

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6021 OF 2014

Binayak Narayan Choudhary

-vs-

The Vice Chancellor/Registrar, Rashtrasant Tukdoji Maharaj, Nagpur University and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.H.I.Kothari, counsel for the petitioner.
Mr.Atul Pande, counsel for the respondent No.1.
Mr.A.R.Patil, counsel for the respondent No.2.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 13.04.2015.

By this petition, the petitioner seeks a direction to the respondent Nos.1 and 2 to issue duplicate mark-sheets and degree certificate to the petitioner in respect of his educational qualification i.e. B.E.(Civil).

The petitioner claims that he was a student of the respondent No.2 Viswesvaraya National Institute of Technology and was admitted in the B.E.(Civil) degree course in the Academic Session 1977-78. According to the petitioner, the petitioner had passed all the semester examinations conducted by the respondent No.2-Institute. It is stated that the petitioner had lost some of the mark-sheets and the degree certificate and hence, it is necessary to issue a direction to the respondent Nos.1 and 2 to issue the duplicate mark-sheets and degree certificate to the petitioner.

The respondent No.1 has filed an affidavit-in-reply. Though the respondent No.2 has not filed an affidavit-in-reply, it is stated on behalf of the respondent Nos.1 and 2 that the petitioner has not approached this Court with clean hands. It is stated that though the petitioner has passed in some of the semester examinations, the petitioner has not

cleared the 8th semester examination. It is stated that the petitioner has not submitted the correct information in regard to the 4th, 6th, and 7th semester examinations which the petitioner claims to have cleared. It is stated that the petitioner has sought the degree certificate from the University on the basis of the fabricated documents. It is stated that the relief sought by the petitioner should not be granted in the aforesaid circumstances.

On hearing the learned counsel for the parties, we find that the issue involved in this case cannot be decided, in exercise of the writ jurisdiction. The petitioner claims to have passed in all the semester examinations in B.E.(Civil) degree course. The said statement is seriously disputed by the respondents and it is stated that the petitioner has not cleared all the semesters of the B.E. Examination. It is stated that the petitioner has not passed the 8th semester and the petitioner has fabricated the mark-sheets with a view to secure the degree certificate. The averments made by the petitioner in the petition have been seriously disputed by the respondent Nos.1 and 2. We find that though the petitioner claims to have passed in the year 1987, the petitioner had not applied for the degree certificate for several years. Also, the University has issued a notice to the petitioner that a Police report could be filed against him for fabricating the mark-sheets. A direction cannot be issued to the respondents, in the circumstances of the case, in exercise of the writ jurisdiction, to issue the duplicate mark-sheets and the degree certificate to the petitioner.

For the aforesaid reasons, the writ petition is dismissed with costs.

JUDGE

JUDGE