

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2958 OF 2012**

Pratibha Gangadhar Shingare	}	Petitioner
versus		
The Registrar University of	}	
Mumbai and Ors.	}	Respondents

Ms. Pooja Thorat i/b. Mr. V. M. Thorat for
the petitioner.

Mr. Rui A. Rodrigues for respondent no. 1.

Mr. Rahul Nerlekar for respondent no. 3.

Mr. M. D. Naik – AGP for respondent no. 5.

Mr. Rajesh G. Singh for respondent no. 6.

**CORAM :- S. C. DHARMADHIKARI &
A. A. SAYED, JJ.**

DATED :- MARCH 9, 2016

P.C. :-

The only foundation for the reliefs in this writ petition is that though the petitioner has not kept the required terms and at the initial stage or phase, having been allowed to continue the studies and till the last phase/stage, the petitioner's admission or entry to the course cannot be questioned. She ought to be allowed to complete it and on par with some other students in whose case the university has taken a lenient or sympathetic attitude. The relaxation by the university, therefore, in cases of the students who are stated to be similarly placed, is the basis on which the petitioner claims the reliefs.

2) We are unable to agree with Ms. Thorat appearing for the petitioner, for, there can never be a right to any illegality. Right to equality under Article 14 of the Constitution of India is a positive concept. Merely because one wrong has been committed and in the case of a student, does not mean that anybody similarly placed can pray for grant of such concession or relaxation, which is obviously wrongly and wrongfully granted.

3) In the affidavit of the university in reply to the writ petition, at pages 6, 7 and 8, it has been pointed out as to how the petitioner did not comply with the requirement of the regulations and ordinances. It has been categorically stated in para 11 that the petitioner is not eligible under the regulations framed by respondent no. 3 so also the criteria laid down by Ordinance 5013 of respondent no. 1 university to be admitted to 4th year, which is wrongly and illegally done by respondent no. 2 college in 2007. In these circumstances, we do not think that writ jurisdiction can be utilised for interference in academic matters. The standard evolved by the experts cannot be deviated in this manner and a writ Court cannot compel them to so depart from the same. That would mean complete mockery of the highest academic standards set up by universities. The writ petition is therefore dismissed.

(A.A.SAYED, J.)

(S.C.DHARMADHIKARI, J.)