

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12515 OF 2026

Ms. Yashswi Abhay Lodha

...Petitioner

Versus

Dwarkadas J. Sanghvi College of
Engineering & Ors.

...Respondents

Mr. Abhijeet A. Desai, Ms. Mohini A. Desai (Rehpade), Mr. Vijay P. Singh, Ms. Daksha P., Mr. Deepesh Ramrakhiani, Mr. Manan Daga, Mr. G. Shaik i/b M/s. Desai Legal LLP for the Petitioner.

Mr. Girish Godbole, Senior Counsel, Ms. Manorama Mohanty and Ms. Malika Mondal i/b M/s. S.K. Srivastav & Co. for the Respondent No.1.

Mr. Sameer Khedekar, for the Respondent No. 2.

Mr. Aniruddha A. Garge, 'B' Panel Counsel for the Respondent No.3.

CORAM. : R.I. CHAGLA J
FIRDOSH P. POONIWALLA, J

Reserved on : 23 September 2026

Pronounced on : 06 October 2026

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

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1. By this Writ Petition, the Petitioner is seeking quashing and setting aside of the impugned communication dated 11th

September 2026 issued by Respondent No. 2 and the impugned communications dated 12th September 2026 and 13th September 2026 issued by Respondent No. 1, whereby the Petitioner's admission has been declared cancelled with immediate effect.

2. Further, direction is sought against the Respondents to restore and continue the Petitioner's admission to the Direct Second Year Engineering Course, Computer Science and Engineering (Data Science), for the Academic Year 2026-27 under the Gujarati Linguistic Minority Category at Respondent No. 1.

3. The Petitioner on the strength of her academic record, having passed S.S.C. (standard X) examination from Nirmala Convent High School, Nashik, in her very first attempt in March 2023 and thereafter, successful completion of Diploma in Computer Technology from K.K. Wagh Polytechnic, Nashik with distinction, securing 92.82% marks, applied for admission to Direct Second Year Engineering (referred to as "DSE"), Computer Science and Engineering (Data Science) for the Academic Year 2026-27 at Respondent No. 1-College under CAP Application No. DSE 26105610, claiming the benefit of the Gujarati Linguistic Minority Category. The

Respondent No. 1-College is an Institution holding Gujarati Linguistic Minority status.

4. The Petitioner claims to belong to the Gujarati Linguistic Community and that her mother tongue is Gujarati. She was granted provisional admission against Gujarati Linguistic Minority seat and reported to the Respondent No. 1-College on 5th August 2026 and paid fees of Rs. 30,929/- on 6th August 2026.

5. The Petitioner states that the Diploma Leaving Certificate issued by K.K. Wagh Polytechnic, Nashik, being the Certificate of Institution immediately preceding her admission to DSE and issued after her 10th Standard Leaving Certificate, contained no entry whatsoever as to her mother tongue. Clause 4 of Government Resolution dated 1st July 2013 issued by the Minority Development Department, Government of Maharashtra specifically provides for the contingency where the Leaving Certificate does not record the student's religion or mother tongue and in such an event, a Certificate issued by a registered organization of the concerned Minority Community or by its religious/Community head, together with an Affidavit of the student's parents as to religion or mother

tongue is to be submitted and accepted as sufficient proof and admission granted on that basis.

6. The Petitioner claims to have been in possession of, and did furnish, documents of the precise character contemplated by Clause 4. These included a Certificate dated 21st July 2026 issued by Shri Chintamani Parshwanath Jain Shwetamber Mandir & M.P. Sangh, Nashik ("**the Trust**"), which is a religious/Community body of the Gujarati (Jain) Community, in existence for almost 50 years and which certifies that the Petitioner belongs to the Gujarati (Jain) Community and that her religion is Jain, as well as her mother tongue is Gujarati. In addition, the Petitioner furnished "Proforma-O" for Minority quota seats, a notarized Affidavit/Declaration as to her mother tongue.

7. The Respondent No. 1 by a letter dated 3rd September 2026 addressed to the President/Authorized Representative of the Trust requested documentary evidence in support of the certification of the Petitioner's mother tongue and Community status and called for the same by 5th September 2026. In response, the Trust informed the Petitioner that no formal Vastipatrak ("Community register") had

been compiled by it and it was accordingly, unable to furnish the same, without in any manner resiling from the Certificate dated 21st July 2026 already issued by it.

