



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4881 OF 2026

District : Aurangabad

Ankita Jagannath Sonawale,
Age : 23 Years, Occ. Student,
R/o. A/p. Pimpri, Tq. Koregaon,
Dist. Satara

..Petitioner

Vs.

1. Maharashtra National Law University,
Chh. Sambhajinagar, Through its Registrar,
Maharashtra National Law University,
Chh. Sambhajinagar.
2. The Vice Chancellor,
Maharashtra National Law University,
Chh. Sambhajinagar.
3. CPGLS Convenor,
Maharashtra National Law University,
Chh. Sambhaji Nagar.
4. Grievance Redressal Committee,
Maharashtra National Law University,
Chh. Sambhaji Nagar

..Respondents

Petitioner-in-person present
Mr.S.K.Kadam, Advocate for respondents

**CORAM : SMT.VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**
DATE : APRIL 30, 2026

JUDGMENT (Per AJIT B. KADETHANKAR, J.):-

Rule. At the instance of the Party-in-Person, the petition is taken up for final disposal Rule made returnable forthwith.

2. Preface

2.1 Before we proceed to deal on merits of the matter, we deem it appropriate to record that the matter was sought to be mentioned for urgent admission by the Party-in-Person this morning. Upon making a query, the Party-in-Person submitted that she has not sought permission to present the matter as a Party-in-Person from the Committee constituted under Chapter IV-A of the Bombay High Court Appellate Side Rules 1960. It further appears that during the course of day, the petitioner sought permission from concerned 'Committee'.

2.2 After the court has risen, in the late evening this court was apprised by learned Registrar (Judicial) that the Party-in-Person is insisting to take up the matter for hearing pressing urgency. It was informed that the petitioner is a student of Post-Graduation course of Maharashtra National Law University, Chh. Sambhajinagar ("MNLU-CSN" for brevity). That, the end-term examination of the petitioner was scheduled on 02.05.2026. However for non-compliance of

adequate attendance in the academic session, the MNLU-CSN authorities did not allow her to appear for the examination. It was further apprised to us that the petitioner has insisted that she has sufficient cause to show that she was bonafidely unable to attend the course for certain period and that if opportunity is given, she would convince the court.

2.3 Considering the pressing of urgency as was conveyed, as an exceptional circumstance, the court was reconstituted at about 07.00 p.m. in the Chamber. Considering the interim relief sought to be pressed by the petitioner which was evident from the pleadings, this court called upon Mr.Sahebrao Kadam, learned counsel, who usually appear for the MNLU-CSN. This was on the background of the fact that the petitioner has not given any intimation, nor had supplied advance copy of the petition to the MNLU-CSN despite she wanted to insist for the hearing. Accordingly, Mr. Kadam, learned counsel attended the hearing to assist on the issue.

3. Subject-matter :-

As per the relevant University Regulations, at least, 75% of attendance is mandatory for a student to appear for the semester examination. Petitioner has attendance of 51% only. Petitioner prays to adjust 16 days + 4 days absence on account of medical unfitness

due to backache and menstruation, respectively. Thus, she submits that even if 16 days absence is condoned, she would reach to 67% to enable the Vice Chancellor in her own domain, to raise it to 75%. Hence the Party-in-Person is before us praying for equity.

4. Submissions by the Petitioner-

4.1 The petitioner submits that she is a student of One Year year program in Masters (Law), i.e. LL.M. conducted by the MNLU-CSN. That, she satisfactorily completed the first semester and was desirous to complete the last/second semester of the course. However, the petitioner suffered severe backache in the month of January, 2026 due to which she could not attend the course for sixteen days. The petitioner submits that due to her absence in the course, she could not fulfil the minimum 75% attendance requirement which resulted into denial from MNLU-CSN to participate in the second semester examination. The petitioner would submit that she had a very good performance in the first semester of the course. She demonstrated the instances as to how she had been involved in meritorious fellowship program and sports activities while representing the Institution. She submits that she has also played a constructive and responsible role in guiding the students by assisting them in the career related discussions, etc.

