

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) NO. 10944 OF 2021

Ms. Rachana Raghunath Karnik & Anr.	...Petitioners
V/s.	
University of Mumbai and Ors.	...Respondents

**WITH
WRIT PETITION NO. 1989 OF 2021**

Ms. Vijayta Sunil Shinde	...Petitioner
V/s.	
University of Mumbai and Ors.	...Respondents

**WITH
WRIT PETITION NO. 1995 OF 2021**

Mr. Surendra Anil Pawar	...Petitioner
V/s.	
University of Mumbai	...Respondent

Mr. Nikhil Wadekar a/w. Mr. Pradip M. Zende for the Petitioner in WP No.1989/2021.

Mr. Vijay Pradhan for the Petitioner in WP No.1995/2021.

Mr. Dr. Uday Warunjikar a/w. Mr. Sumit Kate for the Petitioners in WPST No.10944/2021.

Mr. Ashutosh Kulkarni for the Respondent in all Petitions.

Mr. Harjotsingh K. Alang, the Respondent No.6 in person in WPST No.10944/2021 present.

**CORAM : NITIN JAMDAR AND
C. V. BHADANG, JJ.**

**DATE : 3 JULY 2021
(Through Video Conferencing)**

JUDGMENT (PER C.V.BHADANG, J.)

. Rule. Rule made returnable forthwith. The learned Counsel for the Respondents waive service. Heard finally by consent of parties.

2. These Petitions involve challenge to the sixth round of online spot admission process to the LL.M Degree Course, held on 20 May 2021 conducted by the Respondent-University. As such they are being disposed of by this common judgment.

3. The Petitioners belong to the Open General Category and are desirous of seeking admission to the LL.M Degree Course in Law of Intellectual Property and Information Technology (Group III). There are six groups in which the LL.M. Course is offered by the Respondent-University, each having an intake capacity of 100 seats. It is undisputed that the Petitioners could not secure admission in the first five rounds. It is further undisputed that after the five rounds, there were in all 45 seats which were vacant. The Respondent-University had notified the vacancy position in

each of the groups including the Reserved Category seats. In so far as the Open General Category in Group-III is concerned, there were three seats available against which the Respondent Nos.5 to 7 (Writ Petition (St) No.10944/2021) have been granted admission, in the sixth round.

4. According to the Petitioners, there have been several irregularities in so far as the conduction of the sixth round of online admission process for the LL.M. Degree Course is concerned. The Petitioners are seeking quashing of the admission process and merit list as declared on 20 May 2021 and conduction of the fresh round of the admission process and are also seeking admission in the place of the Respondent-Students.

5. We have heard the learned Counsel for the parties. We have also heard Mr. Harjotsingh Alang, the Respondent No.6 in person. With the assistance of the learned Counsel for the parties, we have gone through the record. The parties have also filed the synopsis of their submissions.

6. It is contended by the learned Counsel for the Petitioners that as per the admission notice, a student was required to apply only for one group and applications for multiple groups were not permitted. It is contended that students who have given multiple options have been considered which was not permissible. It is

submitted that the students who had secured admission in the first five rounds were not eligible for the sixth round and some of the students who have secured admission in the first five rounds, were also considered in the sixth round. According to the Petitioners, there are eleven such students whose candidature has been considered in the sixth round.

7. It is submitted that spot admission process pre-supposes that the aspirant has to remain present on the spot, in the present case, virtually through the Google Meet App. However, the concerned Authorities were seen calling up the individual students asking them to Login in the spot admission process. The learned Counsel pointed out that even the University has accepted that there were certain “short listed candidates” who were individually called presumably on account of certain technical difficulties faced by the students while Logging in. It is submitted that the students were also allowed to change their group which is not permissible and even there were change of category effected in the revised merit list. It is contended that the revised merit list (on page No.37 of Writ Petition (St) No.10944/2021) is not the same merit list which is at page 63. It is contended that, had the Petitioners been put to notice, that candidature of even those students applying for multiple groups would be considered, the Petitioners would have applied for multiple groups. It is contended that thus there were improper

and inadequate disclosures made by the Respondent-University while inviting applications for the online spot admission process vide notice dated 15 May 2021. It is submitted that the notice dated 15 May 2021 is arbitrary and has resulted into less meritorious students than the Petitioners being admitted to the LL.M Degree Course.