8. The Petitioner addressed her first written complaint to Respondent No. 2 on 3rd September 2026 stating that she had submitted the Gujarati Samaj/Trust Certificate, Trust Registration Certificate, Proforma-O, notarized Affidavit/Declaration, Kankotri, Diploma Leaving Certificate and Domicile Certificate in support of her candidature and inspite of which, there had been continuous harassment at the Respondent No. 1 - College in connection with her admission and document verification over the preceding three weeks.

9. The Respondent No. 1 - College on the same day, i.e. 3rd September 2026, addressed a detailed reply to Respondent No. 2 - State CET Cell disputing the Petitioner's representation and questioning the authenticity of the Trust Certificate on the ground that it did not accord with the entry in the Petitioner's 10th Standard Leaving Certificate.

10. The Respondent No. 1 on 6th September 2026,

addressed a further letter to the Petitioner, calling upon her to submit *inter alia* a "Vasti Patra (Community Directory)", her father's / brother's / unmarried sister's marksheet showing Gujarati as a subject studied, and an attested photocopy of her 10th Standard Leaving Certificate by 7th September 2026, 5:00 p.m., failing which her admission would be treated as cancelled.

11. The Petitioner addressed further written complaints on 5th September 2026 and 6th September 2026 to Respondent No. 2 - State CET Cell, reiterating that she had complied with the applicable Government provisions and requested urgent intervention against the College's continuing demands and the threatened cancellation of her admission.

12. Respondent No. 2 by email dated 6th September 2026 informed the Petitioner that a hearing on her complaint had been scheduled for 7th September 2026 between 11:30 a.m. and 12:30 p.m.. Thereafter, the scheduled hearing did take place.

13. By a letter dated 10th September 2026, Respondent No.1 addressed the Principal, Nirmala Convent High School, Nashik,

recording that the Petitioner's Diploma Leaving Certificate did not mention her mother tongue and requested a duly attested photocopy of her 10th Standard Leaving Certificate for verification.

14. The Nirmala Convent High School, by their response dated 11th September 2026, confirmed that the Petitioner was a *bona fide* student of the said Institution and that, as per its records, her mother tongue was recorded as "Marwadi".

15. By emails dated 10th September 2026, Respondent No. 2 informed the Petitioner and Respondent No. 1 - College that a second hearing on the Petitioner's complaint (Hearing No. 02) was scheduled for 11th September 2026 at 10:30 a.m. through a Google Meet video link.

16. The Respondent No. 2 - State CET Cell, on 11th September 2026, at 10:28 a.m., viz. two minutes prior to the very time at which Hearing No. 02 stood scheduled to commence, issued a communication to Respondent No. 1 - College directing that the Petitioner's admission be cancelled, in view of the 10th Standard School Leaving Certificate issued by Nirmala Convent High School,

Nashik, records the Petitioner's mother tongue as "Marwadi" and her religion as "Jain". Accordingly, it was stated that the Petitioner had not fulfilled the eligibility criteria for the Gujarati linguistic Minority Category.

17. By the subsequent impugned communications dated 12th September 2026 and 13th September 2026 issued by Respondent No. 1 - College, the Petitioner's admission has been declared as cancelled with immediate effect.

18. The Petitioner, being aggrieved by the impugned communications, has filed the present Petition.

19. Mr. Abhijeet Desai, the learned Counsel appearing for the Petitioner, has submitted that the impugned communication addressed by Respondent No. 2 - State CET Cell, to Respondent No. 1 - College is in breach of the principles of natural justice, in that the communication had been addressed on 11th September 2026 and issued at 10:28 a.m., two minutes before Hearing No. 02 stood scheduled to commence at 10:30 a.m. on the same day. He has submitted that notwithstanding the fact that the hearing was to

commence, the impugned communication recorded that the committee had heard the submissions of both sides in detail and a decision had been taken. He submitted that the Petitioner's own statement had been submitted on 12th September 2026 and thus by the impugned communication, the hearing was rendered illusory.

20. Mr. Desai further submitted that there is a material difference between purportedly hearing a person and affording that person a meaningful and effective opportunity to be heard before an adverse decision is taken on the material presently available.

21. Mr. Desai has submitted that it has been laid down by the Supreme Court in **State Bank of India and Others Vs. Ranjit Kumar Chakraborty and another**¹, that it is a well settled principle that whenever a Rule is silent, the principles of natural justice shall be read in it. A hearing should be given to a person who is being punished with a major penalty. A notice ought to have been issued to the delinquent by the Authority to whom papers were sent to show cause why the major penalty should not be imposed on him. It is true that the competent authority could pass the order of major penalty,

¹ (2018) 12 SCC 807

but not without hearing the incumbent.

