

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.9936/2004

(From the judgement and order dated 07/05/2004 in WP 1403/04  
of The HIGH COURT OF BOMBAY)

P.A. INAMDAR & ORS.

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent (s)

(With prayer for interim relief)

( With Appln(s). for exemption from filing c/c of the impugned Judgment  
and directions )

Date : 13/08/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL  
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s) Mr.Vijay Kumar,Adv.  
Mr.Satyajit Saha,Adv.  
Mrs V.D. Khanna,Adv.

For Respondent (s) Mr.Ravindra K.Adsure,Adv.

UPON hearing counsel the Court made the following  
O R D E R

The petitioner is an unaided minority educational institution which runs courses for the Bachelor of Education degree. It is aggrieved by the refusal of the Committee set up under the decision of this Court in Islamic Academy of Education as well as the subsequent decision of the

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High Court refusing to allow it to conduct its own Entrance Examination for the purpose of admitting students into its college. Although the special leave petition was filed some time back, nevertheless the matter could not be taken up earlier. In the meanwhile, the association of unaided professional institutions have held a Common Entrance Examination. The State had also conducted a Common Entrance Examination. By reason of the urgency of the matter and as a one time measure for the academic session 2004-05 the petitioner prays that it may be permitted to admit minority students in its institution in the following manner:

- (1)from the merit list of the CET conducted by the State,
- (2)from the merit list of the CET conducted by the association,
- (3) In the event there is any vacancy after adjustment of the students who opt for admission into the petitioner's college, it is prayed that the petitioner should be allowed to admit students on the basis of the qualifying examination marks.

Learned counsel appearing on behalf of the State submits that his client has no objection to the first two submissions.

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Having heard the submission of the parties, we grant the petitioner the interim relief sought for namely that the petitioner will be entitled as a one-time interim measure for the Academic Session 2004-05 and strictly without prejudice to its contentions in the special leave petition, to admit minority students initially from the State CET list, thereafter from the Association CET list and thereafter to the remaining vacancies on the basis of marks in the qualifying examination. It is made clear that this order is limited to the management quota which has been fixed at 75% by the State Government.

Let this matter be placed with other similar matters already referred to a larger bench.

(USHA BHARDWAJ)  
P.S. TO REGISTRAR

(MADHU SAXENA)  
COURT MASTER