



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

District : Latur.

WRIT PETITION NO.2436 OF 2026

Chaitanya S/o. Haridas Tirpude,
Age: 23 years, Occ: Education,
R/o. Degloor Road, naiknagar, Udgir,
Tal: Udgir, Dist. Latur.

.....PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Animal Husbandry, Dairy Development and Fisheries,
Mantralaya, Mumbai-400001.
2. Registrar,
Maharashtra Animal and Fishery
Sciences University, Nagpur,
Futala Lake Road, Nagpur.
3. Associate Dean,
College of Veterinary & Animal
Sciences, Udgir,
Tal. Udgir, Dist. Latur.

.....RESPONDENTS

Mr. Sandeep Y. Mahajan, Advocate for the Petitioner
Mr. R. S. Wani, AGP for respondent no.1
Mr. P. G. Rodge, Advocate for respondent nos.2 and 3

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CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.

DATED : 28TH APRIL, 2026

JUDGMENT :- (Per Ajit B. Kadethankar J.)

. Rule. Rule made returnable forthwith. Heard parties for final disposal of the Writ Petition.

2. The Petitioner, a student of 3rd year of Graduation program for Veterinary Science and Animal Husbandry is found guilty of using unfair means during the examination. As a punishment as per the applicable regulations, Petitioner is declared failed in the examination, and is also held dis-entitled for the compartmental examination. Hence, the petitioner is before this Court.

3. The Petitioner has putforth following prayers:-

“A. Rule may kindly be issued.

B. Rule may kindly be made absolute by issuing writ of mandamus or any other writ or directions in the like nature the result of the petitioner may the declared as pass by quashing and setting aside the impugned communication dated 08.01.2026 issued by Resp.3.

C. By issuing any Writ or directions in the like nature declare the Academic Regulations For Bachelor of Veterinary Science and Animal Husbandry (B.V.Sc. & A.H.) Degree Course-2016 as ultra virus to the Constitution of India.

D. Any other suitable relief or order for which the petitioner is entitled in the interest of justice may kindly be granted.”

4. FACTS IN BRIEF:-

- a) Consequent to the Petitioner's score in the NEET examination, he got admitted to 1st year of Graduation program for Veterinary Science and Animal Husbandry ("the Course" for brevity), at Respondent no.3/College.
- b) The Course and the College are governed by the Respondent no. 2 – Maharashtra Animal and Fishery Sciences University, Nagpur ("the University" for the sake of brevity).
- c) The Minimum Standards of Veterinary Education Degree Course (B.V.Sc. & A.H.) Regulations 2016 framed by the Veterinary Council of India are the guiding principles for the Universities in the country imparting education in Veterinary Science, Animal Husbandry and Fisheries etc.
- d) The Veterinary Council of India falls under the Ministry of Agriculture and Farmers Welfare (Department of Animal Husbandry, Dairying and Fisheries), Government of India.
- e) The Maharashtra Animal and Fishery Science University follows the central Regulations of 2016. The University has adopted those rules which are named as Maharashtra Animal and Fishery Science University Academic Regulations for the award of B.V.Sc. &

A.H. Degree Course (“the Regulations of 2016” for brevity). These are in accordance with the Central Regulations of 2016.

f) The Petitioner had to attend annual examination for 3rd year of the Course in 2024-2025. On 14.11.2025, while the Petitioner was solving his theory question paper for the subject of Veterinary Pharmacology and Toxicology-I (VPT-I), the Petitioner was reported to have adopted unfair means. An inquiry was conducted by the University in respect of Petitioner’s alleged use of unfair means during the examination. The Petitioner, however completed the balance examination and appeared for rest of the papers.

g) An enquiry was conducted. Conclusively, the Petitioner was found guilty of the charge. Vide letter dated 08.01.2026, the University declared the petitioner as ‘failed’ in the subject of VPT-I. It was also ordered that the Petitioner shall not be entitle to appear in the Compartmental Examination in the ensuing Session.

h) Subsequently, the student performances for the annual examinations 2024-2025 were declared. The Petitioner was at Sr.No.53. The Petitioner was shown ‘Pass’ in all seven subjects, however, in the final result column, the Petitioner was recorded as ‘Fail’.

