



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 13335/ 2024

Mandeepsingh Karansingh Lodwal
Age : 48 yrs, Occu : Professional,
R/o, Plot No.19, Sant Eknath Housing
Society,Behind Sai Mandir,
Opposite Akashwani,
Aurangabad

...Petitioner

Versus

1. The State of Maharashtra
Through Its Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai-32
2. Dr.Babasaheb Ambedkar Marathwada
University Aurangabad
through its Registrar,
University Campus, Aurangabad-431004
3. Principal
Late MLC Vasantaoji Kale Law College
Office At : 3rd Floor Saniya Chamber
Near Seven Hill over Bridge, Jalna Road
Aurangabad (M.S)
4. Chief of Examination Center
BAMU Law Examination Center
for April-May 2024 session at
MP Law College,Aurangabad
Through Principal
MP Law College
Aurangabad.

...Respondents

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Petitioner : Party in person.

AGP for the Respondent No.1/State : Ms. S.P. Joshi

Advocate for Respondent No.2 : Mr. S.S.Tope

Advocate for Respondent No.3 : Mr. Chandrakant A.Jadhav

Advocate for Respondent No.4 : Mr.A.C.Deshpande

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**CORAM : S.G.MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 13 DECEMBER 2024

PER COURT:

. Heard petitioner/party in person, learned AGP Mr Joshi for respondent no 1, learned advocate Mr Tope for respondent no.2, Mr. Jadhav for respondent no.3 and Mr. Deshpande for respondent no.4 respectively. Considering the exigency by consent we heard the matter finally.

2 Petitioner is seeking direction for conducting the examination of the Criminal Procedure Code (in short 'Cr.P.C') of the third year of LL.B.(pattern 2013) or to admit him to a new course of LL.B for remaining papers and to declare the result.

3. The petitioner is a student of respondent no.3/College for LL.B old pattern of 2013. It was his last chance since the pattern 2013 was

to be closed thereafter. He was appearing for an examination conducted by respondent no.2/University for the third year of LL.B commencing from 16.05.2024. However, no hall ticket was issued to him. Petitioner tender on record a few documents comprising photocopies of whatsapp interaction with respondent no.3/college, by letter dated 15.05.2024. He submits that since 27.03.2024 he had been persuading the respondent no.3/college about submitting the examination form. He received a message on 5.4.2024 from the college that his form was filled up.

4. After waiting for a hall ticket, a day before the examination on 15.05.2024, he interacted with the college. He was told to collect the hall ticket from college. However, no hall ticket was given to him. The college assured him to arrange for a hall ticket from respondent No. 2 in time. He even approached the concerned department of the University for the hall ticket, but he was not entertained. Respondent No.3 informed him that he would get the hall ticket on examination centre. He went to the examination centre on 16.05.2024. But he didn't receive the hall ticket. He contends that despite no fault

on his part he was not permitted to appear for the paper on 16.05.2024. The respondents did not give any reply to his correspondence. He was shown to be unsuccessful for the third year. Even, the principal of the college also made correspondence with the Director of the Board of Examination of the University. Hence he is praying for making necessary arrangements to enable him to appear for the examination.

5. The petitioner further submits that as per the resolution of the board of examination passed on 16.11.2024 he was not permitted to appear for further examination of pattern 2013. Petitioner submits that his fundamental right under Article 21 of the Constitution of India has been violated. The Principles of Natural Justice and the fundamental right of education have been violated. He was denied a fair opportunity of hearing. The action of the respondents is arbitrary and discriminatory causing irreparable loss to him.

6. Learned Counsel for the respondent/University Mr. Tope tenders on record compilation of documents in support of his case.

7. Learned Counsel Mr. Tope appearing for the contesting party adverted our attention to the compilation tendered on record. As per the schedule for the concerned examination, the last date for students to submit the examination form to the college was 10.02.2024. Thereafter on the late fee, it was up to 20.02.2024. The last date for the colleges to forward the examination form was 15.02.2024. The last date for submitting the examination form with late fees was 24.02.2024. The University did not receive the examination form of the petitioner through the college before the cut off date. Surprisingly on 15.05.2024, a day before the examination respondent no.3/principal addressed a letter to the University for accepting the examination form with late fees. On 16.05.2024 late fee was accepted and every attempt was made to issue the hall ticket. On that day the paper was scheduled at 10.00 a.m. The hall ticket was generated and sent to the examination centre and subsequently, it was handed over to the petitioner. Learned Counsel vehemently submits that the petitioner and his college /respondent no.3 did not follow the timeline and no fault can be attributable to the University or its department. From 17.05.2024 onwards a petitioner was permitted to

appear for the examination which demonstrates bonafides of the university.

8. He would further submit that LL.B. three years course (pattern 2013) was discontinued long back. The decision to that effect was already taken by the Bar Council of India and the University Grants Commission. The students of the old syllabus were permitted to appear for the examination conducted in 2022-23 and 2023-24 as a last chance as per the BCI/UGC Covid-19 protocol. In the meeting of the Board of Studies held on 21.12.2021, the resolution was passed that the students of the old syllabus were permitted to carry on the course from 2021-2024 as a last chance. In consonance with the resolutions, it was not possible to hold the examination of the old pattern. He would further advert our attention to a letter dated 02.09.2024, addressed by the Deputy Registrar to various affiliated colleges to buttress that the old syllabus of 2013 was revised by 2018-19 CBCS pattern syllabus and the further relaxation would not be in consonance with the BCI rules.

