



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

WRIT PETITION NO.6088 OF 2024

Ku. Adiba Ismat Mohd. Shuja Rizwi, aged
about 22 years, Occ. Education, r/o Mujaffar
Nagar, Akola, Tq. And District Akola.

... PETITIONER

VERSUS

1. State of Maharashtra, through Principal
Secretary, Department of Higher
Education, Mantralaya, Mumbai – 32.
2. Sant Gadge Baba Amravati University,
through its Voice Chancellor, Amravati
University, Amravati.
3. Shivaji College of Arts, Commerce and
Science, through its Principal, Near Shivaji
Park, Akola, Tq. And Dist. Akola.

... RESPONDENTS

Shri Vilas Dongre, Advocate for the petitioner.

Shri S.B. Bissa, Assistant Government Pleader for respondent
no.1/State.

Advocate Meet Thakkar, h/f Mrs. Gauri Venkataraman, Advocate for
respondent no.2.

Shri K.P. Mahalle, Advocate for respondent no. 3.

CORAM : SMT. M.S. JAWALKAR AND PRAVIN S. PATIL, JJ.

CLOSED ON : 19.06.2025.

PRONOUNCED ON : 30.06.2025.

JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **RULE.** Rule is made returnable forthwith.

2. The matter is taken up for final disposal by consent of the parties.

3. By this petition, the petitioner who is the student, seeking direction against respondent no.2-Amravati University to issue Degree of Bachelor of Sciences ('B.Sc.') Computer Science and other Certificate in view of completion of curriculum by her by attending college as well as in view of appearance in the examination.

4. It is admitted facts that the petitioner has cleared her Higher Secondary Certificate Examination ('HSC') from Science faculty and in the said examination, she has pursued subjects i.e English, Hindi, Physics, Chemistry, Biology, Information Technology (Science), Environmental Education and Security, Health and Physical education and obtained 86.17% in the HSC examination. It is stated that after passing out the HSC examination, the petitioner, in pursuance of Advertisement published by respondent no.3 College in the nature of prospectus, approached to seek admission for B.Sc. According to the prospectus, it is cleared that there are two groups i.e. mathematics and

Biology. The students who are willing to take admission have to apply in the group to which he/she eligible as per the subject opted by him/her in 12th standard i.e. in HSC examination. The petitioner had opted mathematics group and accordingly, filled up the form and handed over to the Admission Committee of the College. The Admission Committee of respondent no.3 College scrutinized the form and approved her admission in the mathematics group for B.Sc. In accordance with the procedure, the petitioner had deposited requisite fee and started attending the College. After admission, the College is required to enroll the student to the University. Respondent no.2 University is having its own Ordinance no.1, whereby the procedure is incorporated regarding enrollment of the students. Accordingly, after submitting the requisite documents of the petitioner/student by respondent no.3 College, the respondent no.2 University issued roll number as well as examination Admission Card and permitted her to appear for the examinations conducted by respondent no.2 Amravati University.

5. It is pertinent to note that, since the date of admission of the petitioner up to 31.01.2024, she appeared in all six Semesters without any objection from any of the respondents. As such, after appearing in the VIth Semester, her result was withheld without

assigning any reason. Therefore, the petitioner by Registered Post (RPAD) on 21.08.2024, requested respondent no.3 College to declare her result, however there was no response.

6. In the meantime, respondent no.2 Amravati University by communication dated 18.07.2022 sought explanation from respondent no.3 College as to how, the petitioner was permitted to prosecute the curriculum of B.Sc. (Math), particularly when by What's App message dated 11.07.2022 and 26.07.2022, it was informed to the respondent no.2 College that the petitioner's admission is not proper in the Mathematics group.

