

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

WRIT PETITION NO. 2016 OF 2026

Saurabh Subhash Gutte

...Petitioner

Versus

The State Of Maharashtra Through

Its Principal Sec. Higher And Technical Dept And Ors. ...Respondents

Mr. Saurabh Subhash Gutte, Petitioner in person.

Mr. A.I. Patel, Addl.G.P. a/w Shri S.H. Kankal, AGP for Respondent Nos.1
and 2 – State.

Mr. Rui Rodrigues a/w Jainendra Sheth for Respondent Nos.3 to 6.

Mr. Shubham Mishra i/b. Ashok Mishra for Respondent No.7.

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

DATED : 10th MARCH, 2026

P.C.:-

1. Rule. Rule made returnable forthwith. Heard by consent of parties.
2. By this Writ Petition, the Petitioner is seeking a direction to the Respondent Nos.3 to 6 - University to forthwith release the Petitioner's LL.B.-X Semester (Final Year) marksheet and degree certificate. Further, the Petitioner has sought a declaration that the Petitioner's transfer admission to the Second Year of B.L.S. LL.B. Five Years Course at Respondent No.7 – College affiliated with the Respondent No.3 to 6 – University is legal, valid and regular for all intents and purposes, especially in light of the University having already issued a Permanent Registration Number (PRN) to the

Petitioner who has been declared as having passed the Final Year Course. A further prayer is sought for quashing and setting aside the order/communication dated 18 December 2025 passed by the Respondent Nos.3 to 6 – University of Mumbai by which the Petitioner has been considered *prima facie* eligible for transfer admission to Second Year B.A. LL.B. (Five Year Course) in the University for Academic Year 2021-22 subject to condition that the Petitioner must appear and pass in the subjects of (1) Logic – I, (2) Legal Writing and Legal Language.

3. The Petitioner was a student of the Respondent No.7- IBSAR School of Law (for short “College”). The Petitioner in the year 2021-22 i.e. prior to being admitted in Respondent No.7-College had sought transfer of his admission from M.P Law College at Sambhajinagar to the Respondent No.7 – College as per the permission of DHE. The Petitioner had thereafter taken admission in Respondent No.7 – College by depositing the requisite fees while submitting documents i.e. Migration Certificate and LL.B. First Year marksheet.

4. From the year 2021-25, the Petitioner has appeared in the examinations of Second year to Fifth year in all Semesters and received all mark-sheets other than Xth Semester marksheet and Degree certificate (along with B.L.S. LL.B. Degree Certificate) without there being any objection as to provisional eligibility. The Petitioner has scored excellent Grade in all the Semesters of Second Year to Fifth Year. The Petitioner also

participated in Inter-College competitions like Moot-Court Competition as well as Speech Competition and other inter-activities of the College.

5. On 11 June 2025 Respondent Nos.3 to 6 – University declared result of LL.B. (Fifth Year) Xth Semester by which the Petitioner was declared passed on Seat No.5001288 (Online Results page No.397) shown under caption of Result Provisional (RP).

6. The Petitioner upon learning of his result being made provisional (RP) immediately approached the Respondent No.7 – College in June 2025 and enquired about his marksheet which was being withheld by the University. The Petitioner got knowledge that the withholding of his marksheet was on the ground that the provisional eligibility process for confirmation of admission had not yet been fulfilled by the Respondent No.7 – College authority which is required for a migrated student.

7. The Respondent No.7 – College submitted the Petitioner's proposal to the Deputy Registrar, Enrollment and Eligibility Section, Mumbai University along with all necessary documents for confirmation of provisional eligibility on 20 September 2025.

8. The Petitioner had made a requisite application on 9 October 2025 to the Respondent Nos.3 to 6 – University and submitted his prescribed provisional eligibility form along with other necessary documents.

9. The Respondent Nos.3 to 6 – University vide a letter dated 18 December 2025 (impugned communication) addressed to the Respondent

No.7 – College informed the College that the Petitioner is considered *prima facie* eligible for transfer admission to Second Year B.A. LL.B. (Five Year Course) in the University for A.Y. 2021-22, subject to his appearing and passing in the following subjects:- 1) Logic – I (One) and 2) Legal Writing and Legal Language.

