

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1236 OF 2024

Reshma Babu Thikar
Age-34 424
An Advocate, Indian Inhabitant
Residing at Shri Siddhivinayak Chawl
Datt Mandir Road, Vakola Bridge,
Santacruz (E), Mumbai-400 055

...Petitioner

V/s

SNEHA
NITIN
CHAVAN

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by SNEHA
NITIN CHAVAN
Date: 2025.01.29
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1. University of Mumbai
Through its Registrar, M.G.Road, Fort,
Mumbai-32.

2. The Director of Examination
University of Mumbai,
Vidyanagari Campus, Kalina,
Santacruz (East), Mumbai-98.

3. Dr. D.Y. Patil College of Law
Affiliated to University of Mumbai And
Approved by B. C. I.
Sector 7, Nerul, Navi Mumbai-400706

4. State of Maharashtra
Through its secretary,
Department of Higher and Technical
Education, Mantralaya, Mumbai-32.

..Respondents

Mr. Dileep Satale i/b Mr. Gouresh Mogre for the Petitioner.
Mr. Yuvraj Narwankar for Respondent No.1.
Mr. Jaymala Ostwal, Additional Government Pleader for the Respondent
No.4/State.
Mr. Aadesh Konde Deshmukh with Sainath Garade and Mr. Yogesh
Sukale for Respondent No.3.
Ms. Priyanaka Chavan, representative of D.Y. Patil College of Law
present.

**CORAM : A.S.CHANDURKAR AND
M.M. SATHAYE, JJ.**

DATE : 16th JANUARY 2025

(JUDGMENT Per : M.M.SATHAYE, J.)

1. Rule. Rule made returnable forthwith. Heard finally by consent of learned Counsel for the parties, who waive service.

2. The petition is filed for directions, under prayer clauses (a) and (b), to Respondents (University and College) to declare the results of Post Graduate (PG) Diploma in Forensic Science and Related Laws and Cyber law held in June 2021. The Petitioner has also prayed for direction, under prayer clause (c), to Respondents to pay an amount of Rs.10,00,000/- by way of compensation on account of loss suffered by the Petitioner of Educational and employment opportunities and mental agony.

3. Few facts necessary for disposal of petition are as under. The Petitioner is an Advocate/student of Respondent No. 3/College who was enrolled and studied for the aforesaid Diploma courses. The College conducted examination, however, failed to declare the result despite there being provision about time bound declaration. The Petitioner had taken online admission on 23.02.2021 and had taken online lectures. The Respondent College declared online examination, under which exam for Forensic Science and Related Laws started on 25.06.2021 and ended on 28.06.2021. The examination for Cyber Law started on 29.06.2021 and ended on 02.07.2021. The students were asked to submit dissertations by email, which was submitted by the Petitioner on

23.06.2021. Viva examinations were declared for which the Petitioner duly appeared. It is contended that the Petitioner wrote a letter to Respondent/university on 28.12.2021 requesting declaration of results, but no results were declared. Thereafter, the Petitioner has wrote reminder letter. It is contended that result was declared only for PG Diploma in Cyber Law. However, there was mistake in the same, inasmuch as, the results showed first class even though the Petitioner had passed with distinction. The said result was declared on 17.01.2022, but the Petitioner was called by the College and was asked to return the result to make correction. The result was accordingly returned by the Petitioner in April 2022. Since then, the result was not declared. It is alleged that despite meeting the Principal of College, things did not move forward and the Principal asked the Petitioner to take refund of fees. It is contended that due to delay in declaration of the results, the Petitioner has missed several opportunities of higher studies which has affected her career and has left her in mental agony. In these circumstances, the petition was filed.

4. Notices were issued to the Respondents and during pendency of the petition, on 16.10.2024, the College submitted that corrected marksheet of the Petitioner for Cyber Law course would be submitted to the University within one week and the University submitted that within 48 hours, the marksheet will be verified. Similarly, the College further submitted that the Petitioner's marksheet in the subject of Forensic Science and Related Laws would be also submitted to the University by 19.10.2024, which shall be duly verified. The matter was then placed for compliance. On 22.11.2024, following order came to be passed.

“1. The learned counsel for the University of Mumbai on instructions submits that the petitioner's corrected mark-sheet has been handed over to the representative

of respondent no.3. This fact is accepted by the learned counsel for respondent no.3. The petitioner shall accordingly collect the corrected mark-sheet by approaching the College on 25/11/2024. With this exercise, prayer clauses (a) and (b) in the writ petition stand answered.

2. The learned counsel for the petitioner seeks relief in terms of prayer clause (c). To enable the learned counsel for respondents to respond to the same, stand over to 16/12/2024. They are at liberty to file additional affidavit if desired.”