5. Submissions

a) Mr. Sandeep Y. Mahajan, learned Advocate for the Petitioner argues that once having canceled Petitioner's performance in the subject of VPT-I, and disentitling him for compartmental examination in the ensuing sessions u/r 26 (6) (2) of the Regulations of 2026, the University can not impose additional punishment u/r 26 (9) of the Regulations of 2016. He would submit that it would be a case of double jeopardy. As such, the Petitioner challenges the *vires* of the Regulations of 2016.

b) Mr. Mahajan's submission is, if vide order dated 08.01.2026 the University has imposed punishment to the Petitioner u/r 26 (6) (2) of the Regulations of 2016, his entire performance for the year 2024-2025 could not be cancelled holding him fail. Thus, learned advocate for the Petitioner seeks directions to declare the result of Petitioner as 'Pass' by quashing the order dated 08.01.2026.

c) Mr. P. G. Rodge, learned advocate for the University advocates the action imposed by the University. He would submit that the Rules are neither inconsistent inter se nor with the Constitution of India. He submits that the Regulations of 2016 are very clear, unambiguous and do not overlap with each other.

d) Mr. Rodge relies upon a Judgment and order delivered by this Court in *Writ Petition No.702 of 2024 dated 30.01.2024* titled as '*Atharva Anil Kshirsagar Vs. The State of Maharashtra Through its Secretary and Others*'. He would point out that in very identical circumstances, this court has turned down the same challenge.

6. Consideration:-

We have heard learned advocates for the respective parties at length and have perused the pleadings in the Writ Petition and the reply affidavit. On the basis of the documents before us and the submissions advanced by the respective learned advocates, we proceed to deal with the petition.

a) Although during the course of the arguments, learned advocate for the Petitioner attempted to dispute his indictment in respect of use of unfair means during the examination, we clarified that we are not inclined to go into such disputed questions of the facts. The Petitioner has been held guilty upon conduct of an enquiry by the competent authorities in accordance with the applicable regulations of 2016.

b) Mr. Mahajan, learned advocate then submits that he may be heard on the point of challenge to the *vires* of the Regulations of 2016.

c) So far as Mr. Mahajan's objection of 'double jeopardy' is concerned, we find such objection a misconceived one. This is certainly not a case of 'double jeopardy'. The concept of double jeopardy is something else.

d) There could be no dispute as regards that the minimum standards of veterinary education are governed by the Regulations of 2016. Those regulations prescribe (I) Course of study, (II) procedure for admission to the B.V.Sc. & A.H. Degree Course, (III) Course curriculum that includes meaning of unfair means during the course of examination, the procedure to deal with the unfair means, and the penalties against the unfair means.

e) Rule 26 (6) of the Regulations of 2016 speaks thus:

Unfair means:

26. (6) If the Associate Dean of the college holds that the student is guilty of the charge of preparation, attempt, abetment or actual use of unfair means, he/she shall award punishment to such student as per details given below:

Sr. No.	Examination	Punishment
1.	Internal Assessment	The student shall be given zero (0) mark in the particular assessment. He/she shall be eligible to appear in Annual Board examination of the respective paper of subject
2.	Annual Examination (theory or practical)	The student shall be declared to have failed in the concerned subject. He/she will not be eligible to appear in the compartmental examination of ensuing session.

