

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2184/2022

(AKSHAY DADARAO RAIBOLE **VERSUS** SHRI NATHMAL GOYANKA VIDHI MAHAVIDYALAYA, AKOLA & ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mrs. A.S. Mishrikotkar with Shri PK. Bezalwar, counsel for the petitioner.
Shri V.M. and R.M. Deshpande, counsel for the R-1.
Shri J.B. Kasat, counsel for the R-2.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : JUNE 13, 2022.

The petitioner is pursuing three year LL.B. course at the respondent no.1- College. According to the petitioner despite having appeared at the 5th Semester examination that was conducted in the third year, the results have not been declared and the petitioner had not been permitted to appear for the 6th Semester examination.

It is the case of the petitioner that in the first Semester, he had failed to clear the examination in the subject – Law of Contract. After re-assessment of the marks on 05.09.2020, the petitioner was declared to have passed in that subject. According to the petitioner, since the re-assessment mark-sheet indicating the petitioner's attempt in the subject – Law of Contract in the 1st Semester was received on 26.02.2022, no steps could be taken earlier. As the petitioner appeared for the 5th Semester examination in Winter-2021 and the results were not declared, the petitioner has approached this Court.

The respondent no.1 in its reply has stated that the petitioner did not seek admission at its College in the third year of the three year LL.B. course as a result of which his name was not included in the list of students who were eligible to appear in the 5th Semester examination. It has been further stated that the petitioner did not pay any admission fees for the Academic Year 2021-22 and it is only in February-2022 that the petitioner approached the College for collecting the result of his examination in the subject of Law of Contract - 1st Semester.

Heard.

We find from the record that there is no document to indicate the petitioner's admission in the 3rd year of the three year LL.B. course at the respondent no.1-College. Moreover, the petitioner could have appeared in the 5th Semester only on being eligible and it is only on 26.02.2022 that the petitioner submitted the re-assessment mark-sheet to indicate that he had passed the 1st Semester examination. It is also seen that the Examination Committee considered the matter and has opined that since the petitioner was not regularly admitted in the 3rd year in the Academic Session 2021-22, his results for the 5th Semester examination cannot be declared. We find that the Examination Committee has considered the relevant records and it has not been demonstrated that the petitioner had indeed taken admission in the 3rd year of the three year LL.B. course for appearing in the 5th Semester examination. The petitioner has been found to be ineligible for taking admission in the 3rd year of the LL.B. course. It has not been shown that the petitioner paid tuition fees for the Academic Year 2021-22. We therefore do not find any illegality in the action of the University in not declaring the result of the petitioner. It would be open for the petitioner to pursue the 3rd year course (Semester 5 and 6) in accordance with the prevailing Rules.

The writ petition is dismissed with with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE