

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION No.439 OF 2015**

(Ravikumar s/o.Rajeshkumar Sharma .vs. The Rastrasant Tukdoji Maharaj Nagpur  
University, Nagpur and anr.)

with

**WRIT PETITION No.329 OF 2015**

(Abhishek s/o. Sachchidanand Yadav and anr. vs. The Rastrasant Tukdoji Maharaj  
Nagpur University, Nagpur and anr.)

with

**WRIT PETITION No.333 OF 2015**

(Vivekkumar s/o. Pralhad Singh and Ors. vs. The Rastrasant Tukdoji Maharaj Nagpur  
University, Nagpur and anr.)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr.J.M.Shamkuwar, Adv. for the petitioners.  
Mr.P.B.Patil, Adv. for respondent no.1.

**CORAM** : B.P.DHARMADHIKARI &  
S.B.SHUKRE, JJ.

**DATE** : 6.4.2015.

Heard.

As these matters pertain to students, this Court  
has heard them on several occasions. On 25.3.2015, we  
have, after prima facie application of mind, directed  
respondent no.2 to provisionally admit the petitioners to 5th  
Semester.

Today, Mr.P.B.Patil, learned Counsel for  
respondent no.1 has tendered additional affidavit placing on  
record relevant dates and events.

The learned Counsel invites our attention to the  
provisions of Clause (4) of Ordinance No.6 of 2010 to urge

that provisional admission facility is restricted to one preceding qualifying examination (yearly pattern course) and two preceding qualifying Semester examinations (Semester pattern course). He points out that – here, the petitioners in paragraph no.3 have pointed out failure in “some papers” in first year examination. After that examination, the petitioners appeared in next Semester examination and now they are seeking admission to 5th Semester examination. Thus, according to Mr.Patil, learned Counsel, this clause No.(4) of Ordinance No.6 of 2010 debars the petitioners from claiming even provisional admission. He submits that the petitioners, therefore, have in paragraph no.3 stated that their college has given them admission contrary to the procedure only in anxiety to see that they complete 75 % of attendance.

Mr.J.M.Shamkuwar, learned Counsel submits that the only relevant clause is clause no.(6) of Direction No.5 of 2004. According to him, the petitioners are not seeking final admission, but their request is only to provisionally admit them.

It is apparent that if law does not permit final admission to a particular course, there is no question of a student seeking provisional admission thereto.

The petitioners have to demonstrate that the directions or Ordinance of University give them a right to seek admission to 5th Semester. That is possible only if they can demonstrate that they are having backlog of only two preceding qualifying Semester examinations. Those two Semester examinations would be Semester No. 3 and Semester No.4. Here, the petitioner have got backlog of

“some subjects” of first year examination i.e. yearly pattern examination.

The provisions of Clause (4) of Ordinance No.6, therefore, does not enable them even to seek provisional admission to 5th Semester.

No case is made out. Hence, the petitions are rejected. No costs.

**JUDGE**

**JUDGE**