3.	Compartmental examination (theory or practical)	The student shall be declared to have failed in the concerned subject & reverted to the class from where he/she was conditionally allowed promotion.
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f) Clause-2 of the Rule 26 (6) prescribe that *‘the student shall be declared to have failed in the concerned subject. He/she will not be eligible to appear in the compartmental examination of the ensuing session.’*

g) The order dated 08.01.2026 is the result of the provision at Rule 26 (6)(2) of the Regulations of 2016.

h) Rule 26 (9) of the Regulations of 2016 however further provide that, *‘apart from other punishments or the disciplinary actions as per the rules of the University, a student(s) detected using unfair means during annual examination, shall also be deemed to have attempted and failed in that examination.’*

i) *Litera legis* of both Rule 26(6)(2) and Rule 26(9) of the Regulations of 2016 clarifies that neither of those is overlapping provision. Rule 26(9) unambiguously say that the penalty thereunder is in addition to the other punishment imposed under the rules. As such, its not a case of twice punishment, nor a case of double jeopardy, nor is there any inconsistency in the punishments.

- j) Applicability of the Doctrine of *Ultra Vires* necessarily depends on the text of the enactment, rule, clause etc. as the case may be, which allegedly stands in contravention with the substantive provision of law, the constitution or any such substantive enactment.
- k) The plain reading of the Rule 26(9) of the Regulations of 2016 abundantly starts with the wording “Apart from other punishments.....”, and further contains “shall also be.....”. As such, we have no room for any doubt in our minds that Rule 26(9) is absolutely not an inconsistent separate provision nor it takes exception to the Rule 26(6)(2) of the Regulations of 2016. The punishment u/r 26(9) is an additional punishment.
- l) Rule 26(6) categories of punishments corresponding to the category of the events in which the student adopts unfair means. The intention of the rule-making authority of the Regulations of 2016 is absolutely clear through the text of the concerned provisions.
- m) Rule 26(9) infact refers to Rule 26(4) which allows the student to appear for the remaining papers in the examination in which he was caught using unfair means. Its clarified in the Rule 26(9) that the student shall be deemed to have attempted the examination and shall be held failed.

n) We are in agreement with the argument advanced by Mr. Rodge that once a student is found guilty of using unfair means in the examination, his result is governed by the disciplinary regulations and not by his marks.

o) For the reasons recorded above, we do not agree with the submissions advanced by Mr. Mahajan, learned advocate for the Petitioner that once having shown as 'pass' in the subject-wise column in the mark memo, he could not have been shown as 'failed' in the final result.

p) The judgment cited by Mr. Rodge, learned advocate for the University (supra) was in respect of a student, who too, was caught in malpractice during the examination. The challenge in the said case was that once having declared the Petitioner as failed in the concerned examination, he was also prevented from appearing in the Compartmental examination. This Court dismissed the said petition observing thus:

“9. The main thrust of the contention on behalf of the petitioner is that the petitioner has been subjected to dual punishment quoting Rule 26(6) of the Regulation, 2016, which deals with the unfair means.

The relevant sub-clause (6) of Rule 26 states as under:-

26. (6) *If the Associate Dean of the college holds that the student is guilty of the charge of preparation, attempt, abetment or actual use of unfair means, he/she shall award punishment to such student as per details given below:*

Sr. No.	Examination	Punishment
1.	Internal Assessment	The student shall be given zero (0) mark in the particular assessment. He/she shall be eligible to appear in Annual Board examination of the respective paper of subject
2.	Annual Examination (theory or practical)	The student shall be declared to have failed in the concerned subject. He/she will not be eligible to appear in the compartmental examination of ensuing session.
3.	Compartmental examination (theory or practical)	The student shall be declared to have failed in the concerned subject & reverted to the class from where he/she was conditionally allowed promotion.

10. *The aforesaid clause stipulates that the student found guilty of charge of misconduct can be awarded punishment of declaration to have failed and prohibition from appearing compartmental examination of ensuing session. Mr. Savant by inviting attention of this Court to Rule 19(19) alongwith Rule 24(4) submits that the provision is made for compartmental examination and candidate is allowed to provisionally seat in the next class, even though he failed in two subjects and on clearance of backlog, the candidate is entitled to continue his studies in next professional year. However, the candidate held guilty under Rule 26*

is made liable to dual punishment i.e. failure in relevant subjects, so also prohibition from appearing in the compartmental examination, which ultimately results into loss of Academic Year.

