



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

Writ Petition No.7886 of 2023

Swapnil Mukund Agrawal,
Aged 39 years,
Occupation – Chartered Account,
R/o 201, Krishnakunj Apartments,
Plot No.10-C, Nawab Layout,
Tilak Nagar, Nagpur-440010.

... Petitioner

Versus

Gondwana University,
Gadchiroli, through its Registrar,
Complex Campus, M.I.D.C. Road,
Gadchiroli, Dist. Gadchiroli-442605.

... Respondent

Shri B.G. Kulkarni, Counsel for Petitioner.

Shri S.S. Ghate, Counsel for Respondent.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 21st DECEMBER, 2023.

ORAL JUDGMENT (PER NITIN W. SAMBRE, J.) :

1. Rule. Rule made returnable forthwith.
2. We have heard Shri B.G. Kulkarni, learned counsel for the petitioner, and Shri S.S. Ghate, learned counsel, to whom we have directed to waive notice on behalf of the respondent-University.
3. The challenge in this petition is to the communication dated 10-3-2023, wherein the petitioner, who is already holding the qualification of Chartered

Accountant, has been informed that he has not secured the minimum 55% marks at the post-graduate level.

3. Shri Kulkarni, learned counsel for the petitioner, would invite our attention to the documents, i.e. the certificate of final examination issued by the Institute of Chartered Accounts of India, the certificate of membership, etc. According to him, the said documents are considered by the respondent-University and the weightage is not given to the petitioner in the backdrop of the Ph.D. Ordinance framed by the University. The fact remains that the impugned communication only speaks of the rejection of the prayer of the petitioner on the ground that the petitioner has secured less than 55% marks at the post-graduate level. The legal basis on which the petitioner is seeking registration for the Ph.D. is that of the fellow member of the Institute of Chartered Accountants.

4. In the aforesaid background, we are of the view that the respondent-University ought to have considered the candidature of the petitioner from the said category, i.e. the fellow member of the Institute of Chartered Accountants having professional experience of five years to which we do not find any reference in the impugned order.

5. As such, we deem it appropriate to partly allow the present petition by quashing the impugned communication dated 10-3-2023 with a direction to the respondent-University to consider the candidature of the petitioner based on the last category of Clause 5 of Ordinance No.55 of 2017. We expect the respondent-University to pass a reasoned order in the event the application of

the petitioner for registration for Ph.D. is not to be granted. The entire exercise be completed by the respondent-University within a period of three months from the date of production of the copy of this judgment.

6. Rule is made absolute in the aforesaid terms. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)