8. The learned Counsel for the Respondent-University submitted that three students namely Ms. Arohi Thatte, Ms. Chetna Agarwal, Mr. Harjot Singh Alang have secured 84 marks in the Common Entrance Test (CET) and they were admitted against three Open General seats available in Group-III. It is submitted that all these students are more meritorious than the Petitioners who had secured lesser marks in the CET. It is thus submitted that merit has not been compromised in giving admission as claimed. It is submitted that the sixth round was conducted only in order to ensure that the 45 seats which were vacant could be filled in by meritorious students and some of the students who were facing technical difficulties while logging in the Google Meet were accordingly informed. It is submitted that none of the aforesaid students who have been admitted in Open General Category in Group-III had applied for multiple groups nor any of them had secured admission in the first five rounds. Thus, it is submitted that the contention of the Petitioners in so far as students applying for multiple groups and those students

who had secured admission in the first five rounds being again considered in the sixth round, cannot be accepted. It is submitted that in so far as the students adjusted against reserved category is concerned, the vertical reservation has not been compromised in any manner and only in respect of these vacant seats, students from other reserved categories (from the horizontal reservation) such as EWS, Orphans and Divyang were admitted purely based on permissible interchangeability and merits.

9. We have carefully considered the rival contentions and the submissions made.

10. At the outset, it is necessary to note that we propose to examine the challenge qua the claim of the Petitioners, namely in so far as the admission granted to the Respondent-students from the Open General Category in Group-III is concerned, in as much as the Petitioners had applied for the said group and could be considered for admission accordingly. In our view, it is not possible to enlarge the scope of the Petitions in the nature of a PIL, to examine the entire admission process. Even otherwise the entire admission process in the sixth round, cannot be examined as that would affect 45 students, admitted in the said round, none of whom, except Respondent Nos. 4 to 7 (Writ Petition No. 10944 of 2021) are before us. In the other two Petitions, there

are no private Respondents. Thus, we propose to confine to the claim of the Petitioners for admission in Open General Category seat in Group-III in the sixth round of admission process.

11. As noticed earlier, all the Petitioners belong to Open General Category. The Petitioners had failed to secure admission in the first five rounds. It is undisputed that the Petitioners had applied only for the Law of Intellectual Property and Information Technology (Group-III). The marks secured by the Petitioners in the CET are - Ms. Rachana Karnik – 82/100, Ms. Vijayta Shinde – 78/100, Mr. Saini – 76/100 and Mr. Surendra Pawar – 74/100. It is undisputed that there were three vacant seats at the end of the fifth round in the Open General Category in Group-III in which Ms. Arohi Thatte, Ms. Chetna Agarwal, Mr. Harjot Singh Alang have been admitted and all of them have secured 84 marks in the CET. None of these candidates had applied for multiple groups. None of them belong to the reserved category. These three students were virtually present in the Google Meet held on 20 May 2021. Thus in our view the contention that there is an irregularity in admission process or that the students less meritorious than the Petitioners have been admitted in breach of the terms of the admission notice dated 15 May 2021 cannot be accepted.

12. It was contended on behalf of Petitioners in Writ Petition

(ST) No.10944/2021 that the fifth round was conducted till 6 April 2021 and till that time no lectures were conducted. It was contended that the University has declared the examination for those students admitted in the first five rounds from 1 June 2021 which is contrary to the teaching standards and would compromise the quality of education. We are afraid the said contention cannot be considered at the instance of the Petitioners in as much as the Petitions involve challenge to the sixth round. Thus, the said contention cannot be accepted. In the result, the Petitions are without any merit and are accordingly dismissed.

(C. V. BHADANG, J.)

(NITIN JAMDAR, J.)