

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 207 OF 2018

Shri Munna Kumar S/o. Ravindra Rai
Yadav, Aged about 28 years, Occu-
Student, R/o. Vankatesh Nagari,
Building No.D-9, Flat No.403,
Nagthana Road Sindhi Meghe,
District : Wardha (Mah)- 442001.

.... **PETITIONER.**

// VERSUS //

1. The Executive Council or Appellate Authority
of Mahatma Gandhi Antarrashtriya Hindi
Vishwavidyalaya, Gandhi Hills,
Wardha-442001.
2. The Registrar of Mahatma Gandhi Antarrashtriya
Hindi Vishwavidyalaya, Gandhi Hills,
Wardha-442001.
3. The Vice Chancellor of Mahatma Gandhi
Antarrashtriya Hindi Vishwavidyalaya,
Gandhi Hills, Wardha-442001.

.... **RESPONDENTS.**

Shri S.K.Sable, Advocate (Appointed) for Petitioner.
Shri A.C.Dharmadhikari, Advocate for Respondent Nos.1 to 3.

**CORAM : DIPANKAR DATTA, CJ AND
Z.A.HAQ J.**

DATED : NOVEMBER 04, 2020.

ORAL JUDGMENT : (Per : Dipankar Datta, CJ.)

1. Heard.

2. **RULE.** Rule made returnable forthwith.

3. The petitioner enrolled himself in the M. Phil. degree course of Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya, Gandhi Hills, Wardha-442001. It is claimed by the petitioner that he has completed and cleared all subjects pertaining to 1st and 2nd Semesters of the M.Phil course, Department of Computational Linguistic School of Language during the session 2015-16, except the subject of Java Programming. To obtain admission in 3rd Semester, the petitioner was required to successfully complete the previous semesters by clearing all the examinations. In view of his failure to clear the subject of Java Programming, the petitioner was denied admission in 3rd Semester.

4. We find that the petitioner, by his request letter dated 5th December, 2016, called upon the University to arrange for an examination on 5th December, 2016. Accepting his request, the University arranged for such examination. Unfortunately, the petitioner remained absent without any intimation. He thereafter addressed a letter dated 24th March, 2017 seeking permission to appear in the examination for the said Java Programming. Such request was not accepted, prompting the petitioner to present this writ petition before this Court on 8th January, 2018 seeking, *inter alia*, following relief:

“(1) Pass suitable writ or appropriate order and quash and set aside the impugned order of 31.05.2017 (Annexure no.B) passed by the respondent No.2 i.e. Registrar of Mahatma Gandhi Antarrshtriya Hindhi Vishwavidalaya, Wardha.

1(a) Quash and set aside the impugned order dated 13.11.2018 (Annexure no.AA) passed by the respondent No.1 i.e. Executive Council or Appellate Authority of Mahatma Gandhi Antarrshtriya Hindhi Vishwavidalaya, Wardha in the interest of justice.

2. Direct the respondent no.2 to permitted the petitioner to cleared the written exam of M-phil first years and further direct the respondents to permitted the petitioner to submit his research work as assign by the guide or complete his M-phil course 2015-2016.”

5. During the pendency of this writ petition, the petitioner had approached the Executive Council of the University with an appeal. By an order dated 13th November, 2018, the appeal was rejected.

6. The order of rejection has been made the subject matter of this writ petition by the petitioner, upon his prayer for amendment thereof being allowed by an order of a coordinate Bench of this Court.

7. In course of hearing today, Shri A.C. Dharmadhikari, learned Advocate for the University has brought to our notice the facts which we have noticed above.

8. Shri S.K. Sable, learned Advocate appearing for the petitioner has fairly conceded that the petitioner, not having cleared the subject of Java

Programming, is not entitled to be admitted as of right in 3rd Semester of the M.Phil course. However, he has made a prayer that the petitioner's case may be considered with compassion and the University may be directed to re-admit him in 1st Semester, so that he can pursue his dream of acquiring M.Phil degree.

9. The aforesaid submission is opposed by Shri Dharmadhikari. According to him, the petitioner did not maintain good conduct while pursuing study in the University and has even faced an enquiry. He has submitted that the matter of readmission must be left to the discretion of the University.

10. Having heard learned Advocates appearing for the parties, we are of the considered opinion that there is no warrant for interference in the impugned action of the University in not allowing the petitioner admission in 3rd Semester of the M.Phil course. According to the Rules of University, to which our attention has also been drawn by Shri Dharmadhikari, the petitioner has to qualify in all the subjects of 1st and 2nd Semesters as a pre-condition for admission in 3rd Semester.

11. We, therefore, do not propose to grant any of the relief claimed in this writ petition. However, keeping in mind that the petitioner is a student who wishes to pursue further studies, we hope and trust that if the

petitioner applies for re-admission, the University shall take a favourable view of the matter and re-admit him. However, his continuance of study in the University shall be subject to maintenance of good conduct by him at all times. We record the statement of Shri Sable on behalf of the petitioner that he shall maintain absolute good conduct during future course of studies and that the petitioner shall also abide by any disciplinary action taken against him if he misbehaves in the University campus.

12. Rule stands disposed of, accordingly. In the circumstances, the parties shall bear their own costs.

13. Fees of Shri S.K.Sable, Advocate, appointed to represent the petitioner, be quantified as per Rules.

(Z.A.HAQ, J.)

(CHIEF JUSTICE)

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