

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

WRIT PETITION NO. 6126 of 2014

(Shital D/o Bhanudas Zod Vs. Rashtrasant Tukdoji Maharaj Nagpur
University, Nagpur through its Registrar and ors.)

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

Court's or Judge's order

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

DATE : 20-4-2015.

Heard Shri P. S. Tiwari, learned counsel for the petitioner, Shri S. J. Khandalkar, learned counsel for respondent no. 1, Shri A. A. Naik, learned counsel for respondent no. 2 and Shri P.S. Patil, learned counsel for respondent no. 3.

It is not in dispute that the petitioner studied at Amravati in Bachelor of Commerce (Computer Application) course and appeared and cleared first year and second year examination thereof. While studying in final/third year of that degree course, she came to Nagpur in September, 2013 and took admission in respondent no. 2, College. She has been given admission for the course known as Bachelor of Commerce (Computer Application).

.....2/-

Respondent no. 1, University, accordingly granted her enrollment and she was permitted to appear for final examination in April-May, 2014. Her result has not been declared on the ground that the course undergone by her at Amravati cannot be treated as equivalent for the purpose of her admission to third year in Nagpur University. This Court has issued notice on 27-11-2014 and granted interim relief in terms of prayer clause (2). The admission of the petitioner to post graduate course (MBA) with respondent no. 3, College at Amravati has therefore, been protected.

The respondent no. 1, University has invited attention to Certificate dated 19-8-2014 issued by the Registrar of Sant Gadge Baba Amravati University. That certificate points out the subjects taught at B.Com. Part-3 (Computer Application) under Amravati University. It is mentioned that that University does not grant any degree in B.Com. (Computer Application).

Learned counsel for petitioner submits that the petitioner was given admission and enrollment without any objection and completed her study and also appeared for examination. She had submitted all documents

and suppressed nothing. As such, she cannot be made to suffer.

Shri Khandalkar, learned counsel for respondent no. 1 submits that as equivalent course was not there in Amravati University, action of respondent no. 1, University in not declaring the result cannot be faulted with.

We find that the petitioner had placed all the documents for consideration before the respondent no. 2, College and respondent no. 1, University while seeking admission. The respondent no. 1, University could have at that juncture refused enrollment, however, enrollment was granted and she was permitted to appear for final examination. According to the petitioner, she is a meritorious student and secured First Class in first year and second year of B.Com. course and on merits got admission in MBA course. The examination of first year of MBA is to be held in May, 2015 and as result of B.Com. (Computer Application) third year course is not declared, her career is at stake. Had the respondent no. 1 undertaken scrutiny in time, the contingency would not have arisen. Respondent no. 1 has obtained the necessary certificate from Amravati University on

19-8-2014, that is after petitioner took admission to MBA course.

In this situation, we find the petitioner not guilty of any fraud. Without creating any precedent, we find it appropriate to direct respondent no. 1 to declare result of the petitioner for B.Com (Computer Application) third year examination within a period of two weeks from today.

Subject to declaration of that result, the interim relief granted by this Court on 27-11-2014 is confirmed.

With these directions, the writ petition is partly allowed and disposed of. No order as to costs.

JUDGE

JUDGE

wasnik

...../-