

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

WRIT PETITION NO.7994 OF 2024

Nishigandha Deepak Patil

.. Petitioner

vs.

Shree Indrapal Baburao

Chaugule Law College & Ors.

.. Respondents

Mr. Sangharsh for the Petitioner.

Mr. Adi Rusi Jijina with Jayesh Minde with Akshay Shinde for Respondent No.1.

Dr. Gayatri Sanjay Patil, Principal of Respondent No.1 present.

**CORAM: Kamal Khata &
Shyam C. Chandak, JJ.
(Vacation Court)**

DATE : 3rd JUNE 2024

P. C.:-

1) Heard Mr. Sangharsh, learned Advocate for the Petitioner and Mr. Adi Jijina, learned Advocate for Respondent No.1.

2) Perused the Petition. The brief facts are as under:-

In the year 2020, after clearing CET, the Petitioner secured admission for L.L.B. course in Shree Indrapal Baburao Chaugule Law College under O.B.C. category. In August 2021, the Petitioner was informed that, at the time of admission she had failed to submit her caste validity

certificate and non-creamy layer certificate, which were mandatory for her

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admission from reserved quota and that, she has to submit the same. Thereafter, the Petitioner obtained the caste validity certificate and non creamy layer certificate on 28th September 2021 and 14th October 2021 respectively and submitted the same alongwith the NCL Certificate on 14th October 2021. Meanwhile, she attended online lectures and she also appeared for the 1st, 2nd and 3rd Semester Examination of LLB degree course through online mode as did all the other students. Thereafter, she cleared the 5th and 6th semester. Though she received a hard copy of the 5th semester marksheet she did not receive the 6th semester marksheet.

3) On 17th August 2023, the Petitioner went to the University to collect her final semester's mark sheet. At that time she learnt that the University has not validated her admission and her admission may be cancelled as she had failed to submit the caste validity certificate and non creamy layer certificate before the "cut off date".

4) Presently, the Petitioner has secured admission in L.L.M. course in M. S. Law College, Wada, District Palghar. However, the said admission is on provisional basis as she has to submit her hard copy of final year mark sheet (6th semester) of L.L.B degree course to confirm her admission.

5) Learned Advocate for the Petitioner submitted that throughout the three years of L.L.B. degree course, the Petitioner was under the

impression that her admission was valid. She also appeared for the semester examinations of L.L.B course from time to time. Neither the college nor the concerned authority communicated to her that her admission to the degree college itself was invalid. There is inordinate delay on the part of University and other concerned authorities for which the Petitioner cannot be blamed. Therefore, the Petitioner may be allowed to appear for L.L.M, 1st Semester examination to be held from on 6th June, 2024 as per examination schedule.

6) As against this Mr.Adi Jijina, learned Advocate for Respondent No.1 submitted that at the time of submitting admission form for L.L.B, First Year, the Petitioner had mentioned in the Application itself that she possess the necessary caste validity certificate and non creamy layer certificate. However, she did not submit the same in time, therefore, her admission for L.L.B. degree course was not confirmed. However, Mr.Adi Jijina, learned Advocate for Respondent No.1 and Dr.Gayatri Patil, Principal of Respondent No.1-College on being asked by us submitted that, the admission of the Petitioner in Respondent No.3-College for L.L.M. First Year is on provisional basis and Respondent No.2-University has accepted the Application of the Petitioner to appear for examination of L.L.M. Semester-I, First Year, by accepting necessary examination fees. Learned Advocate for the Petitioner made a statement that, the Principal of Respondent No.3-College has given

oral 'No objection' to the Petitioner for appearing in the examination for L.L.M. Semester-I, First Year and accordingly, the hall ticket will be issued to her.

7) In view of the above, we deem it appropriate to allow the Petitioner to appear for L.L.M. Semester-I, First Year examination commencing from 6th June, 2024 as per the examination schedule, leaving open all the issues to be decided and adjudicated at all levels in accordance with law and subject to the Petitioner complying with all necessary conditions as to her eligibility for the L.L.M. Semester-I, 1st Year, validating her admission and candidature for L.L.M. Semester-I examination. The Petitioner shall not claim any equities on the basis of this Order.

8) Issue fresh notice to the Respondents, returnable on 18th June 2024. Mr.Adi Jijina, learned Advocate waives service on behalf of Respondent No.1.

(Shyam C Chandak, J)

(Kamal Khata, J)