4.2. The petitioner was at pains to submit that only on account of her absence for sixteen days due to the backache as also four days absence due to inconvenience during the menstrual period, the petitioner fell short of the requisite attendance. It is submitted that, inadvertently and out of bona fide human error the petitioner could not submit any application for grant of menstrual leave or medical leave. The petitioner would rely on the legal maxim "*actus non facit reum nisi mens sit rea*" to show that there was no bad intention behind her absence. She would further submit that she is entitled for the relief prayed by her in the petition on account of the Doctrine of Proportionality. Her contention is that merely for not complying with the attendance requirement, a student may not be deprived of attending the examination.

4.3. The petitioner then cites decision rendered by the High Court of Delhi in **Courts on its Own Motion in Re: Suicide Committed by Sushant Rohilla, Law Student of I.P. University, 2025 SCC OnLine Del 7920**. She would submit that the observations and the directions issued by the Delhi High Court may not only be confined to the Under-Graduates but they should also be made applicable to the Post-Graduate student. The Petitioner submits that the directions are applicable to University Grants

Commission and the Universities. She gives emphasis that a student must not be subjected to undue academic prejudice due to the rigid application of the attendance norms.

4.4 The petitioner also relies on the decision in the case of **Dr. Jaya Thakur Vs. Union of India and ors. [Writ Petition (C) No.1000 of 2022]** submitting that the respondent – MNLU-CSN falls within the definition of the “State” and hence, it has to abide itself by Articles 14 and 21 of the Constitution of India. Citing inconvenience suffered by her during to the menstrual period, the petitioner submits that she be granted menstrual leave to adjust the attendance. Lastly, the petitioner submits that as an exceptional case, this court may interfere necessarily in the petition and give directions to the MNLU-CSN, to allow the petitioner to appear for the examination. She would courageously submit that the Court may observe that her case is extra-ordinary and may not be treated as a precedent in future.

Submissions by the respondents: -

4.5 Mr.Kadam, learned counsel representing authorities of the MNLU-CSN submits that the MNLU-CSN and the authorities are bound by the Maharashtra National Law University Regulations, 2020 (“Regulations of 2020”, for brevity) governing the post-

graduate programme and cannot take any exception to those regulations. He would submit that considering the urgency in the matter, he has sought instructions from the Vice-Chancellor of MNLU-CSN, and endured to see whether the petitioner could be rescued of the attendance issue. He advances his arguments on the basis of the Regulations and Petitioner's record.

4.6 Mr.Kadam relies on the Clause XI of the Regulations of 2020, which reads as follows:-

XI. ATTENDANCE

a. The intense academic activity during each Semester includes teaching/research/practical assignments/seminar presentations focusing on the specialization offered, in and outside the classroom. Students are allowed a maximum of two years from the date of admission to complete the requirements of the degree.

b. Every student has to obtain a minimum of 75% attendance in all the subjects taken individually in each semester to be eligible to appear in the End-semester examination. A student, who falls short of requisite attendance, shall not be permitted to take the End semester examination.

Note: Shortfall in attendance may be condoned on grounds of illness of the student or any other special grounds of co-curricular / assigned University academic and administrative activities, authorized by the CPGLS. The recommendation of the CPGLS in this behalf may be approved by the Vice-Chancellor on merit, provided that the minimum attendance requirement prescribed by the UGC is maintained.

4.7 It is the response of Mr.Kadam, learned counsel for the respondents – MNLU-CSN that in view of Clause XI (b), the petitioner

was under mandate to fulfill at least 75% attendance in all the subjects taken individually in each semester to be eligible to appear in the End-semester examination. He would submit that in fact from the record, the petitioner has attendance of only 45.86%. However by adding all the counts available to condone the absence including those mentioned in the proviso to Clause XI(b) Regulations of 2020, her attendance could be adjusted maximum at 51%.