22. Mr. Desai has also placed reliance upon the judgment of the Supreme Court in **G. Vallikumari Vs. Andhra Education Society and Others**², wherein it is held that order of punishment passed by Chairman of the Managing Committee by which the Appellant was removed from service is vitiated due to violation of statutory rules and the principles of natural justice. Although, in the order, the Chairman of the Managing Committee had referred to allegations levelled against the Appellant and representation submitted by her in the light of findings recorded by the Inquiry Officer, but without even advertng to the contents of her representation and giving a semblance of indication of application of mind, he had directed removal of the Appellant from service. It has been further held by the Supreme Court that requirement of recording reasons by every quasi-judicial or even an administrative authority entrusted with the task of passing an order adversely affecting an individual and communication thereof to the affected person is one of the recognized facets of the rules of natural justice and violation thereof has the effect of vitiating the order passed by the authority

² (2010) 2 SCC 497

concerned.

23. Mr. Desai has also referred to the judgment of the Supreme Court in **Sub-Inspector Rooplal and Another Vs. Lt. Governor Through Chief Secretary, Delhi and Others**³, wherein at paragraph 24, the Supreme Court has held that after laying down appropriate rules governing the service conditions of its employees, a State should only play the role of an impartial employer in the inter se disputes between its employees. If any such dispute arises, the State should apply the rules laid down by it fairly. Still, if the matter is dragged to a judicial forum, the State should confine its role to that of an *amicus curiae* by assisting the judicial forum to arrive at a correct decision. Once a decision is rendered by a judicial forum, thereafter, the State should not further involve itself in litigation. The matter thereafter should be left to the parties concerned to agitate further, if they so desire.

24. Mr. Desai has submitted that in the present case, the Petitioner had submitted all requisite documents which showed her having Gujarati Linguistic Minority and thus, eligible for the

³ (2000) 1 SCC 644

benefit of such Minority Category for the admission in the Respondent No. 1 – College. He has submitted that in view of the Diploma Leaving Certificate issued by K.K. Wagh Polytechnic, Nashik, being the Certificate of Institution issued to the Petitioner immediately preceding her admission to DSE, containing no entry whatsoever as to her mother tongue, the documents submitted by the Petitioner are in conformity with Clause 4 of the Government Resolution dated 1st July 2013 issued by the Minority Development Department, Government of Maharashtra.

25. Mr. Desai submits that the Petitioner had furnished the documents as per the requisites of Respondent No. 1- College in the document retention letter (2026-2027) and of the Respondent No. 2 - State CET Cell in their Brochure published. These included the Certificate dated 21st July 2026 issued by the Trust, certifying that the Petitioner belongs to the Gujarati Linguistic Minority Community and that her mother tongue is Gujarati. Further, the Proforma-O for Minority quota seats was also furnished by the Petitioner. This contained a notarized Affidavit cum Declaration as to her mother tongue being Gujarati. He has accordingly submitted that the Petitioner is eligible for admission in the Respondent No. 1 -

College being a Gujarati Linguistic Minority and eligible for the Gujarati Linguistic Minority seat.

26. Mr. Desai has submitted that the School Leaving Certificate on which the Respondent No. 2 - State CET Cell has relied upon for cancellation of her admission was not available with the Petitioner when the documents were submitted for verification to the Respondent No. 1 – College. He has submitted that in the Brochure issued by the Respondent No. 2 - State CET Cell, there is an option given for submission of Leaving Certificate. He has submitted that the Petitioner has submitted the relevant documents which is as per the requisite of the Respondent No. 2 - State CET Cell and accordingly, her admission could not be cancelled.

27. Mr. Desai has submitted that the document which was relevant to be considered by the Respondent No. 2 - State CET Cell and Respondent No. 1 - College is the Diploma Leaving Certificate issued by K.K. Wagh Polytechnic, Nashik, which immediately preceded the Petitioner's admission to B.Sc. and in view of it not containing any entry as to the mother tongue of the Petitioner, the other documents which had been submitted by the Petitioner were

required to be considered and the admission of the Petitioner confirmed.

28. Mr. Desai has submitted that the Respondent No. 2 - State CET Cell has in the Affidavit in reply referred to a decision having been taken and for which document at Exhibit R2-A has been relied upon. He has submitted that from the face of that document, it shows that the date of the decision/order is 7th September 2026, though reference therein is made to subsequent dates. He has accordingly submitted that the said decision is fabricated and drawn up for these proceedings and accordingly, this Court ought not to place any reliance upon it.

