PALLAVI
MAHENDRA
WARGAONKAR

Digitally signed by
PALLAVI MAHENDRA
WARGAONKAR
Date: 2026.01.20
11:00:53 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 739 OF 2026

Ms. Unnati Rawat ...Petitioner
Versus
The Principal Management Indian Law Society
(ILS) Law College And Ors. ...Respondents

Mr. Shubham Yadav a/w Mr. Sanket Dhawan, Sumit Chaudhary i/b. Pankaj Purway for the Petitioner.
Mr. shailendra Kanetkar a/w Shubham Suryawanshi, for the Respondent.

CORAM : R. I. CHAGLA AND
ADVAIT M. SETHNA, JJ.

DATED : 17TH JANUARY, 2026

P.C.:-

1. By this Writ Petition, the Petitioner is seeking a direction to Respondent No.1 – ILS Law College, Pune to condone the Petitioner's shortage of attendance for the First Year L.L.B. (Three Years Course) for the Academic Year 2025-26 and permit the Petitioner to appear in the ensuing Semester-I examinations conducted under the Respondent No.2- University, treating the Petitioner as regular student for all purposes.

2. The Petitioner is a first year student of ILS Law College, Pune who is seeking indulgence of this Court to allow her to appear for Semester-I examinations conducted by the Respondent No.2 – University.

3. The relevant facts are as under:-

(i) The Petitioner has secured admission in ILS Law College, Pune on 30 October 2025.

(ii) The Petitioner absented from the College due to her father's Prostate Cancer Surgery and post-operative care on 2 November 2025.

(iii) The Respondent No.1 – College issued defaulter list of students who have not maintained the minimum percentage of required lectures in the Respondent No.1 – College and the Petitioner's name was also mentioned as a defaulter in the said list. The attendance of the Petitioner is 45% and she is at Sr. No.14 of the defaulter list of 27 students which is titled as 'Whose Examination Forms are withdrawn for not complying with the attendance requirement'.

(iv) The Petitioner made several applications to the Director, Vice-Chancellor and Pro-Vice Chancellor to condone the Petitioner's attendance as the Petitioner's father underwent a surgery and the Petitioner was the primary caretaker of her father. The Respondent No.1 – College not having condoned the attendance of the Petitioner which the Petitioner sought to justify on humanitarian grounds and the aforementioned difficulties faced by the Petitioner, the present Writ Petition has been filed.

4. Mr. Shubham Yadav, the learned counsel appearing for the Petitioner has referred to the medical report mentioning the status of the Petitioner's father (annexed at Exh.-D to the Petition). This shows that the Petitioner's father was suffering from Prostate Cancer. The Petitioner also relies on copy of the Discharge Summary issued by the Muljibhai Patel Urological Hospital

showing admission date of 6 October 2025 and discharge date of 12 October 2025.

5. The learned counsel for the Petitioner has also stated that on account of the Petitioner being the primary caretaker of her father, there was a shortage of attendance in the Respondent No.1 – College and for which she had to remain absent from the College classes for the period 30 September 2025 to 27 October 2025 and also in November 2025. The Petitioner was again compelled to return home i.e. from 20 November 2025 to 24 November 2025 to take care of her father in view of his continuing medical condition.

6. The learned counsel for the Petitioner has referred to several applications made for condonation of her shortage of attendance including application dated 15 December 2025 to the Director of Examination of Board of Respondent No.1 – College and applications dated 15 December 2025 and 16 December 2025 to the Vice Chancellor of Respondent No.1 - College in which the Petitioner has presented her case to be considered on humanitarian and compassionate grounds to condone the shortfall in attendance and permit the Petitioner to appear for the forthcoming examination.

7. The learned counsel for the Petitioner has submitted that the Respondent No.1 - College has violated the Petitioner's right to education and equality under Article 14 of the Constitution of India for denial of

examination opportunity despite genuine and medical hardship which amounts to arbitrary and unequal treatment. This prevents her from exercising her right to education by denying her examination access without considering her plea on humanitarian grounds.

8. The Petitioner has relied upon the judgment of Delhi High Court in Suo Motu Writ Petition (CRL.) No.793 of 2017 and Criminal Misc. Application Nos.16639 of 2017, 8850 of 2024 wherein Delhi High Court has held that 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.

9. The learned counsel appearing for the Petitioner has accordingly submitted that the indulgence of this Court be shown and that the Petitioner may be allowed to appear for ensuing Semester-I examinations conducted under Respondent No.2 – University by the Respondent No.1-College, by treating the Petitioner as regular student for all purposes.