4.8 Mr.Kadam, on our cautious query submits that he has taken specific instructions from the MNLU-CSN that the petitioner never applied for any medical leave or any menstrual leave during the concerned semester. He would submit that the modality provided that had the petitioner touched at least 67% attendance, the Vice-Chancellor could have added 7% within her domain to make the petitioner entitled to participate in the ensuing examination. Mr.Kadam fairly submits that the University has not treated the petitioner's request as an adversary.

4.9 He would submit that the petitioner was given an opportunity of hearing by the Grievance Committee. After considering the petitioner's request by every angle and also with most favourable vision to protect the last semester of the petitioner, the Committee applied its mind extreme mindfully. However, finding

the petitioner's facts too deficit to hold her attendance at least 67%, and having no authority to go beyond the Regulations of 2020, the Vice-Chancellor, MNLU-CSN showed her inability to accede to the petitioner's request and the Committee also could not accede to Petitioner's request.

4.10 Mr.Kadam, learned counsel lastly cited the order passed by this Court at Principal Seat in **Ms.Unnati Rawat Vs. The Principal Management Indian Law Society (ILS) Law College and ors. (Writ Petition No.739 of 2026) dated 17.01.2026** and submits that in the very identical circumstances, this court rejected a similar petition of a law-student. As such, Mr.Kadam, learned counsel for the respondents - MNLU-CSN, sought to justify the action of the respondents.

5. Consideration :-

5.1 Before we render our findings on merit, we record that bearing every sensitivity in mind in respect of the cause raised by the petitioner and the facts of the case, we permitted the hearing as an extreme and exceptional circumstance.

5.2 The respondent - MNLU-CSN is an Institute established by the Maharashtra National Law University Act, 2014 ("Act of 2014", for brevity). The regulations to govern the academic programs by the

MNLU-CSN are formed as Maharashtra National Law University Regulations, 2020. There can be no dispute that the authorities of MNLU-CSN are bound by the Act of 2014 as also the Regulations of 2020. The record produced before us by Mr.Kadam, learned counsel would reveal that the petitioner's attendance is as follows:-

Subjects	Classes conducted by the Institution	Classes attended by the Petitioner	Percentage
Comparative Public Law	45	18	
Center - State Relations	28	14	
Service Law	30	14	
Comparative Constitutional Law	30	15	
Total	133	61	45.86%

Thus, it is evident that this comes to 45.86%. We take a note of the submissions made by Mr.Kadam, learned counsel for the respondent - MNLU-CSN, that the said attendance of the petitioner, could be stretched maximum to 51% inclusive of the actual physical attendance as also such other activities of the petitioner which could be counted as attendance for the purpose of total attendance of a student in terms of the note to Clause XI of the Regulations 2020.

5.3 Now, so far as the petitioner's explanation as regards her failure to attend the classes on medical ground as also menstrual

illness count, we find that the petitioner has never applied for such leave. The petitioner agrees that she had never applied for such leave. Mr.Kadam, learned counsel, submitted that had the petitioner applied for permissible leave on the ground of illness, the authorities could have favorably considered the same. We agree with the submissions advanced by Mr.Kadam that a bare statement and producing of a medical certificate at later stage, will not entitle a student to fill up the lacunae of absence. The authorities have to go by the Regulations and the record. Even before us except one general certificate which advised exactly 16 days rest, nothing convincing material i.e. at least any X-ray image or some medication etc. is produced by the Petitioner. The Petitioner argued that the backache suffered as she has fallen. If according to the medical certificate the Petitioner was advised to take rest for 16 days, it is but obvious that the Petitioner would have undergone some medical treatment and investigation. At least, X-ray would have been there. We are aware that we are not medical experts, however mere statement and a bare general certificate do not inspire confidence in a prudent mind to believe the case set up by the Petitioner. The Petitioner had ample time since January 2026 to be equipped with convincing material to suggest her genuine reason for absence.

5.4 The judgment cited by the petitioner in the case of **Dr.Jaya Thakur** (Supra) shall not come to the help of the petitioner. Mr.Kadam submits that the University Rules do not provide for leave on that count. For this reason, we refrain ourselves to discuss this issue anymore.

