

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 5621 OF 2011

Shri Tulshiram Ambadas Sanap

... Petitioner

v/s

The University of Pune & ors.

... Respondents

None for the petitioner.

Mr.Rajendra Anbhule for the respondent Nos.1 and 2.

***CORAM: SMT. VASANTI A. NAIK &
SHRI C. V. BHADANG, JJ.***

DATED : 2ND MARCH, 2015

PC.:

Heard.

By this writ petition, the petitioner seeks a direction to the respondents to forthwith issue the degree certificates and mark-sheets of the petitioner of all the four years of the B.E. Engineering course and also the M.E. Engineering course.

According to the petitioner, the petitioner appeared at the B.E. Part-I (Civil) Examination in the year 2003-04 and had failed in five subjects in the first semester and four subjects in the second semester. It is averred in the petition that the petitioner was

permitted by the University to appear at the examination and the petitioner cleared the first year of the engineering course. It is stated that the petitioner was then admitted to the second, third and fourth year of the engineering course and after he passed the B.E. Examination, he was admitted to the M.E. (Civil) Degree course. It is stated in the petition that, despite having passed the B.E. and M.E. examinations, the University has not issued the mark-sheets and the degree certificates of the concerned examinations to the petitioner.

The learned counsel for the University has submitted by taking this Court through the affidavit in reply of the University that, the petitioner has forged the documents that are annexed to the petition. It is stated that the petitioner has not approached this Court with clean hands. It is stated that, no University can grant special permission to only one student to appear at an examination in the University. It is stated that the petitioner was never admitted to the second year, third year or fourth year of the engineering course and the statement in the petition that he has passed the B.E. Examination and the M.E. Examination, is false and baseless.

We find force in the submission made on behalf of the University that the petitioner may not have passed the first year B.E. (Civil) Examination and was never permitted to appear at the second year, third year and fourth year of the B.E. Course. If the petitioner would have been permitted to appear at the second year,

third year and fourth year of the B.E. Examination, the petitioner would have surely received the mark-sheets of the previous examinations in which he had passed. In any case, the statement in the petition that the petitioner was specially permitted to appear at the examination of B.E. First Year and that he has passed the B.E. and M.E. examinations is seriously disputed by the University and, therefore, it would not be possible to decide the question involved in this petition in exercise of the writ jurisdiction. If at all the petitioner is so desirous, the petitioner can file appropriate proceedings in the Civil Court which could be decided after permitting the parties to tender the evidence.

In the result, the writ petition fails and is dismissed with no order as to costs.

(C. V. BHADANG, J.)

(VASANTI A. NAIK, J.)