11. We have given anxious consideration to the aforesaid submissions. What we find from the Regulations is that the student who failed in examination is treated differently than the student, who has been declared failed for adopting unfair means during the conduct of examination. Apparently, the student who failed to secure requisite passing marks cannot be treated at par with the student suffered punishment on account of unfair means. There is rational behind providing the stringent punishment to student found guilty of malpractices during examination i.e. declaring him failed in the concerned subject with prohibition to appear in the compartment examination. The student from the first category is merely failed to achieve requisite merit position due to deficit performance in the examination, whereas the student who is dealt under Rule 26 for unfair means suffers punishment for scandalizing the process of examination. We do not find any substance in the contention of the petitioner that he has been subjected to double punishment. The University Regulations are framed based on universal system regarding conduct of

examination. The punishment provided for unfair means has to be deterrent. If the student declared as failed in the subject while attempting unfair means in the examination and further debarred from appearing in the ensuing session cannot be branded as double punishment. In fact, it is a part of one and the same punishment that student has to suffer for his misconduct. At this stage, it would be apposite to refer to the observations of the Supreme Court of India in case of Dr. Ambedkar Institute of Hotel Management, Nutrition and Catering Technology Vs. Vaibhav Singh Chauhan², which reads thus:-

“Copying and cheating in examinations is like Plague. It is a pandemic which can ruin society and the educational system of any country. If the same is left unchecked or if leniency is shown, the same can have a deleterious effect. For any country's progress, the integrity of the educational system has to be infallible. Whether it is paper setters maintaining utmost confidentiality, students not cheating, invigilators being vigilant, examiners doing their job with utmost alacrity knowing that the future of students is in their hands, Universities and colleges not tampering with results - the conduct of all stakeholders has to reflect commitment and also be unblemished”

12. The aforesaid observations clearly stress on the need to maintain purity and strict discipline in the conduct of

examination deeming it necessary for overall progress of the Nation.

13. If we look into the aforesaid observations of the Supreme Court of India, it is difficult to accede with the contentions of the petitioner that the punishment as provided under Regulations is arbitrary or exorbitant in any way. The relevant provisions appears to be in tune with the objects sought to be achieved. The differentiation of the student, who failed in examination and the student whose performance is cancelled on account of adopting unfair means cannot be treated on equal platform. When it comes to unfair practice or malpractice in the examination, the University or examination authority are required to be give some latitude in regulating functions so as to maintain purity of the education system. The provision contained under the Regulations providing punishment for misconduct are apparently reasonable and consonance with object sought to be achieved. In that view of the matter, we do not find any force in the contention of the petitioner. Resultantly, Writ Petition fails and stands dismissed.”

q) The case in hand is identical to the cited case (supra). In this case also, Petitioner's contention is that there can not be double punishment. The only difference in both the cases is that, in the present case punishment under Rule 26(9) is also imposed. In the

cited case the petitioner therein raised his grievance against two punishments i.e. declaration as failed in the subject and prevention to appear in compartmental examination. Here too, the Petitioner has objection for multiple adverse actions. We have no reason to take a view different than what is taken in the case of '*Atharva Kshirsagar*'. For these reasons, we discard the argument of Mr. Mahajan that the observations in the cited case are not applicable to present case.

- r) We see that proper opportunity of hearing was given to the Petitioner to defend the charge. There is no violation of any principle of natural justice.
- s) For the reasons recorded above, we find that the Petition falls deficit to challenge *vires* of the Regulations of 2016.

Hence we pass following order.

Order

- I. The Writ Petition stands dismissed.
- II. Rule discharged.
- III. No costs.

[AJIT B. KADETHANKAR, J]

[SMT. VIBHA KANKANWADI, J.]