

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

WRIT PETITION NO.6576 OF 2024

Aryan Ashish Patil,	]	
R/at Stanza Living, Gokhale Nagar, Pune	]	.. Petitioner
<i>Versus</i>		
1. The State of Maharashtra,	]	
Through the Education Department	]	
2. The Collector of Examinations,	]	
Savitribai Phule University, Pune	]	
3. The Director,	]	
Board of Examinations and Evaluation	]	
Department, Savitribai Phule University, Pune	]	
4. The Marathawada Mitra Mandal's	]	
Shankarrao Chavan Law College,	]	
Deccan Gymkhana, Pune.	]	.. Respondents

Mr. Sanjiv Sawant with Ms. Bhakti Vatsa, i/by Mr. Samir Suryawanshi,
Advocates for the Petitioner.

Mr. N.C. Walimbe, Additional Government Pleader, with Mr. S.P Kamble,
Assistant Government Pleader, for Respondent No.1-State of Maharashtra.

Mr. Rajendra Anbhule, Advocate for Respondent Nos.2 and 3.

Mr. Sachin D. Kadam, Advocate for Respondent No.4.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 22ND JULY, 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. The petitioner is pursuing the LL.B. Course and is presently in the

5th Year of the same. The 8th Semester Examination was to be held in May 2024. As per Schedule of Examinations of the Savitribai Phule University, the examination forms were required to be submitted between 7th March 2024 to 18th March 2024. Along with late fees, the examination forms were to be submitted between 19th March 2024 to 26th March 2024, 2nd April 2024 to 3rd April 2024 and 26th April 2024 to 28th April 2024. The last date thus was 28th April 2024 with late fees. It is the case of the petitioner that on 26th April 2024, he lost his great grand-mother and hence was required to attend her funeral at Amravati. For that reason, the petitioner could not submit the examination form with late fees by the last date and therefore the petitioner filed the present writ petition.

3. Pursuant to the interim order dated 3rd May 2024, the petitioner was permitted to submit the examination form considering the reason assigned by him for not being able to do so. Accordingly, the petitioner has submitted his examination form and has thereafter appeared for the examination. The petitioner submits that the results of the said examination have been declared. The petitioner therefore prays for declaration of his results for the 8th Semester.

4. We have heard the learned counsel for the parties and we have also perused the affidavit-in-reply filed on behalf of the respondent no.2- Savitribai Phule University, Pune. On 3rd May 2024, the University issued

an e-mail to the 4th respondent-College seeking information as regards the petitioner's attendance. The college on 6th May 2024 informed the University that as per its record, the petitioner's actual attendance was 77%. The University does not dispute this information submitted by the College. The issue ought to have rested at that. However, the learned counsel for the University submits that from the pleadings made by the petitioner in the writ petition, it appears that the petitioner has not satisfied the attendance criteria. We are not inclined to undertake this exercise of finding out whether the petitioner actually completed his required attendance. Once the University accepted the stand of the College, nothing further was required to be done.

5. The learned counsel for the University submits that though there was substantial time to submit the examination form, even online, the petitioner was negligent in doing so. It is true that the examination forms could be submitted till 28th April 2024 along with late fees. However, as stated above, on account of the demise of his great grand-mother on 26th April 2024, the petitioner failed to do so. We therefore find that the petitioner lost the opportunity of submitting the examination form with late fees for a justifiable reason.

6. Considering the fact that the petitioner was eligible to appear for the 8th Semester Examination, it is directed that the result of the petitioner

shall be declared subject to the petitioner paying the requisite late fees in accordance with the Schedule published by the University. On aforesaid compliance, the result of the petitioner for the 8th Semester Examination LL.B. Course shall be declared.

7. Rule is made absolute in the above terms. No order as to costs.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]