



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

Writ Petition No. 4727 of 2025

Aman Jaiswal S/o Shyam Bihari
Prasad Jaiswal,
R/o 116, Laxmi Nagar Colony,
BLW, Chitaipur, Varanasi,
Uttar Pradesh – 221005.

... Petitioner

- Versus -

(1) Vice Chancellor, Maharashtra
National Law University, Nagpur,
Village Waranga, Borkhedi,
Maharashtra – 441108.

Deleted as
per R(J)
order dtd.
19.9.2025

(2) ~~Principal, Maharashtra National
Law University, Nagpur,
Village Waranga, Borkhedi,
Maharashtra – 441108.~~

(3) The Convenor and Members of
Examination Committee,
Maharashtra National Law
University, Nagpur,
Village Waranga, Borkhedi,
Maharashtra – 441108.

(4) Maharashtra National
Law University, Nagpur,
Through its Registrar,
Village Waranga, Borkhedi,
Maharashtra – 441108.

... Respondents

Mr. Kartik N. Shukul with Mr. Gaurav Khatwani, Advocates for the
petitioner

Mr. Yash Vyankatraman, Advocate for the respondents

**CORAM : ANIL L. PANSARE AND
RAJ. D. WAKODE, JJ.**

Date of reserving judgment : 19-11-2025
Date of pronouncing judgment : 28-11-2025

JUDGMENT (Per : ANIL L. PANSARE, J.)

Heard.

2. Issue Rule, returnable forthwith. Mr. Yash Vyankatraman, learned counsel waives service of notice for the respondents. With consent of learned counsels for the parties, the petition is taken up for final hearing.

3. The question that falls for our consideration is whether the recommendations made by Student Grievance Redressal Committee (SGRC) constituted under the provisions of the University Grants Commission (Redressal of Grievances of Students) Regulations, 2023 (hereinafter referred to as 'the Regulations of 2023') is/are binding on the Institution.

4. The Regulations of 2023 were made in exercise of powers conferred under clause (g) of sub-section (1) of Section 26 of the University Grants Commission Act, 1956 (hereinafter referred to as 'the Act of 1956').

5. Respondent no. 4 is the Law University represented by the Registrar. Respondent no. 1 is the Vice Chancellor of the Law University and respondent no. 3 is Convenor and Members of Examination Committee of the Law University. The petitioner is a law student admitted to B.A. LL.B. (Hons.) programme of the University. He was admitted in the year 2021. In November, 2023, he was debarred from the 5th Semester examination due to inadequate attendance. On 11-1-2024, he was declared non promoted to the next academic year with a direction to re-register as ex-student. On 19-7-2024, respondent no. 4 directed petitioner to vacate the hostel as he was not promoted to next academic year. In November, 2024, he was denied permission to appear for 5th Semester examination. The reason cited was inadequate attendance for the period from July to November, 2024, despite the fact that he was directed to vacate the hostel.

6. The petitioner approached this Court through Writ Petition No. 4878/2024 having been disallowed to appear in 7th Semester examination on account of lack of attendance for 5th Semester. The petition was dismissed holding that lower limit of relaxing attendance criteria is 67%, below which, the authorities do not have any discretion to relax the said criteria. The petitioner had not satisfied the said attendance criteria. Accordingly, the petition was dismissed. Thus

petitioner's plea to appear for 7th Semester examination was rejected. The case of petitioner for appearance in 5th Semester was not the issue.

7. The petitioner and one another then approached Students Grievance Redressal Committee (SGRC) constituted under Rule 5 of the Regulations of 2023. Following points were deliberated in the meeting held on 12-4-2025 and on 7-5-2025, certain recommendations were made which read as under.

“AGENDA 1 : Application of Ms. Janhavee Harne (UID-UG22-56)

The student had submitted a petition stating that she was required to vacate the hostel vide the email received from the office of The Registrar on 19-04-2024 enclosed as Annexure ‘A’. Accordingly, she vacated the hotel and could not attend the classes. Thereafter, she was debarred from appearing in the exam in two papers due to shortfall of attendance. She further submitted that earlier re-registered candidates were not required to attend the classes. She also brought to the notice of the SGRC committee that her ERP was also not updated and no clarifications were given to her on many issues such as Fee structure, ERP update, etc.