10. The Petitioner had on 19th December 2025 enrolled as an Advocate (Provisional) subject to undertaking to submit final year marksheet within 90 days. The Petitioner passed All India Bar Examination (AIBE) on 7 January 2026 which is a pre-requisite for enrollment as an Advocate.

11. The Petitioner had by a communication dated 13 January 2026 addressed to the Respondent No.7 – College stated that he was compelled to submit an affidavit on 17 December 2025, undertaking to submit his final year marksheet within 90 days failing which his Sanad/enrollment was liable to be cancelled. He had submitted that this placed his professional career at a serious risk. Also, the scholarship from 3rd year was pending at the Institution level, and because of which, the next 4th and 5th year Scholarships could not be availed by him and many other eligible students. The Petitioner had therefore submitted that he would be prepared and willing to appear for the two papers which the Respondent Nos.3 to 6 – University had made it conditional for grant of provisional eligibility for transfer of admission to Second year B.L.S. LL.B. in the University for A.Y. 2021-22 and that the Respondent No.7 – College immediately take steps to

conduct the examination as directed by the University vide impugned letter dated 18 December 2025 before the end of January 2026.

12. The Petitioner appearing in person has submitted that he has been made to travel from pillar to post in order to obtain release of his LL.B. X Semester (Final Year) marksheet and degree certificate. He has submitted that while admission had been taken in the A.Y. 2021-22 in the Respondent No.7 – College, the Petitioner was not informed of his being non-eligible for transfer and in fact, his admission had readily been accepted. He has submitted that it is only by letter dated 10 September 2025 the Respondent No.7 – College brought it to the notice of the Respondent Nos.3 to 6 – University that the Petitioner could not apply for Prima Facie Letter which is a mandatory document required at the time of admission in the University of Mumbai. For such reason, though the Petitioner was admitted and successfully completed his studies in the Respondent No.7 – College, he was shown as “provisionally eligible” in the University records. The non-submission of Prima Facie Letter at the time of the Petitioner’s admission was creating difficulties for the Petitioner in getting the eligibility status cleared. Accordingly, a solution was sought from the Respondent Nos.3 to 6 – University for regularizing the transfer admission of the Petitioner so that the records are updated as “eligible” instead of “provisionally eligible”.

13. The Petitioner in person has further submitted that he has cleared all examinations held by the Respondent No.7 – College i.e. from Second year

to Fifth year in all Semesters and secured excellent Grade in all the examinations. He has submitted that he has participated in the Inter-College Competitions like Moot Court Competition, Speech Competition and other activities in the College.

14. The Petitioner has also passed the AIBE Examination which is required for enrollment as an Advocate. The grievance expressed by the Petitioner is that for the purpose of Bar Council Enrollment as aforementioned, the Petitioner has to submit an affidavit undertaking to submit his final marksheet within 90 days failing which his Sanad/Enrollment is liable to be cancelled. He has accordingly preferred the present Petition seeking the aforementioned relief.

15. Mr. Rodrigues, learned counsel appearing for Respondent Nos.3 to 6 – University upon a query being put to him by this Court on 23 February 2026 as to whether Respondent Nos.3 to 6 - University would take into consideration the fact of the Petitioner having already appeared for subsequent Logic – II subject in Second Year Course and Legal Writing and Legal Language subject in Third Year course of the Respondent No.7 – College, for waiving the requirement of the Petitioner to give papers in the two subjects which was made conditional for his transfer admission to Second Year B.L.S. LL.B. (Five Years Course) in the Respondent Nos.3 to 6 – University for A.Y. 2021-22.

16. Mr. Rodrigues has tendered an internal letter dated 6 March 2026

addressed by the Faculty of Interdisciplinary University of Mumbai to the Registrar, University of Mumbai and in which it is opined that in view of difference between the subjects i.e. the subsequent Logic – II, Second Year and Legal Writing and Legal Language subject in Third Year with that of Logic – I and Legal Writing and Legal Language of First Year, the question of waiver of requirement of the Petitioner appearing for the papers in the said two subjects of the First Year cannot be granted.

17. In the said letter, the addressee observed that Logic – I in Semester – I and Legal Writing and Legal Language in Semester – II are First Year subjects for Final Year B.L.S. LL.B. Course for the University of Mumbai and upon all students appearing for all subjects from First to Fifth Year, the Academic Grade Points i.e. credit system [marks are converted into grade points and Cumulative Grade Point Average (CGPA)] is calculated for the final degree grade points.