5.5 It is for the first time before the MNLU-CSN, that upon learning denial to participate in the examination the petitioner has come up with such case. We may record that the reliance placed by the petitioner on the doctrine of "*mens rea*" as also the "Doctrine of *Proportionality*" are absolutely misconceived. "*Mens rea*" is the principle applied in the Criminal Law, while the Doctrine of *Proportionality* is a principle applied in the cases of punishments, predominantly under the Service Jurisprudence. The issue in hand is a denial by MNLU-CSN, to allow the petitioner to participate in the examination on account of violation of mandate of the University regulations in respect of deficit attendance. We have no doubt in our mind that the denial of the subject-matter is not a punishment for which *Doctrine of proportionality* could be invoked. So also, there is no space to consider "intention" of a student behind failure to mark requisite attendance. The MNLU's Regulations of 2020 strictly govern the case in hand. Denial to attend examination on account of

deficit attendance, is as per the University Regulations of 2020. Absence in the lectures is neither a crime nor any misconduct, for which the principles of “Mens Rea” or “Doctrine of Proportionality” as cited by the Petitioners shall be applicable. We discard this argument of the Petitioner.

5.6 We specifically record that during the hearing the petitioner specifically submitted that she failed to submit her respective leave applications while she was fully aware that the absence may result into shortage of compulsory attendance as per the University Regulations. As observed, even before us, except a general medical certificate, the Petitioner did not produce any material to convince a prudent mind that the circumstances indeed prevented the Petitioner to attend the classes for the given period. The petitioner’s contention that, the court may exercise its jurisdiction by way of discretion to fill up the gap between 51% to 67% on account of her absence for the reasons mentioned, is hence unacceptable. The petitioner submits that this court may override the riders laid down in the University Regulations and to allow the petition by recording that this may not be treated as a precedent in future. We decline to accept such argument and the prayers by applying the principle of equity for the reasons recorded supra. We

subscribed ourselves to the principle that '*equity follows the law*'. The petitioner's case is straight-way hit by the legal principle "*commodum ex injuria sua nemo habere debet*" which says that a person cannot take advantage of his own wrong.

5.7 We have gone through the order passed by this court at Bombay in the case of **Ms. Unnati Rawat** (Supra). Paragraphs 18 onward read thus:-

18. The Delhi High Court judgment cited on behalf of the petitioner is not applicable in the facts and circumstances of the present case. This in view of the Ordinance of the University of Pune (supra) which mandates the student of the University to have the requisite attendance in the College and provides for maximum condonable attendance requirement being 20% i.e. at least 55% of lectures in the whole year and not below such mandatory threshold.

5.8 We have also gone through the judgment cited by the petitioner in **Courts on its Own Motion in Re: Suicide Committed by Sushant Rohilla, Law Student of I.P. University** (Supra). In view of the Regulations of 2020 framed under the Act of 2014, we are in full agreement with the observations made by the coordinate Bench of this court at Bombay in the case of **Ms. Unnati Rawat** (supra), in paragraph 18, that the Delhi High Court judgment cited on behalf of the petitioner therein is not applicable in the facts and circumstances of the case.

6. We may record that the Petitioner has given much emphasize on her performance in the past semester as also to her extra curricular activities. However, so far as the condonation of absence is concerned, we are not impressed with such pleadings. Those pleadings for earlier semester are not helpful to the Petitioner to give go-bye to the Regulations of 2020 (Clause XI). We concur with the decision taken by the respondent University, the Grievance Committee and other authority under university that it is the only clause XI of the 2020 Regulations that shall prevail over the subject-matter.

7. For the reasons recorded above, we do not find any merit in the petitioner's case. We find no reason to place the respondents - MNLU-CSN, at any fault in excluding the petitioner from participating in the End - Term Examination of the Master's Degree programme. Hence, we pass the following order:-

O R D E R

- (i) The Writ Petition stands dismissed.
- (ii) Rule stands discharged.

[AJIT B. KADETHANKAR, J.]

[SMT.VIBHA KANKANWADI, J.]

KBP

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