The committee after due deliberations came to the conclusion that since the student was required to vacate the hostel, she could not be detained for not attending the classes.

In view of the above, it is recommended that a special exam should be conducted for her during scheduled re-exam in June-July, 2025 without mentioning ‘R’ marks for those papers.

AGENDA 2 : Application of Mr. Aman Jaiswal (UID-UG21-13)

The facts of this case are also similar to the above. And hence committee recommended that for similar reason Mr. Aman

Jaiswal should also be granted special permission for writing paper whenever he has been debarred due to shortfall of attendance.

AGENDA 3 : ----”

The petitioner’s case is considered in agenda 2. The recommendations, if read in the light of Agenda 1, the committee recommended that a special exam should be conducted for him during scheduled re-examination in June-July, 2025 without mentioning ‘R’ mark for the papers in which he was debarred from appearing in the examination.

8. Despite such recommendations, the respondents have not allowed the petitioner to appear in the examination. Accordingly, the petitioner has approached this Court with a request to direct respondents to implement the recommendations dated 12-4-2025 of the SGRC.

9. We have heard Mr. Kartik N. Shuku, learned counsel for the petitioner and Mr. Yash Vyankatraman, learned counsel for the respondents.

10. The argument of the petitioner is that the Law University is bound by the recommendations of the SGRC. The counter argument is that the recommendations are subject to approval by competent authority and since the competent authority did not approve the

recommendations, the respondents are not bound by the recommendations of the SGRC.

11. In our view, to understand whether the recommendations of the SGRC are binding or not, one will have to go through the relevant provisions. Regulation 5 of the Regulations of 2023 reads as under :-

“5. STUDENT GRIEVANCE REDRESSAL COMMITTEES (SGRC):

(i) A complaint from an aggrieved student relating to the institution shall be addressed to the Chairperson, Students' Grievance Redressal Committee (SGRC).

(ii) Every Institution shall constitute such number of Students' Grievance Redressal Committees (SGRC), as may be required to consider grievances of the students, with the following composition, namely:

a) A Professor-Chairperson

b) Four Professors/Senior Faculty Members of the Institution as Members

c) A representative from among students to be nominated on academic merit/excellence in sports/performance in co-curricular activities-Special Invitee.

(iii) Atleast one member or the Chairperson shall be a woman and atleast one member or the Chairperson shall be from SC/ST/OBC category.

(iv) The term of the chairperson and members shall be for a period of two years.

(v) The term of the special invitee shall be one year.

(vi) The quorum for the meeting including the Chairperson, but excluding the special invitee, shall be three.

(vii) In considering the grievances before it, the SGRC shall follow principles of natural justice.

(viii) The SGRC shall send its report with recommendations, if any, to the competent authority of the institution concerned and a copy thereof to the aggrieved student, preferably within a period of 15 working days from the date of receipt of the complaint.

(ix) Any student aggrieved by the decision of the Students' Grievance Redressal Committee may prefer an appeal to the Ombudsperson, within a period of fifteen days from the date of receipt of such decision."

As could be seen, as per clause (viii) of the Regulation 5, the SGRC is under obligation to send its report with recommendations to the competent authority of the institution and copy thereof to the aggrieved student. There is nothing in this clause that the report with recommendations are sent for approval. The requirement is to send the report with recommendations to the competent authority and copy thereof to the aggrieved student. In other words, the SGRC is duty bound to send the recommendations to both, competent authority of the institution and to the aggrieved student. That by itself will not mean that the recommendations are forwarded to competent authority for approval, rather, if subsequent provisions are taken into account, it will be clear that the recommendations are forwarded to competent authority to ensure and facilitate its implementation.

12. Clause (ix) of Regulation 5 enables the aggrieved student to prefer appeal against the decision of the SGRC. Such remedy, however, is not available to the institution. The reason appears to us to be obvious. The committee consists of six members of which five are Professors/Senior Faculty Members of the institution. Thus, the committee comprises of the Professors of the institution and in that sense, the interest of institution is adequately protected.