5. Therefore, the petition continued only for consideration of relief of monetary compensation.

6. Learned Counsel for the Petitioner has relied on Judgments of **Bibhuti Bhusan Barik v/s. State of Orissa** (2024 SCC Online Ori 1261) and **Ajay Kumar Pandey v/s. State of Uttar Pradesh and Ors.** (2024 SCC Online All 6785).

7. Respondent/University filed Affidavit-in-Reply on 26.04.2024 and 12.12.2024. Based on the said affidavits, it is submitted that the role of the University is to approve the results declared by the College. The process of admission, examination and assessment of the papers as well as awarding of the marks is to be done by the College. It is submitted that the Respondent/College delayed in providing necessary information to the University for declaring the results and the University is not at fault. The result of Diploma in Cyber Law was declared on 17.01.2022. The college had incorrectly sent marks of IPR instead of Cyber Law and University was informed about the said mistake vide letter of the College dated 23.08.2023 and corrected results were re-declared on 04.12.2023. There is no mischief or deliberate intent

behind any of the action on the part of the University. During pendency of the petition, after issuing corrected marksheets of the Petitioner, the Respondent University has acted promptly and immediately. After receiving the result of Cyber Law from the College on 23.10.2024, the result is declared on 25.10.2024. Similarly, after receiving the result of Forensic Science and Related Laws on 18.10.2024, the University declared the result on 19.10.2024.

8. Respondent No.3/College has filed Affidavit-in-Reply on 15.10.2024, contending *inter alia* that results were sent by College to University, but the concerned staff of the University did not accept the same from clerk of the College on the ground that it is not in proper format. The blame is sought to be put on the staff of the University for misguiding the College clerk. It is contended that College has sent mails to the Petitioner asking her to collect the marksheet, but the Petitioner has not visited for collection of marksheet.

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

10. Admittedly, the exams were held between 25.06.2021 to 02.07.2021. Only 2 documents are produced by the Respondent/college in support of their case, first being a letter dated 23.08.2023 of the College about correction in Cyber Law result informing the University that by inadvertent mistake, soft copy of result of IPR subject instead of Cyber Law subject, was sent. Second document relied upon by the Respondent College is an email dated 14.12.2023 asking the students to collect the marksheet of Cyber Law diploma. It is therefore, clear that the College has itself indicated that there was a mistake in sending results to the University inasmuch as, result of a wrong subject was sent

and that too, in August 2023. The communication of 14.12.2023 is after the mistake about subject and therefore, does not help the College. The affidavit in reply is bereft of material particulars. There is no satisfactory explanation for the mistake about subject as also about alleged misguidance by the University. We therefore find that from July 2021 till August 2023, there was inaction on the part of the Respondent/College. Firstly it was sending result of wrong subject and secondly, it was taking corrective measures, as late as, after a lapse of about 2 years. The action taken by Respondent/College during pendency of the Petition, after receiving notice from this Court, would not help the College in getting over its earlier conduct about sending wrong results as well as taking steps belatedly.

11. So far as, the stand taken by the University is concerned, no fault can be found with the University if the result of wrong subject is sent by the College. The University has declared result of Cyber Law on 17.01.2022 and thereafter on 04.12.2023 post correction. Also, the action taken by the Respondent/University during pendency of the petition was prompt and results were declared immediately after submission of the result by the College. In that view of the matter, no fault can be found with the Respondent-University.

12. Therefore, in the aforesaid facts and circumstances, we find that the Respondent/college has caused delay in declaring the result of the Petitioner and at least 2 years' time is lost by her.

13. In the case of **Bibhuti Bhusan Barik** (supra), the Court had found that the Petitioner therein had endured significant hardship and lost ten years of professional life and therefore, compensation of Rs.5 lakh was ordered. In the case of **Ajay Kumar Pandey** (supra), the Court

had found that the Petitioner therein had not played any fraud and had submitted relevant documents and the matter was in respect of loss of entire academic career of the Petitioner, which was claimed to be jeopardized.

14. In the present case, the facts are completely different. The Petitioner has not suffered complete loss of career. If at all, the additional benefit that the Petitioner could have had, soon after July 2021 for the said two diploma subjects, has been lost. Fact remains that the Petitioner has now obtained corrected marksheets under the orders of the Court. There is no material before us, which can indicate the extent of loss the Petitioner has actually suffered. However, since we find that Respondent/College has not offered satisfactory explanation, as indicated above, we find it appropriate to grant a token compensation of Rs.50,000/- to the Petitioner payable by Respondent No.3/College.

15. Respondent No.3 College (including its management) is accordingly directed to pay compensation of Rs.50,000/- (Rs. Fifty thousand only) to the Petitioner within a period of four weeks from today.

Rule is partly made absolute in the above terms. No order as to costs.

16. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)

