



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1698 OF 2025

- 1] Kiran Shrirangrao Kadam
Age : 50 years, Occu : Education & Agriculture,
R/o : Galli No. 12, Sanjay Nagar, Mukundwadi,
Chhatrapati Sambhajinagar
- 2] Babasaheb Annasaheb Apshinde
Age : 31 years, Occu : Education & Labour,
R/o : Aliyabad, Post Shekta, Taluka Paithan,
District Chhatrapati Sambhajinagar
- 3] Sominath Sheshrao Waghmare,
Age : 32 years, Occu : Education & Labour
R/o : Shivrai, Taluka Vaijapur,
District Chhatrapati Sambhajinagar
- 4] Nandlal Devchand Shingare
Age : 33 years, Occu : Education,
R/o : Palaskheda, Taluka Soygaon,
District Chhatrapati Sambhajinagar
- 5] Qudiruddin Khairuddin Inamdar
Age : 39 years, Occu.: Education & Private Service,
R/o Jujgar Galli, Majalgaon, Taluka Majalgaon,
District Beed
- 6] Dhananjay Bhimraj Behale
Age : 35 years, Occu : Education & Agriculture,
R/o : Gogalgaon, Taluka Newasa,
District Ahmednagar

.. Petitioners

Versus

- 1] The State of Maharashtra
Through its Principal Secretary,
Higher and Technical Education,
Mantralaya, Mumbai
- 2] Dr. Babasaheb Ambedkar Marathwada University,
Chhatrapati Sambhajinagar,
Through its Registrar

.. Respondents

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Advocate for the petitioners : Mr. Santosh S. Jadhavar h/f. Mr. P.G. Tambade
AGP for respondent no. 1 : Mr. M.L. Sangeet
Advocate for respondent no. 2 : Mr. S.S. Tope

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**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 09 APRIL 2025

ORDER (MANGESH S. PATIL, J.) :

Heard.

2. Rule. It is made returnable forthwith. Learned AGP Mr. Sangeet waives service for respondent no. 1. Learned advocate Mr. Tope waives service for respondent no. 2 - university.

3. At the joint request of the parties, the matter is heard finally at the stage of admission.

4. The petitioners were admitted to 3 year LL.B. course prior to 2018 but having failed to clear the course in spite of repeated attempts, are apparently aggrieved by the fact that there was no restriction on number of attempts for clearing the course when they were admitted to it, however, by advent of new syllabus / pattern in LL.B. course of three years and five years, in the year 2019, they are being sought to be prevented from making another attempt to appear at the examination to be conducted in summer - 2025.

5. Learned advocate for the petitioners submits that the new course and the rules cannot be made applicable retrospectively since the petitioners were admitted prior to 2018-19 pattern, whereby

restrictions have been imposed now for clearing the course and the number of attempts / years. He would submit that many similarly placed students have been permitted to appear at the examinations and only the petitioners are being discriminated against. He would also cite the names of some students and respective colleges as mentioned in paragraph no. 3 of the petition. He would submit that the petitioners cannot be allowed to be discriminated against.

6. Learned advocate Mr. Tope for respondent no. 2, by referring to affidavit in reply filed by Incharge Director of Board of Examination and Evaluation of respondent no. 2 - university and her additional affidavit would strongly oppose the petition. He would repel the stand of the petitioners quoting some instances wherein the colleges permitted some students to appear at the ensuing examination. He would submit that all the petitioners were admitted to the respective three year / five year LL.B. course in the year 2013. He would submit that the university has been conducting the courses in accordance with the guidelines and circulars laid down / issued by the University Grants Commission (UGC). By its circular dated 15.10.2015, the UGC *inter alia* has laid down that if a student for whatever reason, is unable to complete the course within the normal period of the minimum duration prescribed for the course, can be allowed a further period of two years beyond the normal period. No exception has been carved out. The petitioners could avail of the

opportunity along with many others due to extension of the time due to COVID-19, however, they failed to complete the course within 5 / 7 years and are not entitled to seek any extension and even the university cannot legally grant any such extension.