9. Lastly our attention is invited to the attempts made by the petitioner for completing LL.B. He would submit that there is a limit of six years for completing the course. He further submits that it is open for the petitioner to appear for the fresh course through the central entrance test for the first year of LL.B.

10. Mr Jadhav appearing for respondent no.3/college submits that the petitioner approached the college on 15.05.2024 for the first time to submit the examination form. The correspondence of the whatsapp referred to above by the petitioner is flatly denied. It is submitted that the last dates for submitting the examination form are flexible and therefore every attempt was made by the college to secure the hall ticket. He would submit that the college is not at fault and on the contrary, all cooperation and support was extended to the petitioner.

11. The schedule for submitting the examination form by the student to the college and by the college to the University was binding on all parties.

12. The cut off dates for submitting examination forms are not disputed. The students were to submit the examination form with late fees by 20.02.2024. The college was to forward the examination with late fees by 24.02.2024. The University for the first time received the application of the principal of the college seeking issuance of a hall ticket for the petitioner on 15.05.2024, a day prior to his paper. No endeavour was made either by the petitioner or respondent no.3/college to submit the examination form within time. Despite that, the university accepted the form on 16.05.2024, generated a hall ticket, and served it on the petitioner. We do not find that there are any lapses or mistakes on the part of the respondent/University or its departments. It was the sympathetic approach of the University due to which the petitioner could appear for the remaining papers.

13. The contention of the petitioner that on 27.03.2024 and 05.04.2024 he approached the college and interacted on WhatsApp are disputed by respondent no.3/college. The photocopies of chat on whatsapp cannot be relied on. The college came up with the case that on 15.05.2024 for the first time petitioner approached the college.

We find that the petitioner as well as respondent no.3/college are casual in their approach. The endorsement shown by the petitioner on the photocopy of the application dated 15.05.2024 would be of little help to him.

14. The grievance of the petitioner that there was misrepresentation by the principal of the college. Nobody was present on behalf of the college at the examination centre the on 16.05.2024. It is a dispute between the petitioner and the respondent/college. We do not find that the respondent/University is responsible for not making available a hall tickets to the petitioner prior to 16.05.2024.

15. Alternatively, it is contended by the petitioner that he may be permitted to appear for examination commencing from 17.12.2024. The old syllabus of LL.B (pattern 2013) is closed. No examination of the said syllabus is permitted to be conducted. BCI and UGC have collectively taken the decision and a resolution to that effect was passed on 21.12.2021 by the Board of Studies. The affiliated colleges

were instructed not to admit old syllabus students after 2023-24.

16. It is relevant to reproduce the instructions issued by the university to all the affiliated colleges vide letter dated 02.09.2024.

The relevant portion is as follows :

1. In the above referred issue the old syllabus 2013 was replaced by 2018-2019 CBCS Pattern Syllabus.
2. The students were given last chance to complete the course till 2021, however due to COVID-19 period further relaxation till the academic year 2023-2024 was given to students of old pattern with specific direction that after 2023-2024 no students to be admitted to this old pattern course.
3. If further relaxation is given it would not be in consonance with BCI Rules.

17. It cannot be overlooked that the petitioner was undergoing his under-graduation since 2015-16. Following are the attempts made by him which are not disputed.

Statement showing the details of Examinations

Sr. No.	Class	Year	Result
1	LL.B I Sem	October-2015	Absent in one paper
2	LL.B I Year	March-2016	Passed II Division
3	LLB II year	March-2017	Passed II Division
4	LLB III year	April-2018	Absent in all Theory Paper
5	LLB III year	Nov/Dec-2018	Absent in all Theory Paper
6	LLB III year	April-2019	Absent in all Theory Paper
7	LLB III year	Oct-Nov-2022	Absent in all Theory Paper
8	LLB III year	April/May-2024	Absent in all Theory Paper

18. The reliance placed on the ordinance 99 by the petitioner is

misplaced. It cannot be made applicable to the present case.

19. In pursuance of the decision by the higher authorities, the university is justified in not permitting students like the petitioner to appear for the examination of unsuccessful subjects in future. The documents filed by the learned counsel Mr. Tope can be relied upon.

20. Learned Counsel representing the University is justified in contending that no exception can be made to the policy decision of various departments of the University, BCI, and UGC. We find merit in his submission. The only course available to the petitioner is to appear for the entrance examination for the first year of LL.B. course.

21. We do not find that the fundamental right of the petitioner, principles of equity have been violated and arbitrariness in the decisions of the University. The petitioner is guilty of lapses and casualness.

22. We find no merit in the petition. Hence Writ Petition is dismissed.

[SHAILESH P. BRAHME, J.]

[S.G.MEHARE]

vsj...