

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

WRIT PETITION NO. 5201 OF 2024

Ms. Mone Sujata Pandurang]
Age: 38 years, Occupation: self-employed]
A-3 Jai Sudarshan Krupa CHS]
Near Mali Samaj Hall Mandir]
Ramdaswadi Syndigate, Kalyan,]
Thane 421301] Petitioner.

V/s

1] The University of Mumbai]
Through its registrar,]
123, Mhatma Gandhi Road,]
Kala Ghoda Fort, Mumbai 400032]
] Respondents.
2] Vivekanand Education Society College]
of Law, Collector's Colony, Chembur,]
Mumbai – 400 074]

Mr. Anukul Seth with Ms. Trisha Choudhari & Mr. Amar Bodke, Advocates
for the petitioner.

Mr. Manish Kelkar, Advocate for respondent no.1 - University of Mumbai.

CORAM : A.S. CHANDURKAR &
M. M. SATHAYE, JJ.

DATE : 9TH JANUARY, 2025

ORAL JUDGMENT: (Per A.S. Chandurkar, J.)

1] Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2] The petitioner had appeared in the Secondary School Certificate Examination in March, 2001 but had failed in one subject thereof. Despite the aforesaid, the petitioner cleared the Preparatory Examination Programme that was conducted by Yashwantrao Chavan Maharashtra Open University in Summer, 2019. She got herself enrolled at the Open

University. In March 2020, she cleared remaining subject for the Secondary School Certificate Examination in which she had failed. On completion of her graduation, the petitioner through the Centralized Admission Process secured admission at the Three Years LL.B. Course in a College affiliated to the Mumbai University. By the impugned communication dated 30/07/2024 the Mumbai University informed the petitioner that she was ineligible to pursue the LL.B. Course on the ground that she had appeared for the Preparatory Examination from the Open University and thus could not have been admitted at the LL.B. Course.

3] On hearing the learned counsel for the petitioner as well as the learned counsel for the Mumbai University, we find that the issue that arises is no longer *res integra* in view of the judgment of the Full Bench of this Court in *Vishnu s/o Rambhaji Harishchandre vs. Bar Council of India and others* (Writ Petition No.6752 of 2021 decided on 04/05/2022). It has been held therein that the Preparatory Course conducted by the Open University was equivalent to the Higher Secondary Certificate Examination and hence the same could be the basis for seeking admission at the graduate level. A Coordinate Bench in Writ Petition (L) No. 32006 of 2022 (*Sanjeev Sharadchandra Deshpande vs. Commissioner & Competent Authority State Common Entrance Test Cell & Anr.*) decided on 03/07/2023 followed the judgment of the Full Bench and issued directions permitting the petitioner therein to participate in the admission process.

4] We therefore find that the the petitioner having passed her Preparatory Examination from the Open University after her 10th Standard Examination, she is eligible to prosecute the Three Years LL.B. Course. Hence, following the ratio of the decisions referred to hereinabove, the impugned communication dated 30/07/2024 is quashed and set aside. It

is held that the petitioner is eligible to pursue her Three Years LL.B. Course. The respondents shall take all consequential steps pursuant to the aforesaid direction to enable the petitioner to pursue and complete her education.

5] Rule is made absolute in the aforesaid terms with no order as to costs.

6] Parties to act on the authenticated copy of this judgment.

[M. M. SATHAYE,, J.]

[A.S. CHANDURKAR, J.]