

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

WRIT PETITION NO. 12824 OF 2022

Vaibhav Dipak Samarth

..... Petitioner

Vs.

Savitribai Phule Pune University
& Ors.

..... Respondents

Mr. Piyush Pande for the Petitioner

Mr.Suraj Chaudhari i/b Mr.Ganesh Inamdar and Mr.Siddhant
Kusalkar for Respondent nos.2 and 3

Mr.Rajendra Ambhule for Respondent no.1

**CORAM: S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATED : NOVEMBER 09, 2022

P.C.

1 The learned Counsel for the Petitioner strenuously contends that without any fault of the Petitioner and because of the fault of the Respondent College and the University, the Petitioner is not allowed to appear and keep terms for the 5th Semester. The Online Portal showed that the Petitioner has backlog of four subjects of the 2nd Semester whereas when the Petitioner obtained hard copy of the mark sheet only one subject is shown as backlog. The Petitioner was not given any opportunity to reappear for the examination of the backlog subject of 2nd Semester. If the Petitioner would have been

given opportunity to appear for the backlog subject, the Petitioner would have cleared the said subject and the Petitioner would be entitled for admission to the 5th Semester.

2 The Petitioner has repeatedly requested the Respondents to consider the plight of the Petitioner but to no avail. The Respondents turned blind eye to the same. According to the learned Counsel, the year of the Petitioner would be lost because of the default of the Respondents.

3 The learned Counsel for the University submits that the Petitioner on 02.09.2022 was intimated about not clearing one subject of 2nd Semester and not earning all 44 credits of 1st year.

4 The learned Counsel for the College submits that the Petitioner did not approach the College authorities.

5 We would certainly have sympathy for the Petitioner but at the same time, we cannot bypass the rules operating in the field. The student can register for the 5th Semester if he earns minimum 50 credits of the total of 3rd and 4th Semester and all credits of 2nd Semester. The Petitioner is required to obtain 44 credits of 1st

Semester and 2nd Semester which admittedly the Petitioner has not obtained. The Petitioner has obtained only 40 credits. Passing any orders directing the Respondents to consider the Petitioner for 5th Semester without earning minimum credits for 1st and 2nd Semester would be against the rules. The same may not be permissible. However, the Petitioner shall be permitted to appear for the examination for the backlog of 2nd Semester in the next examination that would take place and after clearing the same and obtaining necessary minimum credits, shall be considered for admission for 3rd year as per rules.

6 With these observations, Writ Petition is disposed of.

(S.G.DIGE,J.)

(S.V.GANGAPURWALA, J.)