

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

WRIT PETITION NO. 11757 OF 2025

Akhil Kumar Jain

... Petitioner

versus

Children Welfare Centre's College
of Law and Others

... Respondents

...

Ms.Samiksha Kanani with Ms.Gayatri Naik for the Petitioner.

Ms.Athira Nair i/b. Ms.Pooja Jain for Respondent No.1- College.

Mr.Rui Rodrigues for Respondent No.2- University.

Dr.Uday Warunjikar i/b. Mr.Yogendra Rajgore for the Respondent –
BCMG.

Mr. P.P.Kakade, Addl.GP with Ms.Nisha Mehra, AGP for Respondent No.8,
State.

...

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 20th September, 2025

P.C.:-

1. On 17th September 2025, we had passed the following order :

“1. We are faced with a peculiar situation. The Petitioner, we are told is a person who belongs to Mumbai. All along he was working in a private sector industry. He is 56 years of age. He has now decided to pursue education at the graduate level in Law. He secured admission in the 3 years law course in Children Welfare Centre's College of Law, affiliated to the University of Mumbai.

2. He appeared for the State Common Entrance Test which comprises of multiple choices question in English and Marathi language held on 24th September, 2024. He candidly submits that he used to read Marathi which he can barely understand and tried to guess the answer and tick mark the right choice. He cleared the exam and got the admission to the first year LLB Course for the academic year 2024-2025. The First semester result was declared on 11.3.2025. He answered the Exam papers in Hindi. In subject "Legal Language", he was restrained by the Invigilator from proceeding to answer the questions in Hindi. Rest of the 4 papers, he has answered in Hindi. For only one subject "Legal Language" the result has been withheld and he passed in remaining 4 subjects.

3. Dr. Warunjikar, the learned Advocate was requested by us to assist the Court since he is an elected Bar Councillor (Bar Council of Maharashtra & Goa).

4. We requested Mr. Rodrigues, the learned Advocate who normally appears for the University of Mumbai to assist the Court. On our request, he has appeared in this matter to represent the University of Mumbai

5. Since we find that the Petitioner has answered 4 subjects in Hindi and has scored fairly good marks, B+ in one subject, 1st class in 2 subjects and one subject with C-class, we would expect the Principal of the College to state as to why only one answer sheet (subject-Legal Language) was kept aside and as to why the Authorities declined to evaluate the said answer sheet only because it was in Hindi language, when four other subjects in which the Petitioner had answered in Hindi, were subjected to evaluation and he had cleared all the four subjects.

6. Considering the urgency in the matter, list this matter on Saturday, 20th September, 2025 at 3 p.m.

7. We direct the College to produce answer sheet in “Legal Language” subject, in a sealed envelop before the Court.

8. We would also request the HOD of Law, University of Mumbai as to whether she could suggest a way out in the peculiar facts and circumstances of this case.”

2. Today, the learned Advocate for the College has produced before us the question paper for the subject ‘Legal Language’. So also, the photostat copy of the answer sheet of the Petitioner, who has attempted the questions in Hindi, is placed before the Court.

3. We have ourselves gone through each page of the answer sheet written by the Petitioner, which runs into 20 pages. We find that, in several places, the Petitioner has answered in English. However, the answers that he has written in Hindi, are illegible. To be fair to the Petitioner, we handed over the photostat copies to the learned Advocates, Mr. Rodrigues and Mr. Warunjikar. After viewing the answer sheets, they agreed that the answer sheet is illegible. In these circumstances, it is impossible to assess the answer sheet for the subject of Legal Language.

4. The question paper (3 pages) is taken on record and marked as 'X-1' for identification. The photostat copy of the answer sheet (20 pages) is taken on record and marked as 'X-2' for identification. Both these documents are placed in the open envelope tendered to the Court by the learned Advocate for the College. We direct the Court Master/Sheristedar to seal the envelope and preserve it in the file, notwithstanding the fact that the answer sheet is illegible and very difficult to evaluate.

5. Mr. Rodrigues, the learned Advocate for the University, has placed on record a communication received from the Deputy Registrar (Result Cell). The photostat copy of the said communication, addressed to the Principal of the Children Welfare Centre's College of Law, is accompanied by Schedule I & II, of the Rules of Legal Education, 2008 (the Rules of 2008), and a Circular dated 12th July, 2004 published by the University of Mumbai (5 pages). The same are collectively marked as 'X-3' for identification. He points out that Clause 1 of Schedule II of the Rules of 2008, specifies the medium of instruction. English is said to be the medium of instruction for both the Law Courses (5 years course and 3 years course). The Circular indicates that the subjects Legal Writing, Legal

Language and General English, for both courses, along with English I and English II subjects, are to be answered only in the English language.

6. It is obvious that the subject Legal Language must be answered in English. The University, in its wisdom, along with the Rules of 2008 published by the Bar Council of India and adopted by the Bar Council of Maharashtra and Goa, warrants that the subject be answered in English, keeping in view several Latin maxims and doctrines that are part of the syllabus.

7. We are circumspect as to whether the said subject could have been answered in Hindi or the regional language Marathi. When the medium of instruction is prescribed as English by the Bar Council of India, and the Circular specifically indicates that certain subjects, including Legal Language, are to be answered only in English, we do not find that the College committed any mistake in refusing to evaluate the Petitioner's answer sheet for the subject Legal Language. Moreover, the said answer sheet is not legible.

8. In view of the above, we do not find any reason that would outweigh the Rules of 2008 and the Circular. Moreover, the Rules of the

Bar Council of India indicate that, besides English, students belonging to particular regions and States may write their answers in the regional language. For Maharashtra, the regional language is Marathi.

9. As such, from every angle, we cannot persuade ourselves to accept the request of the Petitioner. **This Petition is, therefore, dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)