

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

WRIT PETITION NO. 5715 OF 2017

Yogesh Maruti Jadhav	... Petitioner
Versus	
The State of Maharashtra and others	... Respondents

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Mr. Sanjay S. Patil, for the Petitioner.
Mr. C.P. Yadav, AGP for Respondent No.1.
Mr. Mihir R. Govilkar, for Respondent Nos. 2 and 4.

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**CORAM : ANOOP V. MOHTA AND
SMT. BHARATI H. DANGRE, JJ.**

DATE : 19th SEPTEMBER, 2017.

FINAL ORDER :

1. The Petitioner has approached this Court seeking a writ in the nature of mandamus for allowing him to appear for the examination scheduled from 30th May, 2017. The Petitioner was restrained from appearing in the said examination by the Respondent Nos. 2 and 4, which is open University, on the ground that he did not submit the mark list of S.Y.B.A. The contention of the Petitioner is that he has passed S.Y.B.A. in the year 2006 from K.M. Agrawal College at Kalyan from the faculty of Arts and

working as a Clerk in the office of an Advocate. He approached the University, seeking permission to appear for the examination to be scheduled in the month of May-2017.

2. The Petition was listed before this Court on 26th May, 2017 and this Court has issued directions to the respondents to permit the Petitioner to appear in the examination of third year B.A. which was scheduled from 30th May, 2017 and also to submit the project report as per the schedule.

3. According to the interim directions of this Court, the Petitioner has appeared for the examination of T.Y.B.A., which was held in the month of May-2017.

4. Learned Counsel for the Petitioner argues before us that his result yet to be declared, which is opposed by the Counsel for the University on the ground that since he had failed to submit his mark list of S.Y.B.A., he is not entitled for the benefit.

5. On the last date of hearing i.e. 18th September, 2017, we had put up a specific query with the Counsel for the Petitioner that whether he is producing mark list of S.Y.B.A. which was not

having along with the Petitioner. The Counsel of Petitioner, today, has produced the mark list of the Petitioner, which declares that the Petitioner has passed the examination of S.Y.B.A., held in 2006.

6. In the circumstances, Petitioner has cleared S.Y.B.A. which was required stipulation for appearing for T.Y.B.A. and this Court had already permitted him to appear for the said examination by an interim order. We feel that in the interest of justice his result needs to be declared as it is on the technical ground that the Respondent-University is opposing the declaration of result and according to the University this would be leading to a wrong proceeding.

7. However, in the facts and circumstances of the case, since, by an interim order from this Court, the Petitioner was allowed to appear for the examination and it is not the case of the Respondents that he has not passed his S.Y.B.A. which is cleared from the mark list which is produced before us today.

8. We are of the opinion that in the interest of justice, it can be served by directing the University to declare the result of

Petitioner for the year T.Y.B.A. and to issue the mark-list.

Therefore, we pass the following order;

O R D E R

Respondent Nos. 2 and 4 are directed to declare the result of T.Y.B.A. examination of the Petitioner, which was held in May 2017 and supply him mark list forthwith.

9. With the aforesaid directions, writ Petition is disposed of.

No costs.

(BHARATI H. DANGRE, J.)

(ANOOP V. MOHTA, J.)