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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10992 OF 2017**

Sushant Eknath Javir ..Petitioner
Vs.
The State of Maharashtra & ors. ..Respondents

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Mr. Ketan Joshi I/b. ERGO JURIS for petitioner.
Ms. Rajeshwari Patil I/b. S.S. Patwardhan for respondent No.2.
Mr. S.S. Panchpor, AGP for State.

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**CORAM : S.C. DHARMADHIKARI &
M.S. KARNIK, JJ.**

RESERVED ON : 8th MARCH, 2019

PRONOUNCED ON : 27th JUNE, 2019

JUDGMENT (PER M.S.KARNIK, J.) :-

Rule. Rule is made returnable forthwith by consent of the parties and heard finally.

2. By this Petition filed under Articles 226 and 227 of the Constitution of India, the petitioner is challenging the refusal of admission to him by a communication dated 10th August, 2017 issued by respondent No. 5 – I.L.S. Law College for the academic year 2017-2018.

3. The petitioner belongs to S.C. category. He passed S.S.C. in the academic year 2014-2015. The petitioner took admission in Modern College of Arts, Science and Commerce, Pune, for 11th standard in the faculty of science. Due to his grandfather's death he could not attend the oral examination and consequently could not clear 11th standard. The petitioner in the year 2016 took admission for 12th standard in Arts from the same college which he appeared externally and successfully completed 12th standard securing 380 marks out of 650 marks which aggregates 58.46%.

4. The petitioner appeared for higher education departments LL.B. five year course C.E.T. 2017 which was held on 20th May, 2017 and cleared the same by securing 61 marks out of 150. The petitioner was provisionally admitted to LL.B. 5 year course (Regular Full Time Integrated Course) for the academic year 2017-2018 with the Indian Law Society's Law College, Pune. The petitioner received the letter dated 10th August, 2017 informing him that his admission is cancelled. The

said cancellation is in view of the Rules of Legal Education, 2008 ('the rules of 2008' for short) made by the Bar Council of India in consultation with Universities and State Bar Councils in exercise of the powers of Advocates Act, 1961. According to respondents, he is ineligible for the Integrated Law Course. According to them, 11th standard mark-sheet is a compulsory document for all types of candidates as per the stipulated requirement.

5. The issue that arises in this Petition is squarely covered by the decision rendered by us in Writ Petition No. 11378 of 2016 following the decision of the Full Bench of the Madras High Court in **G.S. Jagadeesh vs. The Chairman in Writ Petition No. 32984 of 2016**. For the same reasons, the present Petition also deserves to be allowed.

6. The petitioner was granted admission in the session commencing from 2017-2018. Since the petitioner has wrongfully been denied admission, he shall be accommodated in the ensuing session of five year law course.

7. The Writ Petition is, thus, allowed.
8. The petitioner shall be admitted to five year law course by respondent No. 5 – College, if the petitioner is still interested in taking admission, subject to compliance with all requisite formalities for obtaining admission.
9. Rule is made absolute with no order as to costs.

(M.S. KARNIK, J.)

(S.C. DHARMADHIKARI, J.)