

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1065 OF 2026

Nikiteshkumar Vijaykumar Kotangale

Age: 36 Years, Occupation : Student

R/at : Kapilvastu, Plot No. 95, Sector No. 18,

Jijamata Park, M. Phulenagar, Chinchwad,

Pune – 411019.

...Petitioner

Versus

1. The Vice- Chancellor, Mumbai University

Mahatma Gandhi Road, Fort,

Mumbai – 400032.

2. The Registrar, Mumbai University

Mahatma Gandhi Road, Fort,

Mumbai – 400032.

3. Department of Law, Mumbai University

Mahatma Gandhi Road, Fort,

Mumbai – 400032.

...Respondents

Adv. Nikitesh Kotangale, Petitioner in person.

Adv. Rui Rodrigues, a/w Adv. Jainendra Sheth, for Respondent No.1.

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

JUDGMENT RESERVED ON : 17 FEBRUARY 2026

JUDGMENT PRONOUNCED ON : 24 FEBRUARY 2026

JUDGMENT (Per Advait M. Sethna, J.):

1. Rule. The Rule is made returnable forthwith with the consent of the parties.

2. This petition is filed under Article 226 of the Constitution of India seeking the following substantive reliefs :-

“a. That this Hon’ble Court may be pleased to direct the Respondents to publish the official notification of Semester I backlog results on the University website;
b. That this Hon’ble Court may be pleased to direct the Respondents to reopen and extend the revaluation link for the Petitioner for Semester I backlog subjects;
c. That this Hon’ble Court may be pleased to direct the Respondents to permit the Petitioner to apply for admission to Second Year LL.M. subject to revaluation results;”

Factual Matrix :-

3. The facts necessary for adjudication of this petition are summarized below.

4. The Petitioner is a student pursuing an LL.M. (Criminal Law and Criminal Administration – Group V) at Agnel’s School of Law, Vashi, affiliated with the University of Mumbai. The Petitioner appeared for the Semester-I LL.M. backlog examination in Group V, conducted by the University of Mumbai. Out of four subjects, the Petitioner cleared one subject, failed in two subjects, and left one subject unattempted citing personal difficulties.

5. The Respondent – University of Mumbai declared the results of the Semester-I backlog examination. According to the results so published for the said LL.M. Semester-I backlog examination, the Petitioner failed to clear two subjects, as evident from the result declared.

6. The Respondent – University of Mumbai issued Circular No. 61 of

2025 dated 5 May 2025. By the said Circular, it was informed that applications for revaluation and for photocopies of answer books for the First Session – 2025 examinations would be accepted only through online mode. It was further stated that the revaluation link would be activated within seven days after the declaration of results and would remain active for the next twelve days. Applications would not be accepted after the expiry of the prescribed period, as specifically provided in the said Circular.

7. According to the Respondents, as set out in their Affidavit-in-Reply to the Petition, the revaluation results of 243 students were declared on 16 December 2025. Subsequently, on 6 January 2026, the revaluation results of three additional students were also declared for the said examination with which the Petitioner is concerned.

8. On 12 December 2025, the Petitioner made an inquiry with his college, Agnel's School of Law, Vashi, and was informed that the Semester-I backlog results had already been declared on 18 November 2025 and that the period for applying for revaluation had lapsed.

9. On 5 January 2026, the Petitioner submitted a written representation to the Respondents seeking publication of the notification of the said result and reopening of the revaluation link.

10. Thereafter, on 19 January 2026, the Petitioner preferred the present Petition seeking the reliefs as set out hereinabove.

Rival Contentions :-

11. The Petitioner, appearing in person, vehemently submits that the action and/or inaction on the part of the Respondents in failing to publish the notification regarding the declaration of results of the Semester-I backlog examination on the official website of the Respondent – University of Mumbai is arbitrary, unreasonable, and discriminatory. The same violates the Petitioner's fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India.

12. According to the Petitioner, despite regularly monitoring the official website, the non-publication of any notification declaring the results of the said examination led to the denial of equal opportunity to him. This, according to the Petitioner, is solely attributable to administrative lapse on the part of the Respondent, for which the Petitioner cannot be faulted. The Petitioner further submits that he cleared all subjects in the Semester-II examination. He secured 39 out of 100 and 43 out of 100 in two subjects of the Semester-I backlog examination, which clearly demonstrate a genuine case for revaluation. In view thereof, denial of such an opportunity results in grave and serious prejudice to the Petitioner and amounts to deprivation of his right to education.

13. It is the Petitioner's case that he was never informed either through the official website or by any communication from the institution/college or through any official group about the declaration of results or the timeline

for revaluation. Such omissions precluded the Petitioner from applying for revaluation.

