

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

**WRIT PETITION NO.3008/2020**

**Ku. Hema Sharad Sharma**

**...Versus...**

**Sant Gadge Baba, Amravati University, Amravati, through its Registrar, Amravati Tq.**  
**& Dist. Amravti and others**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders  
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Court's or Judge's orders

Shri N.A. Gawande, Advocate for petitioner  
Shri D.P. Thakare, Addl. G.P. for respondent no.2

**CORAM : SUNIL B. SHUKRE AND**  
**AVINASH G. GHAROTE, JJ.**

**DATE : 25/11/2020**

1. Heard Shri Gawande, learned Counsel for the petitioner and Shri Thakare, learned Additional Government Pleader, who appears by waiving notice for the respondent no.2.

2. After hearing the learned Counsel for the petitioner, we cannot help but say that this is a good case of the petitioner trying to take advantage of her own wrong.

3. In this case, the petitioner appeared at the final year examination of Bachelor of Commerce (B.Com.) degree

course in 2019 and before that the petitioner took the Common Entrance Test (CET) for admission to M.B.A. course. The result of the CET was declared on 31/03/2019 and it showed that the petitioner had cleared the test.

4. The petitioner was also admitted to respondent no.1 – University for M.B.A. course through Central Admission Process (CAP) round and started attending the College regularly w.e.f. 20/07/2019. However, four days later or to be precise on 24/07/2019, result of final year examination of B.Com, degree course was declared and unfortunately, the petitioner failed in one subject, which was English. It meant that the petitioner had failed in final year examination and unless the petitioner cleared her test in English course, the petitioner would not be eligible to obtain the qualification of B.Com. degree course.

5. From the above referred facts, it becomes clear that the petitioner herself has given admission that her admission taken in M.B.A. course about four days earlier was invalid and it was then open to the petitioner to have withdrawn herself from M.B.A. course and started concentrating upon the final examination for English subject. But the petitioner chose to apply for rechecking of her English paper on 26/07/2019 and the result of her rechecking application came out some time in August, 2019, as submitted by the learned Counsel for the petitioner. He also submits orally that

the result went against the petitioner, who appeared for B.Com. final winter examination, which she did on 04/12/2019. In the meanwhile, the petitioner continued to attend the M.B.A. classes.

6. The petitioner cleared the final year examination in English subject on 04/12/2019 and perhaps such clearance made the petitioner feel that she could obtain regularization of her otherwise invalid admission with retrospective effect.

7. Such an attempt on the part of the petitioner is not permissible in law. When a student secures admission to a course, the student is required to fulfill all the eligibility criteria on the date on which the admission is given and if some of the eligibility criteria are left out on that day and are fulfilled later on, such subsequent fulfillment of the remaining criteria cannot take any retrospective effect so as to regularize the initial admission of a student, which was invalid *ab initio*.

8. There is, thus, no merit in the petition. The writ petition stands dismissed. No costs.

**JUDGE**

**JUDGE**

Wadkar

**Shailendra  
Wadkar**

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Shailendra Wadkar  
Date: 2020.11.25  
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