7. In response to the same, respondent no.3 College tendered its explanation stating that, the petitioner was admitted in Academic Session 2021-22 in Semester I of B.Sc. for subjects Physics, Computer Science, Electronics. But inadvertently, said admission was granted though in 12th standard, she did not pursue subject Mathematics. Then from Ist Semester to Vth Semester, she appeared for exam conducted by the Amravati University and her results were also declared time to time. As such, up to Vth Semester there was no objection. In that view of the matter, considering the educational prospects, as a special case her result be declared by issuing enrollment number.

8. Respondent no. 2 Amravati University without considering the request of respondent no.3 College, withheld the result of the petitioner. In the background of above said factual position, the petitioner approached to this Court and seeks indulgence by invoking extra-ordinary jurisdiction.

9. We have heard the respective counsel appearing for the parties and perused the record.

10. It can be seen from the record that the petitioner who was not having subject mathematics in HSC , should not have opted the mathematics group in B.Sc. However, she has opted for the same mistakenly. The Admission Committee of respondent no.3 College, who was supposed to verify an application submitted by the petitioner without scrutinizing the same properly, granted her admission and then forwarded the same to the concerned Authority. The respondent no.2 Amravati University who was also supposed to verify the record while considering the application forwarded by respondent no.3 College, granted roll number and Exmination Admission Card to the petitioner, which made her entitled to appear in examination. As such, the petitioner has completed her curriculum of B.Sc. by appearing in all six semester examinations. In the background of this factual position, the

issue involved is whether the petitioner is entitled for the relief which she claimed in the matter.

11. In the present matter, the petitioner has relied upon the judgment of the Co-ordinate Bench of this Court in the case of *Syeda Aufiya Ahmad and ors. vs. Rashtrasanth Tukadoji Maharaj Nagpur University and ors. 2013(2) Bom.C.R.90*, wherein this Court has observed in paragraphs 4, 14, 17 and 18, which read as under :

“4. Shri Bhangde, learned Senior Counsel appearing on behalf of the petitioners, submits that in view of the settled position of law as could be found from the catena of the judgments of the Apex Court as well as Division Benches of this Court, if the petitioners have been admitted by the respondent College and if the respondent University, which is enjoined with a duty to verify eligibility of the students, has permitted the petitioners to undergo the Course and appear for the examinations, it is not permissible for the respondent University to cancel the admission of the petitioners and prevent them from appearing in the examinations or withhold their results.

...

14. Applying the ratio laid down in the aforesaid cases, we have to examine the facts of the present case. All the petitioners had submitted their mark sheets to the respondent College while securing admission. After finding the petitioners to be eligible, the respondent College had admitted the petitioners and sent the documents to the respondent University for enrollment of the petitioners. It was the bounden duty of the respondent University to have verified the question regarding eligibility of the petitioners at the very

threshold. It is not in dispute that since the petitioners are possessing post graduate diploma in Computer Science and Applications, they were entitled to take admission directly in the third semester. All the petitioners have been permitted to appear for the third semester examination and their results were declared. Not only that, all the petitioners were also permitted to appear for the fourth semester examination. Petitioner Syeda Afiya Ahmad was also permitted to complete her fifth semester. Her result of fifth semester examination was declared and she was permitted to undergo studies for the sixth semester and appear for the said examination. It is thus clear that petitioner Syeda Afiya Ahmad has completed her entire course and has now appeared for the final semester examination, of which the result is withheld. All other petitioners have undergone third and fourth semesters and as such, completed substantial part of their course. It is not as if the petitioners have withheld material documents regarding their eligibility. On the contrary, entire documents have been supplied to the respondent College which, in turn, has permitted them to undergo the course and appear for various examinations.

