



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

WRIT PETITION NO.2525 OF 2024

Ms Dipali S/o Devidas Mahamune, Vaibhav Nagar, Kakad Dati, Pusad, Dist. Yavatmal

-vs-

Rashtrashant Tukdoji Maharaj Nagpur University, Thr. its Registrar, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri Rohan Kothari, Advocate h/f Shri R. R. Vyas, Advocate for petitioner.

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

DATE : July 11, 2024

P. C.

1. Heard Shri Rohan Kothari, learned counsel appearing for the petitioner.

2. The petitioner has made a prayer for issuance of directions to the respondent No.1-University to decide the representation dated 15/01/2024 produced at Annexure-VIII to the petition within the stipulated period which pertains to supplying the copy of third year mark-sheet of Summer 2018 examination of Bachelor of Fashion Design course.

The petitioner further prays for directions to the respondent No.2-College managed by the respondent No.3-Society to forward her sessional marks for subject No.4 (Leather and Knitwear) of third year of fashion design examination summer 2018 to respondent No.1-University within the stipulated period.

3. The learned counsel appearing for the petitioner would invite our attention to the fact that the petitioner got admitted in respondent No.2-College in the Bachelor of Fashion Design course. The petitioner after completing first academic session, appeared for the first year

examination in summer 2014. Since some subjects were not cleared in that examination, she again appeared in winter 2014 examination for clearing those subjects.

4. The petitioner claims that she cleared all the subjects of first year in winter 2014 examination and thus was admitted to second year by allowing her to keep the term. In summer 2015 she appeared for the second year examination and cleared the same.

5. In summer 2016 she appeared for third year (final year) examination wherein she was declared unsuccessful having not cleared subject no.4 (Leather and Knitwear). Therefore she again appeared for the very same subject in summer 2017. However, she was again declared unsuccessful and as such she took another chance and attempted the subject at summer 2018 examination. In that examination, it is claimed that though she appeared and was successful, she was not issued corrected mark-sheet as respondent No.2-College had not forwarded the sessional marks and thus, by mistake she was shown to have remained absent in the said examination in subject No.4-(Leather and Knitwear).

6. The learned counsel for the petitioner would claim that appearance of the petitioner can be said to be justified once she is issued the mark-sheets of all the sessions so also the examination certificates. As such he would claim that the respondent-University needs to be directed to decide the representation of the petitioner and mention also the sessional marks needs to be forwarded by respondent No.2-College to the respondent No.1-University and thereafter the corrected mark-sheet be issued to the petitioner.

7. We have considered the aforesaid submissions in the light of the

reply placed on record by the respondent-University duly sworn by the Assistant Registrar (Gen. Exams). At the outset it is required to be mentioned that the petitioner has approached the Competent Authority so also this court after a lapse of almost six years from summer 2018 examination result without explaining the said delay.

8. Apart from above merely because the petitioner was issued hall-ticket for summer 2018 examination, that itself will not lead to an inference that the petitioner had appeared for all the subjects and then also she was incorrectly shown to be absent for some subjects in the examination.

9. If we consider the submissions of the petitioner in the light of Rule 76 of Ordinance No.9 of 1976 of Nagpur University which pertains to Conduct of Examination, it was incumbent upon the petitioner to bring her grievance to the notice of the Competent Authority within a period of three months from the date of declaration of the results.

10. We are unable to get satisfied from the very conduct of the petitioner of approaching this Court after a lapse of about six years particularly when she was duty bound to approach the Competent Authority within stipulated the time of three months from the declaration of her results.

11. In this backdrop, we see no reason to cause interference in extra ordinary writ jurisdiction. The petition, in our opinion lacks merits. Same stands dismissed. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)