under active consideration.

19. Mr. Dhere submitted that the admissions of the Petitioner and other similarly placed students were never made with any dishonest intention or any intent to violate the directions of the Respondent authorities. He submitted that Respondent No. 4 - Institute honestly believed that approval for enhancement of intake would be granted, considering the available infrastructure, previous approvals granted, and the continued correspondence with the authorities.

20. Having considered the submissions, it appears from the documents produced by Respondent No. 2 in its Affidavit dated 29th June 2026, that Respondent No. 2 had sanctioned intake in Respondent No. 4 - Institute of 60 seats, and Respondent No. 4 Institute had in fact admitted 60 students against the sanctioned 60 seats. The entire process of admission is through the online portal [<https://msbsvet.edu.in>], which domain is stated to be governed and regulated by the Government of Maharashtra Skill, Employment, Entrepreneurship and Innovation Department, Maharashtra State Board of Skill, Vocational Education and Training. The 101 students, which includes the Petitioner and Respondent Nos. 5 to 45, have not secured admission in the Respondent No.4 – Institute given the

sanctioned intake capacity of 60 seats and admittedly 161 students having applied for the said Certificate Course in Health Sanitary Inspector. Thus, there is a misleading statement made in Paragraph 6 of the Petition that the names of 161 students, including 101 excess students, have been included on the Web Portal of Respondent No. 2 along with their fees paid and which has been accepted by Respondent No. 2 and at no point of time objected to by Respondent No.2.

21. Accordingly, we find much merit in the submission on behalf of Respondent Nos. 2 and 3 viz. that the Petitioner, by making such a misleading statement, has come to this Court with unclean hands, and on this ground alone, the Petition deserves to be dismissed with costs.

22. The Respondent No. 4 - Institute, has inspite of being aware that their Application for additional intake for the said Certificate Course having been rejected on 4th December 2025 and intimated to them vide Communication dated 17th December 2025 addressed by Respondent No.3, including it being stated in the said communication that Respondent No. 4 - Institute shall upon

admitting excess students than the approved intake capacity, attract penalty under the Act, has admitted the 101 excess students and allowed them to continue with the said course in Respondent No. 4 – Institute. The Respondent No. 4 - Institute has acted in blatant violation of the Act. This has necessitated the Order dated 25th June 2026 passed by Respondent No.2 imposing a penalty on Respondent No. 4 – along with the refund of the fees to the 101 excess students.

23. We find such conduct of Respondent No. 4 - Institute, which conduct itself gives an impression to the 101 students that they are being continued in the said course as if their admissions have been sanctioned, suffering from malafides apart from being unauthorized.

24. We do not accept the submission on behalf of Respondent No. 4 - Institute that merely because there are orders granting additional intake to other students on earlier occasions, their conduct can be justified. Merely by filing an Appeal before the appellate authority against the Order dated 25th June 2026, and without any stay being granted, it cannot be contended that the said order has not attained finality.

25. In these circumstances of the present case, apart from the finding that the Petitioner has not come with clean hands, for which the Petition requires to be dismissed, the Respondent No. 4's conduct also cannot be exonerated. Hence, we impose costs on Respondent No. 4, which is quantified in the sum of Rs. 50,000/- payable to the High Court Staff Welfare Fund, Bombay.

26. It has been a consistent view in several decisions of the Supreme Court including in the decision of this Court in *Nandini Prakash Ingawale & Anr. Vs. State of Maharashtra, Through its Department of Medical Education and Drugs and Ors.*² that where the institute has admitted the Petitioners inspite of not fulfilling the requisite qualification by charging them the fees, the management of the Institute is required to not only return the entire fees collected from the Petitioners but also pay the costs for such conduct.

27. We accordingly pass the following order:

(i) The Writ Petition is dismissed.

(ii) The Respondent No. 4 - Institute shall pay a sum

² 2025 SCC OnLine Bom 3847

of Rs. 50,000/- (Rupees Fifty Thousand only) as and by way of costs imposed upon them to the High Court Staff Welfare Fund, Bombay payable within a period of two weeks from the date of uploading of this order.

[FIRDOSH P. POONIWALLA, J.]

[R.I. CHAGLA, J.]