29. Mr. Desai has accordingly submitted that the Petitioner's admission has been cancelled in violation of the principles of natural justice as well as by not considering that the Petitioner had met with the requirements of the Respondent No. 2 - State CET Cell and Respondent No. 1 - College in submission of relevant documents certifying that the Petitioner belongs to Gujarati Linguistic Minority and thus, entitled to the benefit of Gujarati Linguistic Minority seat for which provisional admission had been granted to the Petitioner

and the fees paid. He has accordingly sought for the prayers in the Petition to be granted.

30. Mr. Girish Godbole, learned Senior Counsel appearing for Respondent No. 1 - College and Mr. Sameer Khedekar, learned Counsel appearing for Respondent No. 2 - State CET Cell, have vehemently opposed the Petition. They have submitted that the Government Resolution dated 1st July 2013 issued by the Minority Development Department, Government of Maharashtra provided in Clause 3 that the School Leaving Certificate is the primary document to be considered at the time of admission of the candidate to the Linguistic Minority Educational Institution. Further, in the event the School Leaving Certificate recorded the candidate's Linguistic Minority status, then the subsequent Clause 4 of the Government Resolution would not be applicable.

31. Mr. Godbole has submitted that in the present case, the School Leaving Certificate issued by the Nirmala Convent High School, Nashik had recorded the Petitioner's mother tongue as "Marwadi" and in view of which, the Petitioner was not eligible to be granted admission against Gujarati Linguistic Minority seat in the

Respondent No. 1 - College. He has submitted that although the Petitioner has contended that the impugned communication dated 11th September 2026 issued by the Respondent No. 2 - State CET Cell directing Respondent No. 1 – College to cancel the admission of the Petitioner by placing reliance upon the said School Leaving Certificate showing the Petitioner's mother tongue as "Marwadi" had been issued two minutes prior to Hearing No.2 commencing before the Committee, considering that the existence of the said School Leaving Certificate has been admitted, a remand of the matter back for consideration before the Committee would be an empty formality. He has in this context placed reliance upon the judgments of the Supreme Court, viz. (i) **Viveka Nand Sethi Vs. Chairman, J&K Bank Ltd. and Others**⁴, at paragraph 22; (ii) **State of Uttar Pradesh Vs. Sudhir Kumar Singh and Others**⁵, at paragraphs 41 and 42.

32. Mr. Godbole has also referred to the judgments of the Supreme Court in **Board of Mining Examination Vs. Ramjee**⁶ at paragraph 13 and **Canara Bank Vs. Shri Debasis Das**⁷, at paragraphs

⁴ (2005) 5 SCC 337

⁵ (2021) 19 SCC 706

⁶ AIR 1977 SC 965

⁷ AIR 2003 SC 2041

12-15, which are in the context of natural justice. It has been held in the **Ramjee** (supra) at paragraph 13 that *"Natural justice is no unruly horse, no lurking land mine, nor a judicial cure-all. If fairness is shown by the decision-maker to the man proceeded against, the form, features and the fundamentals of such essential processual propriety being conditioned by the facts and circumstances of each situation, no breach of natural justice can be complained of. Unnatural expansion of natural justice, without reference to the administrative realities and other factors of a given case, can be exasperating."*

33. Mr. Godbole has submitted that the impugned communications which have rejected the Petitioner's admission have been passed in accordance with law and particularly having due regard to the Government Resolution dated 1st July 2013.

34. Mr. Khedekar has in addition placed reliance upon the Affidavit in reply of Respondent No. 2 - State CET Cell, wherein it is stated that the authenticated school record obtained from Nirmala Convent High School, Nashik conclusively answered the sole disputed question, namely, the Petitioner's mother tongue as recorded in her

own educational history. Accordingly, the decision has been taken by Respondent No. 2 - State CET Cell, which is annexed at Exhibit R2-A of the said Affidavit in reply. This was pursuant to a hearing held on 7th September 2026 and the reference to the date 7th September 2026 on the first page of the decision at Exhibit R2-A cannot be contended as sought to be contended by Mr. Desai as a decision passed on 7th September 2026, but only records the Minutes of the Meeting on that date and the decision follows thereafter.

