



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

WRIT PETITION NO.7969/2023

Arya s/o Rajeev Manake

...Versus...

Vice Chancellor, Maharashtra National Law University, Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. R.K. Thakkar & Mr. A.V. Pande, Advocates for petitioner
Mr. P.S. Khubalkar, Advocate for respondents

**CORAM : AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.**

DATE : 22/04/2024

1. The petition seeks the following reliefs :-

“(2) By way of ad-interim relief be pleased to direct the respondents to allow the present petitioner to appear in the examination which is scheduled on 04.12.2023 to 08.12.2023 for the 7th Semester examination, in the interest of justice, during pendency of the present petition.

(3) Be pleased to direct the respondents to conduct the separate examination of 1.5 i.e. English Law Language of the petitioner as a special examination, in the interest of justice.

(4) Be pleased to direct the respondents to consider the representation/letter (Annexure-C).”

2. By an order dated 01/12/2023, since the examination of the 7th Semester was scheduled to be

commenced from 04/12/2023 and considering that the petitioner would lose an academic year, in case he is not permitted to appear for the examination, without going into the merits of the case, the petitioner was permitted to answer the 7th Semester end of Semester examination, which permission was subject to the condition that it would not create any special equities in favour of the petitioner and the examination result, will be subject to the final outcome of the petition.

3. The position, now, is that the petitioner has appeared for the 7th Semester end of Semester examination, the results of which are withheld, in view of the above order. Now, the petitioner seeks permission to appear in the 8th Semester end of Semester examination.

4. Mr. Khubalkar, learned counsel for the respondents submits that the marking pattern for each Semester would indicate that 50 marks are reserved for the end of Semester examination and 50 marks are reserved for the project assignments, attendance and Mid-Semester examination.

5. It is not disputed that the petitioner has not appeared for the Mid-Semester examination both for the 7th as well as 8th Semester. Since the marking for the entire Semester includes the marks for the project assignments, attendance and Mid-Semester, the results of the petitioner, therefore, in absence of completion of these assignments and Mid-Semester

examination are incapable of being declared in absence of the petitioner appearing either in the Mid-Semester examination or undertaking and completing the project assignments. Though the endeavour of the Court was to come to the aid of the petitioner, however, even for the 8th Semester, the petitioner has not appeared in the classes, as a result of which, no project assignments and Mid-Semester examination for the 8th Semester have been completed by the petitioner. This is, therefore, not a matter of pure and simple lack of attendance but the undertaking of the curriculum extended to both the Semesters. It is also necessary to note that though the petitioner had not received the ERP Portal form from the respondents, which would entitle him to attend the classes, undertake the project assignments and appear in the Mid-Semester examination, the petitioner instead of approaching this Court, chose to remain silent.

6. In these circumstances, we are unable to come to the aid of the petitioner. We are, therefore, constrained to dismiss the petition and the same is accordingly dismissed. Needless to say that there shall be no order as to costs. If the petitioner wants and if it is permissible in law, he can repeat the 7th and 8th Semesters.

(SMT. M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)