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17. *Needless to state that we expect the respondent University to be equally diligent hereinafter and ensure that the Colleges affiliated to it do not admit the students, who according to them, are not eligible for being admitted. Instead of permitting the students to get admitted and permitting them to appear for the examinations, which permission undoubtedly is required to be given after verification of eligibility of students, it would be in the interest of students as well as respondent University to prevent admission of such ineligible students at the threshold and avoid such unwarranted and unnecessary litigation. We do hope that Dr. Kulkarni will convey our sentiments to the concerned Authorities at the respondent University and ensure that hereinafter such lapses are not repeated.”*

18. In that view of the matter, we find that the action on the part of the respondent University in cancelling the admission of the petitioners and withholding their results is not sustainable in law. The petitions are, therefore, allowed. The impugned orders are quashed and set aside. The respondent University and College are directed to permit the petitioners to complete their course, declare their results of examinations in which they have appeared and also permit them to appear for further examinations and declare results thereof till completion of their course.”

12. In the light of aforesaid view taken by the co-ordinate Bench of this Court, we are also of the opinion that in the present matter, the petitioner solely is not at fault or responsible, respondents are also equally responsible for their negligence while processing the admission and allowing the petitioner to appear in the examinations.

13. It is also pertinent to note that ordinance No.6 of respondent no.2 University, which was issued in respect of examinations to be held at the University level, defined the term “Admission to an Examination”. It means issuance of Admission Card to a candidate in token of his having complied with all the conditions laid down in the relevant ordinance, by the Competent Officer of the University. In the present case, it is an admitted fact that the respondent Amravati University has issued the Examination Admit Card to the petitioner for appearing in the Semester examinations of B.Sc. Part I and II. The same is produced on record of the present petition.

Hence, once the Examination Admit Card was issued, in view of the definition, it is to be held that the petitioner had complied with all the conditions laid down in the ordinance, and therefore, she was permitted to appear in semester examination.

14. It is further necessary to take into consideration the fact that as per ordinance no. 1 of the respondent no.2 Amravati University, the University is empowered to cancel the admission of any of the student, whose enrollment is not finalized by 1st February of the academic year, for any reason, whatsoever. However, in the present case, the respondent no.2 Amravati University at no point of time, cancelled the admission of the petitioner for not having enrollment. The petitioner being a student is not expected to run behind the Authorities to verify the document by leaving behind her studies. Therefore, for the failure of respondent nos. 2 and 3 to scrutinize the documents at relevant point of time, the petitioner cannot be punished in the matter.

15. The respondent no.2 Amravati University came with a submission that by What's App message of July, 2022, it was informed to the respondent no.3 College as to how they had admitted the petitioner in the College in Mathematics group in absence of having

said subject in her 12th standard curriculum. Respondent no.3 College in its communication to respondent no.2 Amravati University dated 25.07.2024 stated that, the petitioner was intimated accordingly. But, neither of them place any single document on record to state that the petitioner was informed and obtained her acknowledgment over the same. Therefore, the petitioner cannot be said to be at fault in the facts and circumstances of the present matter.

16. It is a well known principle of law that, at College level, the communication by What's App message between University and College cannot be a valid communication. Cancellation of admission of any student has a serious consequences, therefore, the same is required to be done in proper and official manner. Hence, communication between respondent nos. 2 and 3 on What's App message is highly condemnable and cannot be accepted as a valid and official communication in the facts and circumstances of the case.

17. In the light of the above said legal position and peculiar facts of the present case, we are of the opinion that though the petitioner was not having subject Mathematics in her 12th standard/HSC examination, she has successfully completed VIth Semester of B.Sc. Examination. Therefore, it will not be proper to

cancel the admission of the petitioner/student, particularly when it is not a case of any fraud or misrepresentation on the part of the petitioner. It is clear that due to mistakes committed by all the respondents, the petitioner is made scapegoat in the matter. Therefore, as a special case, she is entitled to get Degree of B.Sc. (Computer Science). Hence, we pass the following order :

- (a) The Writ Petition is allowed.
 - (b) We hereby direct the respondent no.2 Sant Gadge Baba Amravati University, through its Vice Chancellor, Amravati University, Amravati to issue Degree of B.Sc. (Computer Science) to the petitioner and other necessary Certificates to the petitioner, with immediate effect.
18. Accordingly, Rule is made absolute. No order as to costs.

(PRAVIN S. PATIL, J.)

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

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