

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12797 OF 2016

Hrushikesh Rajendra Bahulekar	... Petitioner
v/s	
The State of Maharashtra and others	... Respondents

Mr Prabhanjan B. Gujar for Petitioner.
Mr S. B. Kalel, AGP for Respondent No.1.
Mr Amit Borkar for Respondent No.3.

**CORAM : SHANTANU S. KEMKAR &
B.P. COLABAWALLA, JJ.**

DATE : APRIL 21, 2017
Prod.Board dtd.20.04.2017
Sr.No.503.

P.C.:

Not on board. Taken on production board.

2. The Petitioner was admitted in the First Year LL.B. course, however, since his Higher Secondary Certificate was to be verified by the Committee constituted by the University, he was not allowed to appear for the examination. On 16th November 2016, this Court passed an interim order. It reads as under :-

“3. The learned counsel for the Petitioner submits that the Petitioner was admitted in the first year of LL.B. Course subject to verification of his H.S.C. Certificate. He submits that the verification process of the same is pending before the Committee constituted by the Respondent No.2 – University. According to him, the Committee has not taken any decision as yet and now Third Semester Examination of Second Year LL.B. Course will be started w.e.f. 21st November 2016 in which the University is not permitting the Petitioner to appear, as his H.S.C. Certificate is not yet verified. The grievance of the Petitioner is that for no fault of him, the Respondent – University is denying the Petitioner to appear in the Second Year LL.B. Examination and in case the interim relief is not granted to the Petitioner, he would suffer an irreparable loss.

4. Having considered the submissions made on behalf of the Petitioner, by way of interim order, we direct the Respondent – University to allow the Petitioner to appear in the Third Semester of Second Year LL.B. Examination. However, it is made clear that the Petitioner's result of the said Examination shall not be declared by the University without leave of this Court and the Petitioner shall not be entitled to claim any equity on the basis of interim order passed by this Court. The Petition stands disposed of as such.”

3. Thereafter, as it was wrongly mentioned that “the Petition stands disposed of as such” by speaking to the minutes vide order dated 25th November 2016, the order was modified to the extent by deleting the sentence “The Petition stands disposed of as such.”

4. Today when the matter came up for hearing, the learned

counsel appearing for the University submits that the verification of H.S.C. Certificate has been conducted by the Committee of the University and it has been found that H.S.C. Certificate is proper and therefore the Petitioner is held to be eligible for appearing in the LL.B. Course. In view of the aforesaid, in our considered view, the Petitioner's grievance stands redressed as the Petitioner is held to be eligible.

5. In the circumstances, we direct the Respondents to declare his result of Semester III of Second Year and allow him to appear for further Examination and declare result after the Examination is over. We have also been pointed out by the learned counsel for the Petitioner that for want of Certificate by the University, he was not allowed to attend the classes. We find that for no fault of the Petitioner, he was not allowed to attend the classes and now since the Certificate is found to be valid, we direct the Respondents to allow the Petitioner to sit in the classes and to appear for ensuring Examinations, by condoning the absence if he is otherwise eligible.

6. With the aforesaid direction, the Petition is disposed of.

(B.P. COLABAWALLA, J.)

(SHANTANU S. KEMKAR, J.)