13. Another provision that indicates necessity of implementation of recommendations is Regulation 10 of the Regulations of 2023. It reads as under :-

“10. CONSEQUENCES OF NON-COMPLIANCE:

The Commission shall in respect of any institution, which wilfully contravenes these regulations or repeatedly fails to comply with the recommendation of the Ombudsperson or the Students' Grievance Redressal Committee, as the case may be, proceed to take one or more of the following actions till the institution complies with these Regulations to the satisfaction of the Commission, namely:

(a) withdrawal of declaration of fitness to receive grants under section 12B of the Act;

(b) withholding any grant allocated to the Institution;

(c) declaring the institution ineligible for consideration for any assistance under any of the general or special assistance programs of the Commission;

(d) declaring the institution ineligible to offer courses through Online/ODL, mode for a specified period;

(e) withdrawing/withholding/suspending the approval for offering courses through Online ODL mode;

(f) informing the general public, including potential candidates for admission, through a notice displayed prominently in suitable media and posted on the website of the Commission, declaring that the institution does not possess the minimum standards for redressal of grievances;

(g) recommend to the affiliating University for withdrawal of affiliation, in case of a college;

(h) take such action as it may deem necessary, appropriate and fit, in case of an institution deemed to be University;

(i) recommend to the Central Government, if required, for withdrawal of declaration as institution deemed to be a University, in case of an institution deemed to be University;

(j) recommend to the State Government to take necessary and appropriate action, in case of a University established or incorporated under a State Act;

(k) such other action as may be deemed necessary and appropriate against an institution for non-compliance.

Provided that no action shall be taken by the Commission under this regulation, unless the institution has been provided an opportunity of being heard to explain its position.”

As could be seen, the consequences of non compliance of the regulations or recommendations of Ombudsperson or recommendation of SGRC are provided. It provides that non compliance of the recommendations of SGRC will attract multiple actions as envisaged in clause (a) to (k). The provision to take action for non-compliance

of recommendation of SGRC is indicative of the fact that the recommendations of the SGRC are mandatory.

14. Learned counsel for the Law University submits that the action under Regulation 10 is attracted only where there is repeated failure to comply the recommendations. We do not find any substance in the argument. What is important in the context of the issue involved is whether the provision indicates that recommendations of SGRC is mandatory. As stated earlier, there are consequences of failure to comply recommendations of the SGRC. Such provision itself is sufficient to hold that recommendations of SGRC are mandatory.

15. Learned counsel for the Law University then submits that he would rely on certain provisions of the Regulations of 2012 in support of his argument that the recommendations of the SGRC are not binding on the institution.

16. According to us, such a course is not available to the University in as much as the Regulations of 2012 have been superseded by subsequent regulations including Regulations of 2023, which are timely in force. The University, therefore, will have to process the recommendations only in terms of the Regulations of 2023, which are in force and applicable to the University. That being so, there arises no

question of referring to the provisions of Regulations of 2012, which have been superseded, in other words, which are not in force.

17. Learned counsel for the petitioner has then invited our attention to Section 14 of the Act of 1956, which reads as under :-

“14. Consequences of failure of Universities to comply with recommendations of the Commission.- If any University [grants affiliation in respect of any course of study to any college referred to in in sub-section (5) of Section 12-A in contravention of the provisions of that sub-section or] fails within a reasonable time to comply with any recommendation made by the Commission under Section 12 or Section 13 [or contravenes the provisions of any rule made under clause (f) or clause (g) of sub-section (2) of Section 25, or of any regulation made under clause (e) of clause (f) or clause (g) of Section 26,], the Commission, after taking into consideration the cause, if any, shown by the University [for such failure or contravention,], may withhold from the University the grants proposed to be made out of the Fund of the Commission.”

Thus, Section 14 provides, amongst other, that if the University fails to comply any regulation made under clause (g) of Section 26, may attract withholding of grants out of the funds of the Commission. Admittedly, the Regulations of 2023 are made in exercise of powers conferred under clause (g) of Section 26 and, therefore, non compliance of these regulations, which includes implementation of recommendations made by the SGRC, will attract penalty. Such a

provision will further suggest that compliance of Regulations of 2023 is mandatory.