7. As regards the ground of parity is concerned, Mr. Tope would submit that all the petitioners were appearing for the respective LL.B. course as per the syllabus of the year 2004. It has undergone a change in the year 2018. The students, the petitioners are referring to, were also from the same pattern. All such students from the old course are permitted migration to the new course pursuant to the circular issued by the Vice Chancellor dated 07.09.2019 as per appendix 'A', issued under section 12(7) and 12(8) of the Maharashtra Public Universities Act, 2016 effective from the academic year 2019-20. Students from 2004 syllabus can migrate to the new pattern by following the modalities prescribed therein, as mentioned in the additional affidavit in reply. The students being named by the petitioners are not repeaters. They have taken the advantage of the circular dated 07.09.2019 and ported their admissions in the new pattern and could continue. The petitioners having failed to apply for such similar porting in the light of circular dated 07.09.2019, cannot claim parity with the students. Mr. Tope would, thus, submit that the petitioners are not entitled to claim even the parity.

8. Mr. Tope would lastly submit that a co-ordinate division bench of this Court in writ petition no. 13335 of 2024 (***Mandeepsingh Karansingh Lodwal Vs. The State of Maharashtra and others***) by order dated 13.12.2024, has dismissed a similar petition. He would submit that since same request of a candidate has already been turned down, no contrary view can possibly be taken.

9. We have considered the rival submissions and perused the papers.

10. As can be appreciated there is not much of a dispute on facts. All the petitioners are from the old syllabus for the respective LL.B. course of 3 / 5 years but have not been able to clear the course within the time stipulated by the UGC guidelines dated 15.10.2015 for completion of course within the regular minimum span of 3 / 5 years plus 2 more years.

11. Even if the petitioners are now alleging that these guidelines of 2015 have been issued subsequent to their admission to the respective courses and are seeking to oppose it on the ground that it cannot be made applicable to them, the stand of respondent no. 2 - university in the affidavit in reply and its reliance on the circular no. ACAD/NP/Ordinance-99/61(a)/2008 dated 08.12.2008 has not been repelled by the petitioners. It reads thus :-

*"It is hereby notified for the information of all concerned that, on the recommendation of Academic Council, the Management Council at its meeting held on 17-08-2008 has accepted the **"Amended Ordinance-99 pertaining to appearance in Examination which is as under :-***

Ordinance – 99 :- *If a candidate could not pass an examination within a period of Six Years and required to appear for all the subjects of revised course of study in force for passing the said examination, the concerned Dean of the Faculty and Chairman Board of Studies[s] together may decide the equivalence of Old and New Course of study and accordingly the candidate will have to appear for te deficiency subject or subjects as the case may be.*

All concerned are requested to note the contents of this Circular for their information and necessary action."

As is evident, this ordinance 99 permits migration of a candidate to a new course having failed to clear examination within a period of six years of taking admission in the old course. This being an ordinance of the year 2008, the petitioners now cannot be heard in opposing the stand of the respondent - university in banking upon the UGC guidelines of 15.10.2015.

12. This is precisely the reasoning assigned by the co-ordinate division bench while deciding writ petition no. 13335 of 2024 (*supra*).

Paragraphs nos. 15 to 19 thereof, read as under :-

"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."

13. Though it was a matter wherein petitioner was placing reliance on ordinance 99, it was a case of a candidate who was similarly placed as the petitioners herein who had failed to clear the old

course within the stipulated attempts and was seeking to appear at the examination for the new law course / syllabus.

14. We are in agreement with the view taken by the co-ordinate division bench and are of the considered view that those observations would decide the fate of the present matter.

15. The upshot, it is not a matter of introducing / applying any restriction retrospectively. The petitioners like the other students could have ported to the new course by following circular dated 07.09.2019, which elaborately lays down the modalities to be followed, which the petitioner admittedly failed to follow. It is not a matter of arbitrary exercise of power or discrimination as is being alleged.

16. Respondent no. 2 - university cannot be blamed for following the UGC guidelines dated 15.10.2015 and particularly when the petitioners are not challenging it.

17. The petition is dismissed.

18. Rule is discharged.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

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