

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 WRIT PETITION NO.2727 OF 2018

JYOTI ANILKUMAR MISHRA
 VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr Joshi Hrishikesh A
 AGP for Respondents State:Mr S B Narwade
 Advocate for Respondent No.2 : Mr M D Narwadkar
 Advocate for Respondent No.3 : Mr. A.P. Sonpethkar
 Advocate for Respondent No.4 : Mr S S Deshmukh

CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE : 3rd October, 2019

ORDER:

1. The eligibility of the petitioner to get admission for the three years LL.B. Course is subject matter of the petition.

2. Mr. Joshi, the learned counsel for the petitioner submits that the petitioner has qualification of SSC so also 12th Standard. The petitioner has passed 12th Standard from National Institute of Open Schooling and thereafter has completed graduation in science i.e. B.Sc. from Dr. Babasaheb Marathwada University. The petitioner is eligible for admission for three years LL.B. course.

3. Mr. Narwadkar, learned counsel for respondent no.2 submits that the petitioner does not possess qualification

in sequence. The petitioner has not completed his graduation in a sequential manner. The petitioner has got 12th standard qualification only in one year. It should be in two years after 10th standard. Mr. Deshmukh, the learned counsel for the Bar Association submits that sequential degree has to be obtained and candidate is required to pass 12th Standard examination and thereafter graduation for being eligible to be admitted in three years LL.B. course.

4. The petitioner relies on the judgment of Division Bench of this Court in Writ Petition No.1441/2014 decided on 27.06.2019 to contend that even if candidate fails HSC and passes degree course from open universities is still eligible for admission in LL.B. Course. We need not go to that extent. In the present case, the petitioner has qualification of 12th standard from National Institute of Open Schooling. It is of one year. The petitioner also has SSC qualification. Thereafter the petitioner has obtained under graduation B.Sc. degree from Dr. Babasaheb Marathwada University.

5. In view of the above, only because the petitioner has obtained 12th standard qualification from National

Institute of Opening Schooling, the petitioner would not be ineligible. The petitioner stands on better footing than the petitioner in Writ Petition No.1441/2019 decided on 27.06.2019.

6. In light of above, the impugned order dated 15.02.2018 issued by respondent No.3 is quashed and set aside. The petitioner as such is eligible for admission to the three years LL.B. course.

7. Writ petition is accordingly disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC