

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

WRIT PETITION NO. 9105 OF 2016

Miss. Manasi Deepak Tulpule } Petitioner
versus
State of Maharashtra and Anr. } Respondents

Mr. Rushabh Sheth for the petitioner.

Ms. Sushma Bhende - AGP for respondent
no. 1.

Mr. T. R. Yadav for respondent no. 2.

**CORAM :- S. C. DHARMADHIKARI &
 DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATED :- August 9, 2016

P.C. :-

Having heard both sides and perusing the petition and all the annexures thereto so also the affidavit, we are unable to agree with the petitioner's advocate that the School Leaving Certificate having not been submitted in time is not fatal. He submits that this is not a vital or essential document and can be supplied later on. Furnishing of such a certificate later on would mean substantial compliance with the Rules. This part of the Rule is capable of substantial compliance.

2) The petitioner has admitted that this document could not be furnished in time and along with the application. That is

why we called upon the respondent to give an explanation, on affidavit. The second respondent has filed a detailed affidavit. It is stated that it would not be possible to assist the petitioner and the petitioner ought to have been vigilant. In para 6 of the affidavit filed on 5th August, 2016, it is stated that there are about 100 applications rejected by the university for non submission of School Leaving/Transfer/Bonafide Certificate. There are rejections of applications on other grounds also. If the petitioner, at this stage, is allowed to submit her School Leaving Certificate and the university is asked to consider the candidature of the petitioner, then, the other similarly placed students would have to be given the similar benefit. The academic courses are going to start on 28th September, 2016.

3) We deferred the passing of final orders only to enable Mr. Yadav to take instructions as to whether there would be further rounds in which the petitioner can participate.

4) Mr. Yadav submits that there indeed would be further rounds, but given the lesser number of seats, that being outnumbered by the number of applicants, the entry of the petitioner at this belated stage will not be of any assistance to her. Rather, that would upset the whole schedule and as indicated at page 23 of the paper book. We see much substance in this

contention of Mr. Yadav. Without addressing the larger issues or controversies, we dispose of this petition because we do not think that in writ jurisdiction this court can interfere in academic matters and at such a belated stage. The petition is, therefore, dismissed.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (S.C.DHARMADHIKARI, J.)