

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

**PUBLIC INTEREST LITIGATION (L) NO. 13 OF 2018
WITH
NOTICE OF MOTION (L) NO. 62 OF 2018**

Sainath Taterao Pawar and anr. .. Petitioners
versus
Union of India and ors. .. Respondents.

**WITH
PUBLIC INTERST LITIGATION (L) NO. 15 OF 2018
WITH
IPA NO. 11 OF 2018**

Imran Mohammed Kasim Khan ..Petitioner
Versus
The University of Mumbai and ors. .. Respondents.

Mr. Uday Warunjikar a/w. Mr. Abhishek Bhat i/b Mr. Siddhesh Ashok Pilankar for the Petitioner in PILL 15/18.

Mr. Kamaljit Singh for the Petitioner in PIL 13/18 and Applicant in NMWL62/18.

Mr. R.A. Rodrigues a/w. Ms Rizvi Jain and Mr. Asadullah Sheikh for Respondent No.1 in PILL 15/18 and Respondent Nos. 5 and 6 in PILL 13/18 – University of Mumbai.

Mr. H.S. Vengavkar, Addl. Govt. Pleader for Respondent No.2- State in PILL 15/18 and Respondent No.3 in PILL 13/18.

Mr. A.K. Najam-es-Sani a/w. Ms Pinky R. Patel i/b M/s. Desai & Diwanji for Intervenor in PILL 13/18.

Mr. Vikhil Dhoka a/w. Ms Hetal Dhoka for Intervenor in PILL 13/18.

**CORAM : B. R. GAVAI &
B. P COLABAWALLA, JJ.
DATE : 24th JANUARY, 2018.**

PC.

1] The petitioners, who are the students of 1st year LLB have approached this Court praying for postponement of LLB Examination.

2] On account of chaos created by the University in conducting examination for the last academic year, the results of the qualifying examination could not be declared within time. A cascading effect was that the admission for first year LLB course continued till 21st December 2017. The examinations are now scheduled to be conducted on 29th January 2018.

3] A similar issue arose for consideration before us in PIL (L) No. 15 of 2018 with Writ Petition (L) No. 217 of 2018 decided on 22nd January 2018 purporting to conduct the examination of the first semester of LLB course. Insofar as the LLB examinations are concerned, the number of students offering themselves for the examination is much higher as compared to LLB examinations. Shri. Rodrigues informs us that there are about 6612 students who have been admitted for the first year LLB course.

4] However, the ground realities we cannot be forgotten. If a student is admitted to the LLB Course on 22nd December 2017, he could not be practically expected to have prepared himself for examination within a period of one month and one week.

5] In that view of the matter, we find that the same arrangement needs to be done insofar as the students of the first year LLB are concerned, as was done for the students who were appearing for LLB examination.

6] In that view of the matter, we find that the following order would sub-serve the interest of justice.

“(i) Such of the students who do not appear in the examination which is scheduled to commence from 29th January 2018, such non appearance should not be considered as a failure to appear in the first semester examination;

(ii) Such students who opt not to appear in the examination commencing from 29th January 2018, would be permitted to appear for the examination of the papers of the first semester along with the papers for second semester simultaneously, and the said appearance would be treated as first appearance.”

7] However, we clarify that the students who do not desire to offer themselves for the examination commencing from 29th January 2018, such students shall communicate to the Colleges concerned that they will not be offering themselves for the examinations commencing from 29th January 2018 and that they would appear for the first semester along with the papers for second semester simultaneously. The said intimation be given to the Colleges by 29th January 2018. The Colleges concerned shall forward the said intimation to the respondent – University so that the respondent -University can well in advance prepare itself for the number of students who will be appearing simultaneously for the first and second semesters.

8] With aforesaid directions, the public interest litigations are disposed of.

9] In view of disposal of Public Interest Litigation (L) No. 13 of 2018 and Public Interest Litigation (L) No. 15 of 2018, Notice of Motion (L) No.62 of 2018 and IPA No. 11 OF 2018 do not survive and the same are also disposed of.

10] All concerned to act on the authenticated copy of this order.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]