

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9047 OF 2014

Vaibhav Sharad Patil

...Petitioner

vs.

University of Mumbai

Through Dean & another

...Respondents

.....

Mr. V. S. Patil, Petitioner in person.

Mr. R. A. Rodrigues a/w Mr. Sharang Sonak for Respondent No.1.

Ms. Nisha Mehra, AGP for Respondent No.2.

.....

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : **OCTOBER 04, 2016**

PC.:

. Not on board. Upon mentioning taken on board.

2. The petitioner is present in person. Mr. Rodrigues, learned counsel for respondent no.1 and Ms. Nisha Mehra, learned AGP for respondent no.2-State are present.

3. By filing this petition under Article 226 of the Constitution of India, the petitioner is seeking direction to respondent No.1-University to take back all the original mark-sheets and the Degree

Certificate of the petitioner. According to the petitioner, he completed Bachelor of Engineering from Mumbai University in the year 2011. It has been stated that in 2009, when he was in Second Year, he cleared all required subjects of the Second Year, but he had his First Year subject back due to which he could not take admission to Third Year in August 2009. According to him, in order to get through the First Year back subject, he adopted some illegal method and thereby, in revaluation of the answer sheets, he was declared pass. According to the petitioner, he discussed this issue with the 1st respondent-University but instead of allowing him to deposit the original mark-sheets and the Degree Certificate, he was advised psychiatric treatment. It is also the case of the petitioner that since he has got the examination cleared by adopting illegal method, he is having guilt feeling and he is not able to do his daily activities. Hence the prayer as stated above is made.

4. Learned counsel for respondent No.1-University has submitted that the petitioner has made a bald statement that he adopted illegal method while getting favourable marks in revaluation of his answer sheets. No details as to how and in what manner the

illegal method was adopted by him has been furnished. He submits that in the absence of proper and specific pleadings and *prima facie* evidence and necessary details, it is not possible for the University to accede to the prayer made by the petitioner. He submits that there is no provision to take back the original mark sheets and Degree Certificate in the circumstances as set out in the petition.

5. Having considered the submissions made by the petitioner in person as well as the learned counsel for 1st respondent-University, we are of the view that the petition is bereft of details about the illegal method said to have been adopted by the petitioner for getting more marks in revaluation of the First Year back subject. We have also asked the petitioner to give some details but he failed to do so. He continued to reiterate that he is in mental stress and wants to surrender his mark sheets and the Degree Certificate.

6. In our considered view, in the absence of any details and any cogent material to support the statement made in the petition merely on the basis of a bald statement that he adopted illegal method in getting marks enhanced in revaluation, no direction can be

issued to the University to allow the petitioner to surrender his certificate and Degree so as to cancel it. In absence of any provisions in the Maharashtra Universities Act, 1994, the relief claimed by the petitioner being wholly misconceived, the same cannot be granted. In the result, the petition fails. The petition is therefore dismissed. There shall be no order as to costs.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)