35. Mr. Godbole and Mr. Khedekar have sought for dismissal of the Petition on the ground that the Petitioner inspite of having in her possession the School Leaving Certificate issued by the Nirmala Convent High School, Nashik, has not disclosed the same to the Respondent No. 2 - State CET Cell and Respondent No. 1 - College during the verification of the documents for grant of admission to the Respondent No. 1 - College. They have submitted that the impugned communications have been issued upon obtaining the 10th Standard Leaving Certificate issued by Nirmala Convent High School, Nashik and which clearly establishes that the Petitioner cannot be considered as having Gujarati Linguistic Minority as her mother tongue is recorded as "Marwadi". They have accordingly sought for dismissal of

the Petition on this ground.

36. Having considered these submissions, we find much merit in the submissions on behalf of the Respondent No. 1 - College and Respondent No. 2 - State CET Cell. The Government Resolution dated 1st July 2013 issued by the Minority Development Department, Government of Maharashtra, in particular Clause 3 thereof, provides that Linguistic Minority Educational Institutions, whilst granting admission, shall consider the entry as to the mother tongue appearing in the School Leaving Certificate as authoritative. It is only when the School Leaving Certificate does not record either the religion or mother tongue that Clause 4 will apply and under which there is provision for continuance of submission of documents to establish the religion or mother tongue of the candidate who has applied for admission.

37. In the present case, Clause 4 of Government Resolution dated 1st July 2013 was inapplicable as under Clause 3, the 10th Standard Leaving Certificate itself recorded the Petitioner's mother tongue as "Marwadi". In view thereof, the Petitioner ought to have submitted the 10th Standard Leaving Certificate and by not having

submitted the same, there is a clear suppression on her part in obtaining provisional admission against Gujarati Linguistic Minority seat in Respondent No. 1 – College. Further, Respondent No. 1 - College, being an Institution holding Gujarati Linguistic Minority status, could not have granted admission to the Petitioner, in view of the fact that the Petitioner's mother tongue was recorded as "Marwadi" in the 10th Standard Leaving Certificate. The Petitioner could not have relied upon the fact that her Diploma Leaving Certificate issued by K.K. Wagh Polytechnic, Nashik, had not recorded the entry as to the Petitioner's mother tongue, so as to make Clause 4 of the Government Resolution dated 1st July 2013 applicable.

38. The reliance placed by the Petitioner on the additional documents of Gujarati Minority listed in the Documents Retention Letter (2026-27) is misplaced. This in view of the Government Resolution dated 1st July 2013 expressly providing in Clause 3 that the Linguistic Minority Institutions shall, when granting admission, treat the entry as to religion or mother tongue appearing in the School Leaving Certificate as authoritative. This would also apply to the Brochure issued by the Respondent No. 2 – State CET Cell which though providing an option to submit the Leaving Certificate

pertaining to religion / mother tongue, this being the primary document, it ought to have been produced.

39. The contention on behalf of Petitioner that the impugned communication dated 11th September 2026 has been issued two minutes prior to the commencement of Hearing on No. 2 and thus, in violation of principles of natural justice, and for which it requires to be set aside and the matter remanded back to the Committee, is misconceived. It has been held by the Supreme Court in the decisions relied upon by the Petitioner, including in **State of Uttar Pradesh Vs. Sudhir Kumar Singh** (supra), that where the facts are stated to be admitted or indisputable, then only one conclusion is possible and that the Court does not pass futile orders of setting aside or remand when there is, in fact, no prejudice caused.

40. Although, in the present case, there is undoubtedly procedural irregularity in that the impugned communication dated 11th September 2026 had been issued two minutes prior to Hearing No. 2 being conducted by the Committee, the existence of the 10th Standard School Leaving Certificate having been admitted, it would be futile to order setting aside of the impugned communication dated

11th September 2026 and remanding the matter back to the Committee. The Respondent No. 2 - State CET Cell was undoubtedly convinced of the fact that the Petitioner's admission was required to be cancelled, in view of the 10th Standard School Leaving Certificate expressly recording the Petitioner's mother tongue as "Marwadi".

41. We find no infirmity in the impugned communication issued by Respondent No. 2 - State CET Cell and/or the subsequent impugned communications dated 12th September 2026 and 13th September 2026 issued by Respondent No. 1 – College and/or their acting upon the 10th Standard School Leaving Certificate issued by Nirmala Convent High School, Nashik. These acts in cancelling the Petitioner's admission to the Respondent No. 1 – College are in conformity with the Government Resolution dated 1st July 2013.

42. We find no merit in the present Petition, which is accordingly, dismissed. However, there shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

[R.I. CHAGLA J.]