

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.788/2017

Shri Vijay s/o Sudhir Mahajan

...Versus...

Shri Rashtrasant Tukadoji Maharaj, Nagapur University, through its Vice
Chancellor, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.P. Sagdeo, Advocate for petitioner
Shri R.V. Shiralkar, Advocate for respondent no.1
Shri M.V. Samarth, Advocate for respondent no.2

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 24.04.2017

By this petition, the petitioner seeks a direction against the respondents to grant admission to the petitioner in the 10th Semester of the LL.B. five years degree course.

According to the petitioner, the petitioner was admitted to the respondent no.2 – Dr. Babasaheb Ambedkar College of Law, Nagpur as a regular student in the old five years degree course. It is the case of the petitioner that the petitioner passed the 9th semester in Winter, 2015 and applied to the respondent no.2 – College for grant of admission in the 10th Semester of the 5 years course on 11.1.2015. It is stated that the respondent no.1 did not admit the petitioner in the 10th Semester on the ground that the petitioner had not passed the 7th Semester examination on the date on which he sought to

secure the admission to the 10th Semester. Though the petitioner was not admitted to the 10th Semester in January, 2015, apart from making representations to the various authorities, the petitioner did nothing in the matter and has filed the writ petition on 17.1.2017, seeking a direction against the respondents to admit the petitioner in the 10th Semester.

Shri Samarth, the learned Counsel for the respondent no.2 submitted that the petitioner was not entitled to admission in the 10th Semester on 11.1.2015, when he applied for admission. It is stated that as per the statutes and ordinances of the University since the petitioner had not passed the 7th Semester examination before 11.1.2015, he was not admitted to the 10th Semester, when he applied for admission to the same. It is stated that the petition suffers from laches, inasmuch as though the admission was denied to the petitioner in January, 2015, the petitioner has waited for two long years and has filed the petition in January, 2017. It is stated that in the meantime the curriculum/pattern of five years law course has changed and the petitioner would be required to get himself admitted in the 10th Semester of the new course.

Shri Shiralkar, the learned Counsel for the respondent no.1 – University states that neither can the petitioner be admitted to the 10th Semester in the five years law course in January, 2017, as sought, nor could the petitioner be permitted to appear at the Summer, 2017 examination in the 10th Semester as he was never admitted to the said Semester and does not have any attendance, as required. It is submitted that the petitioner may now apply for admission to the 10th Semester of the five years degree course as per the new pattern.

In the circumstances of the case, the petitioner is himself to be blamed for not securing the admission for two long years in the 10th Semester of the five years degree course. Though the petitioner was not admitted to the 10th Semester on 11.1.2015, the petitioner did not file a petition seeking provisional admission to the 10th Semester, subject to the result of the revaluation of the papers in the 7th Semester. The petitioner went on making representations to the University, College and several other authorities but did not file the writ petition till 17.1.2017. Unfortunately, in the meanwhile, the curriculum/pattern of the five years law course changed and the petitioner would now be required to get himself admitted in the 10th Semester as per the new course/pattern if it is permissible in Summer, 2017 and if not, in Winter 2017.

Hence, in the circumstances of the case and in the interest of justice, we dispose of the writ petition with a direction to the respondent nos.1 and 2 to admit the petitioner in the 10th Semester of the five years law course as is presently conducted in the respondent no.2 – College, if permissible in Summer, 2017 and if the 10th Semester admissions are not made in Summer, in Winter 2017.

Order accordingly. No costs.

JUDGE

JUDGE