

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2093 OF 2017

Yash Mukesh Divya Bajaj

...Petitioner

Versus

University of Mumbai & Ors.

...Respondents

.....

Mr. M.M. Vashi, senior counsel with Ms Panthi Desai i/b. M/s.

M.P. Vashi and Associates for the Petitioner.

Mr. Rui A. Rodrigues for the Respondent Nos.1 and 2.

Mr. Shriram A. Patil for the Respondent No.3.

CORAM : B.R. GAVAI &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 4th OCTOBER, 2017.

P.C.:-

Rule. Rule is made returnable forthwith. Respondents waive service. Heard by consent of parties.

2. The Petition appears out of peculiar facts and circumstances. The Petitioner, for the reasons best known to him did not submit his examination form for one subject of second semester, for which he was allowed to keep the terms.

3. However, it appears that to the good fortune of the

Petitioner, the Respondent -University though the Petitioner did not submit the examination form permitted him to appear for the examination and the Petitioner also passed the said examination. However, now on account of the technical lacuna that the Petitioner had not submitted his examination form, the Respondent -University is refusing to declare his result.

4. We find that taking into consideration the fact that the Petitioner has already appeared for the examination and also has been successful in the said examination, in the peculiar facts and circumstances, without treating the same to be the precedent, it would be in the interest of justice to direct the Respondent -University to declare the result of the Petitioner.

5. However, same shall be subject to the penalty which is quantified to Rs.25,000/- payable by the Petitioner to Respondent-University.

6. Rule is made absolute in terms of prayer clause (a) subject to paying of Rs.25,000/- with the Respondent-University.

7. Needless to state that provisional admission granted to the Petitioner to the fifth Semester shall now be construed as regular.

(ANUJA PRABHUDESSAI, J.)

(B.R. GAVAI, J.)