

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

BASAVRAJ
GURAPPA
PATIL

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BASAVRAJ GURAPPA
PATIL

Date: 2021.10.22
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WRIT PETITION NO.1627/2018

Jash Bharat Shah

..... Petitioner

Vs.

University of Mumbai & Anr.

..... Respondents

Mr. Siddhsen Borulkar I/b. Mr. Sainand Chaugule for the
Petitioner

Mr. Rui A. Rodrigues for Respondent No.1.

Ms. Varsha Bhogle I/b. Ms. Deshmukh Bhogle Legal
Associates for Respondent No.2.

**CORAM: R.D.DHANUKA &
ABHAY AHUJA, JJ.**

DATED : OCTOBER 20, 2021

P.C.

1 Rule.

The learned counsel for the Respondents waive
service.

By consent of the parties, the matter is taken up for
final disposal.

2 The learned counsel for the Petitioner submits that
the Petitioner does not press for the alternate prayer of
damages. The statement is accepted.

3 Leave to amend is granted to carry out amendment in
prayer clause (aii). Amendment to be carried out forthwith.
Re-verification is dispensed with.

4 By this petition under Article 226 of the Constitution of India, the Petitioner has prayed for an order of direction against the Respondents to consider the Petitioner as eligible for the Bachelor of Arts Course and to allow the Petitioner to complete the course.

5 It is the case of Respondent No.2 that the Petitioner was granted provisional admission for the Bachelor of Arts Course on 27.07.2015. Respondent No.1 informed the Respondent No.2 on 12.12.2016 that the Petitioner was not eligible for the said course as per Circular No.Elg./C/1652 of 2014 as the Petitioner did not get 24 points in the HSC. Accordingly, Respondent No.2, vide letter dated 13.02.2017 informed the Petitioner that the Petitioner was not eligible for the said course. The Petitioner, thus, filed this petition.

6 Our attention is invited to Exhibit-B dated 05.07.2015 issued by the Director General – Geneva of International Baccalaureate showing that the Petitioner had secured 20 grades / points as against 24 grades / points required as eligibility criteria for getting admission in the said course.

7 The Petitioner has filed additional affidavit on 28.09.2021 stating that the final mark sheet was also submitted to Respondent No.2 in October 2015. The Petitioner re-appeared for 12th standard IB Board Exam through Podar International School for the academic year 2017-2018 as a matter of abundant caution and secured 24 grades/points. A copy of the document dated 07.02.2019 is annexed to the additional affidavit dated 07.02.2019 at page 76 to the petition.

8 In view of the additional information provided by the Petitioner in the affidavit, we direct the Petitioner to produce the originals of these documents before Respondent No.2 within one week from today.

9 Respondent No.2 to verify those documents and to take appropriate decision as to whether the Petitioner has complied with the eligibility criteria to get admission in the said course within two weeks and inform the Bombay University for appropriate decision.

10 The Bombay University, within a two weeks thereafter from the date of receipt of the information from Respondent No.2, shall grant eligibility certificate and inform the Petitioner accordingly.

11 Ad-interim relief granted by this court on 27.02.2018 to continue till Respondent No.2 takes appropriate decision as directed in the earlier paragraphs of this order, followed by the decision taken by the Bombay University.

12 The Writ Petition stands disposed of in the aforesaid terms.

13 Rule is made absolute accordingly.

14 Parties to act on an authenticated copy of this order.

(ABHAY AHUJA, J.)

(R.D.DHANUKA, J.)