10. Mr. Kanetkar, learned counsel appearing for the Respondent No.1 - College has placed reliance upon the Ordinance of University of Pune issued under the provisions of Pune University Act, 1974 and in particular, Ordinances 68 and 70 which provides as under:-

> *"O. 68. For keeping a term in any Class in a College/University Department/ Recognised Institution, a student shall attend at least 75% of lectures delivered per term, in case of a*

Course/Courses where under keeping separate terms is prescribed, whereas in case of a Course where the terms have to be kept consecutively, 75% attedance at the lectures shall be calculated for both the terms at the end of the Second Term. Besides, the requirements for sessional work, performance thereat and attendance therein and other requirements as prescribed by the respective Board of University Teaching and Research and/or any other University authority or body, as the case may be, shall have to be satisfied for earning the terms.

O. 70. The Executive Council may on account of bonafied illness, or any other compelling reasons beyond the control of the candidates, condone the shortage of attendance by 20% at the maximum on the recommendations of the Discipline Committees in case of the Post-Graduate Courses and the Principals of the Colleges in case of the Under-graduate Courses."

11. Mr. Kanetkar has submitted that the Division Bench of this Court in ***Shivprasad Hiralal Salunke vs. The Principal, ILS Law College, Pune*** (Writ Petition No.3097 of 2012) order dated 4 April 2012 has taken a view that considering the aforementioned Ordinances, the Executive Council is permitted to condone deficiencies in attendance provided that the maximum period, which can be condoned by the Executive Council does not exceed 20%.

12. Mr. Kanetkar has submitted that it is evident, from the aforementioned decision and Ordinance that the Executive Council can condone the delay in attendance of a student and allow him to appear in examination, provided the student has attended at least 55% of the lectures in the whole year, but could not attend the remaining lectures, on account of *bonafide* reasons or those beyond his control.

13. We find from the aforementioned case, that the Petitioner was found to have attended lectures only upto 51% in the whole year. The Division Bench of this Court held that the Executive Council had no authority to condone the shortfall beyond 20% of the maximum attendance and that no fault could be found with decision of the University in rejecting the request of the Petitioner to allow him to appear in the ensuing examination. The Petition was accordingly dismissed. So also, in the present case, we sympathize with the Petitioner who claims that in view of her father being a Cancer patient and the Petitioner being a primary caretaker, could not comply with the condonable attendance requirement as stipulated under the Ordinance of the University of Pune (supra).

14. However, it is pertinent to note as submitted by Mr. Kanetkar that the documents which have been relied upon by the Petitioner in the Petition, which includes the medical reports of her father and Discharge Summary of the concerned Hospital were never provided to the Respondent No.1 – College. Such fact is not disputed by the Petitioner. On the contrary, it appears that there is only an Application to the Respondent No.1 - College for submission of medical certificate by the Petitioner which states that total number of days of absence from the college would be three days. The medical certificate for the student has been appended to the Application. The said Application has been tendered by Mr. Kanetkar and is taken on record and marked '**X**' for identification.

15. Clauses 68 and 70 of the Ordinance reproduced above makes it clear that the Executive Council is empowered to condone the deficiency in attendance provided that the student has attended at least 55% of lectures in the whole year.

16. The Petitioner, admittedly is having only 45% attendance and falling short of the minimum requirement of 55% attendance, which deficiency cannot be condoned by the Executive Council. The provisions of the Ordinance lays down mandatory requirements and has not been challenged by the Petitioner. Thus, the reliefs sought by the Petitioner, if granted, would water down the mandate under such Ordinance of the University of Pune which makes it clear that such deficiency in attendance beyond 20% cannot be condoned.

17. The reliance placed by the Respondents on the Defaulter List annexed to the Petition clearly indicates that there are 27 students whose exam forms could not be accepted, on account of failure to meet the condonable attendance requirement i.e. 55% in the year. Thus, it appears that the Petitioner having 45% attendance in the year, is not treated differently or discriminated against, as claimed by her.

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.

19. The Petitioner has not distinguished the judgment and order of this Court in ***Shivprasad Hiralal Salunke*** (supra) which is squarely applicable in the given facts. In view thereof, we are not persuaded to depart therefrom and/or take a different, divergent view, in the given facts and circumstances.

20. In light of the above discussion, no fault can be found with the decision of the Respondent No.1 – College in rejecting the plea of the Petitioner from permitting her to appear in the ensuing Semester – I examinations.

21. For all the above reasons, we dismiss the Petition with no order as to costs.

[ADVAIT M. SETHNA, J.] **[R.I. CHAGLA, J.]**