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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4727 OF 2021

Arunkumar R. Bhandral

...Petitioner

V/s.

Registrar, University of Mumbai & Ors.

...Respondents

Mr.Sankalpa Rajpurohit for the Petitioner.

Mr.Akshay Shinde for the Respondent Nos.1 and 2.

Ms.Smita Gaidhani for the Respondent No.3.

**CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.**

**DATE : 8TH SEPTEMBER, 2021.
(THROUGH VIDEO CONFERENCE)**

P.C. :-

1. Rule. Learned counsel appearing for the respondent nos.1 and 2 waives service. Learned counsel appearing for the respondent no.3 waives service.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks direction against the respondent nos.1 and 2 to forthwith declare the result of the petitioner of 6th semester of the third year LL.B. decree course May, 2016 exam and for quashing and setting aside the letter dated 20th December, 2016 issued by the respondent no.1 communicating that due to delay in

communicating the marks of the petitioner by the respondent no.3, the respondent no.1 has rejected the request to consider the practical marks of five students including the petitioner's under Rule 4439 of the University of Mumbai.

3. It is the case of the petitioner that the petitioner had appeared for 6th semester of the third year LL.B. decree course May, 2016 Exam and declared passed in 3 out of 4 theory subjects and one of practical subjects namely mentioned as paper no.5 in the university gazette.

4. The petitioner thereafter appeared for the examination and the mark sheet was issued by the University including practical in one paper in which he has failed.

5. The petitioner was declared thereafter passed subsequent to the mark sheet issued on 9th June, 2017.

6. The petitioner approached the respondent no.3 for issuance of mark sheet and was informed by the respondent no.3 that the marks or practical has been sent to the University and the University would issue the mark sheet.

7. The petitioner has thereafter kept following with the respondent nos.1 and 3 vide communications dated 15th November, 2016 and 20th December, 2016 for issuance of the mark sheet of 6th semester of the third year LL.B. decree course May, 2016 exam. By

the impugned communication dated 20th December, 2016, the respondent no.1 informed to the petitioner that due to delay in communicating the marks of the petitioner after declaration of the result, has rejected the request to consider the practical marks of five students including the petitioner's mark under Rule 4439.

8. Being aggrieved by the impugned communication and non-declaration of withholding the decision of the petitioner of 6th semester of the third year LL.B. decree course May, 2016 Exam by accepting the practical mark of the petitioner, the present petition has been filed.

9. Learned counsel for the petitioner has referred to and relied upon the order dated 26th July, 2019 passed by the Division Bench of this Court in Writ Petition No.5449 of 2017 in case of **Priscilla Rebecca Rodrigues vs. Registrar, University of Mumbai & Ors.** He submitted that the petitioner had cleared the practical – I and the theory paper. He has submitted that the Division Bench of this Court had accepted the statement made by the learned counsel holding that the University declare the result of the petitioner therein for the first year, second and third semester examination forthwith. He has also relied upon the decision of the Division Bench of this Court in case of Writ Petition (Stamp) No.5226 of 2020 in case of **Anil Maroti Vathode vs. University of Mumbai &**

Ors. decided on 21st December, 2020. This Court had held that the issue arisen in this case is squarely covered by the judgment and order dated 26th July, 2019. In the facts of this case, the facts were similar in that matter.

10. Learned counsel for the University has submitted that the respondent no.3 college has forwarded the mark sheet of the petitioner including the practical marks and that the respondent no.1 University will declare the result of the petitioner of 6th semester of the third year LL.B. decree course May, 2016 exam within two weeks from today. Statement is accepted.

11. In view of the statement made by the learned counsel for the respondent no.1 University, the University shall issue the mark sheet for the 6th semester of the third year LL.B. decree course May, 2016 Exam within a period of two weeks from today.

12. The writ petition is accordingly disposed of. Rule is made absolute. There shall be no order as to costs.

(R.I. CHAGLA, J.)

(R.D. DHANUKA, J.)