

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10992 OF 2019

VINOD RAVINDRA CHAVAN AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Savale Amit S.
AGP for Respondent No. 1 : Mrs. G. L. Deshapnde
Advocate for Respondents No. 2 to 4 :
Mr. Y. B. Bolkar
Advocate for Respondent No. 5 :
Mr. Rupesh Pande h/f. Mr. D. S. Bagul

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**CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE: 06th JANUARY, 2020

PER COURT:

1. Mr. Savale, learned counsel for the petitioners submits that the University has taken a decision under Resolution dated 25.05.2019 to lower the passing criteria from the academic year 2019-2020. The same ought to have been made applicable from the academic year 2018-2019. The learned counsel submits that even the Board of Studies has taken a decision on 26.07.2019 to extend the said benefit from the academic year 2018-2019. The learned counsel submits that

Dr. Babasaheb Ambedkar Marathwada University has taken decision on 30.07.2018 to lower the passing criteria from the academic year 2016-2017 with retrospective effect. The respondent / University also ought to have given retrospective effect to the Resolution passed by them of lowering the passing marks. According to the learned counsel, for Law students there would be discrimination amongst the students of Dr. Babasaheb Ambedkar Marathwada University and the respondent / University. All the law students throughout the country have to be treated equally.

2. Mr. Bolkar, learned counsel for the University submits that University has taken a policy decision to apply the criteria of lowering the passing marks from academic year 2019-2020. The decision has been taken on 09.08.2019. The same is also in consonance with the recommendation of the Board of Studies.

3. To provide a particular percentage of passing is within the domain of the policy decision of the

University. The experts in the said field take the decision. This Court would not substitute its wisdom over the wisdom of the experts, more particularly with regard to the date of applicability of the policy. The petitioners are seeking directions to apply the said policy retrospectively. The Resolution and the decision of the respondent does not state so. At the time when the petitioners appeared for examination, the rules in force are made applicable.

4. In light of the above, we are not inclined to entertain the petition.

5. Writ Petition stands disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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