

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1042 WRIT PETITION NO. 1687 OF 2022

JAYSHRI VILAS KAKDE
VERSUS
LATE PANDHARINATH PATIL INSTITUTE OF MANAGEMENT STUDIES
AND INFORMATION TECHNOLOGY AND OTHERS

...
Advocate for Petitioner : Mr. D.J. Choudhary
Advocate for Respondent No. 1 : Mr. A.G. Choudhari
Advocate for Respondent Nos. 2 & 3 : Mr. S.S. Thombre

...
WITH

WRIT PETITION NO. 1656 OF 2022

NIKHIL SANJAY ARMAL
VERSUS
LATE PANDHARINATH PATIL INSTITUTE OF MANAGEMENT STUDIES
AND INFORMATION TECHNOLOGY AND OTHERS

...
Advocate for Petitioner : Mr. D.J. Choudhary
Advocate for Respondent No. 1 : Mr. A.G. Choudhari
Advocate for Respondent Nos. 2 & 3 : Mr. S.S. Thombre

...
CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 17th FEBRUARY, 2022

PER COURT :-

1. We have heard learned counsel for the petitioners and learned Advocates for the respondents.
2. The petitioner - Jayshri (in Writ Petition No. 1687 of 2022) was admitted for the first semester of first year M.Sc. Computer Science Course and the petitioner- Nikhil (in Writ Petition No.1656 of 2022) was admitted for fourth semester of second year B.Sc. Computer Science by the respondent – College.

3. The petitioner - Jayshri passed her 1st semester on 15-01-20221. She prepared for 2nd semester of 1st year of M.Sc. Science Course. The petitioner – Nikhil passed his 4th Semester and prepared for third year of B.Sc. Computer Science Course. The petitioners in respective petitions deposited the semesters fees as well as examination fees with respondent No. 1 on or about 14-06-2021. *Online* forms were issued to the candidates. The petitioners appeared for the examination on the basis of PRN numbers and password allotted to them by the College. The results were declared, however, result of the present petitioners are withheld.

4. It appears from the submissions of the learned Advocate for the petitioners and respondents that respondent-College did not deposit the examination fees of the petitioners with respondent-University. The said fact, it appears, is also admitted by the College. The same can be gathered from the communication dated 11-02-2022 made to the University (Page No. 69 and 63 in respective petitions)

5. From the record it does appear that the petitioners are not at fault. The entire fault lies with the College for not depositing the fees of the petitioners. It appears to be gross negligence on the part of the College. We cannot comprehend such lethargy and negligence on the part of the respondent-College affecting the career of the students. The University certainly could not have been blamed, as examination fees is not be received by the University. However, considering the fact that the petitioners are not at fault, the petitioners have completed term of 2nd and 4th semesters respectively, have paid examination fees and appeared for examination, it would be inappropriate and inequitable to withhold the result of the petitioners' examination.

6. Considering the above, we direct the respondent-University to

declare the results of the petitioner - Jayshri of 2nd Semester of 1st year M.Sc. Computer Science examination and Petitioner – Nikhil of 4th Semester of 2nd year of B.Sc. Computer Science Examination. The College shall deposit fees of the petitioners along with late fees with the University. Respondent No.1-College is further mulct with costs of Rs. 25,000/- for negligence and lethargy on its part. The said amount shall be paid to the Government Cancer Hospital, Aurangabad within a period of four weeks from today and thereafter receipt of the same shall be deposited with the University. The respondent -University shall declare the results of the petitioners immediately.

7. Needless to state that further consequence shall follow in tune with the result declared.

8. Writ petitions are disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

mtk