18. In addition to above, learned counsel for the petitioner has referred to following judgments to support his argument that the recommendations of SGRC are mandatory.

(1) ***Kalyani Mathivanan Vs. K. V. Jeyaraj and others [(2015) 6 SCC 363]***. In this case, the Supreme Court held that the UGC regulations, being passed by both the Houses of Parliament, though a subordinate legislation has binding effect on the universities to which it applies. Thus, the Supreme Court held that the UGC regulations are binding on the universities.

It is not the case of the respondents herein that the Regulations of 2023 are not applicable to it.

(2) In Writ Petition (Criminal) 793/2017, Delhi High Court, while taking cognizance of suicide committed by law student of I.P. University, issued certain directions on 3rd November 2025 with respect to mandatory attendance norms. The relevant directions are as follows.

“a. No student enrolled in any recognized law college, University or institution in India shall be detained from taking examination or be prevented from further academic pursuits

- or career progression on the ground of lack of minimum attendance;*
- b. No law college, University or institution shall be permitted to mandate attendance norms over and above the minimum percentage prescribed by the BCI under the Legal Education Rules;*
 - c. Insofar as the mandatory attendance norms fixed by the BCI are concerned, all law colleges, Universities and institutions recognized which impart 3 years and 5 years LLB degree courses shall with immediate effect, implement ameliorative measures including-*
 - i.*
 - ii.*
 - iii.*
 - iv.*
 - v.*
 - vi.*
 - vii. If at the end of a semester, a student still does not qualify the prescribed attendance norms, the college/University cannot bar the student from taking the examination. The student shall be permitted to take the semester examination, however, in the final result for the semester, the grade of the student would be permitted to be reduced by a maximum of 5%, in case of marks being awarded and by 0.33% in case of the CGPA system being followed. Merely on shortage of attendance, promotion to the next Semester shall not be withheld.”*

Thus, the Delhi High Court has held that no student enrolled in any recognized law college shall be detained from taking examination or prevented from further academic pursuits or career progression on the ground of lack of minimum attendance. The Court also observed that while attendance norms are necessary for maintaining academic

discipline, they should not be enforced in a manner that disregards the mental and emotional well being of a student.

19. Though, these observations were made in the light of fact that student therein committed suicide, what is relevant for this case is that the student like the petitioner should not be detained from taking examination or prevented for further academic pursuits on the ground of lack of minimum attendance.

20. As such, the judgment of Delhi High Court may not be relevant to decide whether the recommendations of the SGRC are mandatory but reference to judgment is made because petitioner is not permitted to appear for 5th Semester examination due to low attendance.

21. We may refer here to the judgment of Division Bench of this Court in the case of *Commissioner of Income Tax Vidarbha & Marathwada, Nagpur Vs. Smt. Godavaridevi Saraf [1978 (2) ELT (J 624) (Bom)]*, wherein the Court held that the law involving Central Act (before the Division Bench, it was Income Tax Act) declared by a High Court of another State, is a binding law of the land and all authorities acting anywhere in the country are bound by it, until a contrary decision is given by any other High Court.

22. Put altogether, considering the provisions of the Act of 1956 read with the Regulations of 2023, it is abundantly clear that the recommendations made by the SGRC are mandatory. The respondents have not challenged the said recommendations. That being so, they were under obligation to comply the same. The argument of the respondents that the recommendations of SGRC are subject to approval by competent authority runs contrary to the provisions of the Regulations of 2023 read with the provisions of the Act of 1956 as also the pronouncements referred to herein above. The question is accordingly answered in affirmative.

23. Resultantly, the petition is allowed. The respondents shall implement the recommendation of the SGRC dated 12-4-2025 communicated on 7-5-2025. The consequences of the result in re-examination will follow.

24. Rule is made absolute in aforesaid terms.

(RAJ D. WAKODE, J.)

(Anil L. Pansare, J.)