14. The Petitioner urges that the non-publication of the notification of the result declared on 18 November 2025, and the suppression of the revaluation link by the Respondents, constitute a serious breach of their statutory duty. This is not the manner in which the Respondents ought to have acted, to the grave prejudice of the Petitioner, particularly when it was their bounden duty to act in a fair and reasonable manner.

15. Thus, the Petitioner submits that the denial of opportunities on technical grounds attributable to the administration on the part of the Respondents strikes at the very root of equality and fairness, which are the hallmarks of constitutional governance. The Petitioner further submits that the cause of action continues to subsist due to the failure of the Respondents, which is directly affecting the Petitioner's admission to the second-year LL.M. course and his further academic progression.

16. The Petitioner therefore prays that the Petition be allowed by this Court.

17. Per contra, Mr. Rui Rodrigues, learned counsel for the Respondents, in support of his submissions, has placed due reliance on the Affidavit-in-Reply dated 10 February 2026 filed by Dr. Prasad M. Karande, Registrar of the University of Mumbai. He has refuted the submissions of the Petitioner

as being completely devoid of merit and substance.

18. Referring to the Affidavit-in-Reply, Mr. Rui Rodrigues submitted that the results of the said examination were duly declared and published on the official website of the University, i.e., www.mumresults.in, on 18 November 2025. The facility for revaluation was made available to students from 1 December 2025 to 13 December 2025 in terms of the Circular dated 5 May 2025 issued by the Respondent.

19. Mr. Rui Rodrigues would urge that the revaluation link remained active from 1 December 2025 to 13 December 2025. During the said period, a total of 246 students applied for revaluation in respect of the same examination results with which the Petitioner is concerned. This included one student from the Petitioner's own college, Agnel's School of Law, Vashi. It is thus evident that the Petitioner did not apply for revaluation within the clear stipulated period.

20. Mr. Rui Rodrigues would submit that the revaluation results of 243 students were declared on 16 December 2025, and those of the remaining three students were declared on 6 January 2026. He would therefore submit that, in view of the declaration of results and the issuance of the Circular dated 5 May 2025, 246 students had in fact applied for revaluation. For such reasons, the Petitioner's contention that the results were not declared or that the revaluation timeline was not notified is completely misconceived and contrary to the record.

21. According to Mr. Rui Rodrigues, it is the Petitioner who failed to apply for revaluation within the prescribed timeline despite the declaration of results and the issuance of the clear Circular dated 5 May 2025 for the revaluation process.

22. In light of such non-compliance with the rules for revaluation, which are uniformly applicable to all students, the Petitioner cannot be permitted to seek reopening or extension of the revaluation process. Acceptance of the Petitioner's submissions would amount to setting the clock back, which would be academically unproductive and undesirable.

23. For all of the above reasons, Mr. Rui Rodrigues would urge that the petition ought to be dismissed.

24. We have heard the learned counsel for the parties and have perused the record.

Analysis :-

25. The principle submission of the Petitioner is premised upon the failure of the Respondents to notify the result for the said Semester-I LL.M backlog examination declared on 18 November 2025. This as he would contend, led to deprivation of the Petitioner's right to apply for revaluation. Accordingly, it is pertinent to refer to the circular No.61 of 2025 published by the Respondent-University of Mumbai dated 5 May 2025. A perusal of the said circular brings to the fore the following:-

a) The said circular is issued by the examination section of the said

University.

b) It is duly published.

c) By the said circular it is informed that the applications for revaluation and photocopy of answer books for examinations held in first session of 2025 will be accepted through online mode only.

d) The path/link for online application is clearly published.

e) The link would be activated within 7 days after declaration of result and will remain active for the next 12 days.

f) It is made clear that the applications will not be accepted after expiry of the prescribed period.

g) If any difficulty arises while filling the online form or making payment, students are at liberty to contact the concerned office during the hours mentioned.

It is thus evident that the above circular, as published, serves as a constructive notice to all concerned. The Petitioner has not challenged the said circular. It is on such basis that 246 students have applied for revaluation and their results were declared pursuant to the revaluation applications based on the said circular. In fact, this includes one student from the Petitioner's very own college.

26. The Petitioner, has on the other hand, urged that the Respondents have come out with a notification on 3 July 2025 publishing the last date being 15 July 2025 for application for revaluation for the LL.M Semester-I

examination held in May 2025. Nothing thus prevented the Respondents from coming out with such publication for the said examination. However, a perusal of the circular of the Respondent-Mumbai University dated 5 May 2025 makes it abundantly clear that all concerned were duly informed of the opening date for application for revaluation and the last date thereof. This can never be open ended or for an unlimited period.

