

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL JURISDICTION
WRIT PETITION NO.639 OF 2015

Ms. Sarita Yadav .. Petitioner
Versus
Dr. Madhura Kesarkar & Ors. .. Respondents

Mr. Rammurat S. Yadav for petitioner
Mr. Rui A. Rodrigues for respondent No.1
Mr. Kedar Dighe, Asst. G.P. for State – respondent No.3.

CORAM : B.R. GAVAI &
SMT. BHARATI H. DANGRE JJ

DATE : 16th April 2018

P.C.:

The petitioner has approached this Court praying for declaration that the provisional eligibility certificate dated 25th June 2014 is illegal. The petitioner had sought admission to the first year B.A. course in the year 2014 on the basis of her performance of 12th Standard in the examination conducted by U.P.board. The petitioner was granted provisional eligibility certificate by the respondent No.1 University. The provisional eligibility was subject to the condition that the petitioner shall pass 12th standard examination of 100 marks in English subject.

2] In the U.P.Board there is no English subject and as such the

said condition was imposed. However, it should be noted that the petitioner had offered herself for B.A. part -I examination conducted for the academic year 2014-15. In the said examination, the petitioner had also appeared in English subject examination for 100 marks. The petitioner has placed on record an affidavit along with a marksheet which shows that the petitioner has passed in the English subject.

3] It would thus be seen that the petitioner has passed English subject examination which is of higher standard than the examination to which she would have otherwise appeared in U.P.

4] In the peculiar facts and circumstances of the case, we therefore find that the petitioner's admission to B.A.course needs to be regularised without the same being treated as a precedent.

5] We are, therefore, inclined to allow the petition, without going into the question as to the legality or otherwise of rule requiring to pass qualifying examination with English as a subject for 100 marks, since in the present case, the petitioner has already passed in the B.A. Part-I examination with English is one of the subject and which undoubtedly is of higher standard than that of 12th standard.

6] In the result, we allow the petition in following terms:-

(a) The petitioner be treated as validly admitted student for B.A. Part I without any insistence for the condition imposed of provisional eligibility certificate;

(b) The petitioner's performance in B.A. shall be declared and the petitioner shall be allowed to pursue her further studies.

(c) In view of disposal of writ petition, the notice of motion does not survive and the same is disposed of accordingly.

(SMT.BHARATI H. DANGRE, J)

(B.R.GAVAI, J.)