27. It is not disputed that the Respondent University is the statutory authority which regulates the examination for various causes and is in charge of the publication of results. In view thereof, such statutory body cannot be compelled and/or dictated to notify the declaration of the results in a particular manner only, as suggested by the Petitioner. The circular dated 5 May 2025 which is duly published stipulates clear timelines for the revaluation process for the result duly declared and published on 18 November 2025, for the said examination. In view thereof, we are unable to carve out a complete exception for the Petitioner vis a vis the other 246 similarly placed students who have scrupulously followed the said Circular and the timelines stipulated therein. This would be counterproductive fostering special treatment in favour of the Petitioner alone and that too in a manner not known to law.

28. In the above context we would advert to the decision in ***Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs.***

Paritosh Bupeshkumar Sheth and Others¹ where the Supreme Court, in the context of evaluation in public examination observed that a duty is cast on the state board to formulate its policy, as to how the examination are to be conducted, how the evaluation of the performance of the candidates is to be made and by what procedure the results are to be finalized, compiled and released. This would clearly apply in the given case where the Respondents cannot accordingly be compelled to publish the declared result in a particular manner, that too, as desired by the Petitioner. Moreover, the petitioner is unable to demonstrate that the law requires the declared result to be notified only in that manner and none other.

29. The reliance of the Petitioner on the second part of the circular which refers to certain programs and examination and the particular subject code is totally misplaced. The said portion of the circular of 5 May 2025 in fact makes it clear that it is only for exams for those subjects i.e. Architecture, Design, Engineering and such others, where the applications were to be submitted in hard copy with the prescribed fees. This by no stretch of imagination can be applied to the first part of the circular which is applicable to all the concerned students, including the Petitioner. Accepting the Petitioner's contention in this regard would lead to a misreading and misinterpretation of the said circular which we are unable to accede to.

30. Another facet which needs to be considered is that the Petitioner has

1. 1984 4 SCC 27

approached this Court by filing the Petition on 19 January 2026. This is much after the expiry of the revaluation deadline which ended on 13 December 2025 during which the said 246 students applied for revaluation, pursuant to the declaration of the result for the said examination. As stated in the Affidavit-in-Reply of the Respondents the Second Year LL.M (Sem III) has also commenced from January 2026. We therefore find merit in the submission of the Respondents that granting the Petitioner's prayer to, inter alia, reopen the revaluation link would be akin to opening the pandora's box by taking the clock back only to benefit the Petitioner, which in the given factual complexion, is neither just nor equitable.

31. We are not persuaded by the Petitioner's submission that it is only after the failure of the Respondent-University to decide the Petitioner's representation that he had to approach this Court. The Petitioner has attempted to contend that this is a case where the Respondents have acted in contravention of the well settled principles of natural justice by depriving him an opportunity of revaluation, without even considering his representation. It is apposite, at this juncture to refer to the observations of the Supreme Court in *Maharashtra State Board of Secondary and Higher Secondary Education and Another (Supra)* where the Supreme Court had an occasion to deal with the issue of evaluation in public examination. The Supreme Court referred to the decision in *Union of India Vs. Mohanlal*

Kapoor.² The Supreme Court held that it is not expedient to extend the horizon of natural justice involved in *audi alteram partem* rule to the twilight zone of mere expectation, however great they may be. These decisions are clearly applicable to the given factual matrix and we see no reason to depart therefrom. We are therefore, unable to accept the Petitioner's contention that the Respondents have acted in a negligent and/or arbitrary manner. In fact, the Respondents have been fair and transparent in their approach by publishing the said Circular of 5 May 2025, pursuant to which 246 students including one from the Petitioner's own college has applied for revaluation. In view thereof, the submissions advanced by the Petitioner do not appeal to our conscience.

32. In our considered view, though we have our sympathies with the student, this is not a case warranting interference, where the Petitioner's fundamental rights are infringed in any manner whatsoever, as alleged by him. On the contrary, granting the prayer of the Petitioner would result in a backdoor entry to the Petitioner by reopening the revaluation link, that too only for the Petitioner in the given factual matrix. Doing so, would run contrary to Article 14 of the Constitution of India mandating that equals be treated equally and not unequally, which we are bound to follow, in letter and spirit.

33. For all the above reasons, we find no merit in the Petition and we

2. 1974 1 SCR 797

pass the following order:-

ORDER

- i. The Petition is Dismissed. Rule is discharged.
- ii. No order as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]