18. Mr. Rodrigues has brought to the notice of this Court that CGPA which is calculated for final degree grade points given/made applicable to all the students takes into consideration all the subjects from first to fifth year and which would include Logic-I of First Year and Legal Writing and Legal Language of first year which subjects the Petitioner had not taken.

19. Mr. Rodrigues has further submitted that it is a lapse on the part of the Respondent No.7 – College in not promptly bringing to the notice of the Respondent Nos.3 to 6 – University that the transfer admission granted to

the Petitioner for the A.Y. 2021-22 was without the issuance of the Prima Facie Letter from Respondent Nos.3 to 6 – University. It was only by way of a belated communication dated 10 September 2025 that this was brought to the notice of the University. He has submitted that the Respondent Nos.3 to 6 – University has endeavoured to address this issue by issuing the communication dated 18 December 2025 making the Petitioner *prima facie* eligible for transfer admission subject to his appearing and passing in the aforementioned two papers.

20. Mr. Shubham Mishra, the learned counsel appearing for the Respondent No.7 – College has submitted that the marksheets which were issued by the Respondent No.7 – College to the Petitioner are through the University of Mumbai as there is PRN Number mentioned on them issued by the University of Mumbai. He has submitted that the Respondent Nos.3 to 6 – University was also required to issue the Prima Facie Letter being a mandatory document which made the Petitioner eligible for transfer admission. He has submitted that non-issuance of Prima Facie Letter is also due to the lapses on the part of the Respondent Nos.3 to 6 – University.

21. We have considered the submissions. We find that the Petitioner has been made to suffer on account of lapses of the Respondent No.7 – College in failing to promptly bring to the notice of the Respondent No.3 to 6 – University that the Prima Facie Letter which was a mandatory document could not be applied for at the time of transfer admission of the Petitioner

in the University of Mumbai for A.Y. 2021-22. In view of the Prima Facie Letter not having been issued, the transfer admission of the Petitioner has been shown as “provisionally eligible” instead of “eligible”. This was communicated to the University by the Respondent No. 7 – College only on 10 September 2025. By then, the Petitioner had completed the Second to Fifth Year of the B.L.S. Degree without any objection of provisional eligibility and the Petitioner had scored in excellent Grade in all the Semesters of Second to Fifth Year of B.L.S. Degree Certificate. The Petitioner apart from being a meritorious student, has also participated in Inter-College Competitions such as Moot Court Competition, Speech Competition and other activities of the College.

22. Similarly situated students such as the Petitioner have also approached this Court vide Writ Petition No.6876 of 2025 and Writ Petition No.7417 of 2025. In these cases, the College had granted admission to the Petitioner and upon which the Petitioner had cleared the Semesters or most of the semesters. It was only thereafter that objection was raised mainly on the ground that the Petitioner was not eligible to secure admission to B.M.S. Course in Writ Petition No.7417 2025 and Three Year B.Sc. (Statistics) Course in Writ Petition No.6876 of 2025. It was opined by this Court in these Petitions that there were lapses on the part of the College in granting the admission and that the Petitioner ought not to be made to suffer when they have completed the Semesters/most of the Semesters in the respective

Courses. This Court noted the delay was on the part of the College in informing the University about the non-eligibility of the Petitioner. This Court in these Petitions has also considered that as a result of the delayed response of the College, the career of the students is put to peril. The concerned Colleges were directed to scrupulously follow the norms regarding verification of the eligibility/non-eligibility conditions for grant of admission. This Court had also imposed costs of Rs.50,000/- on the concerned Colleges which was directed to be paid to the University of Mumbai within the stipulated period.

23. Having perused these orders *viz.* the orders dated 21 July 2025 and 13 August 2025 in Writ Petition No.7417 of 2025 and Writ Petition No.6876 of 2025 respectively, and in the peculiar circumstances of the present case, we consider it appropriate to follow such orders. There is a clear delay on the part of the Respondent No.7 – College to inform the Respondent Nos.3 to 6 – University about non-eligibility of transfer admission of the Petitioner. The Petitioner should not be made to suffer on account of such delay on the part of the Respondent No.7 – College, having completed B.L.S. Degree and also having passed the A.I.B.E. examination required for enrollment of the Petitioner as an Advocate.

24. We accordingly allow the present Writ Petition and pass the following order:-

ORDER

- (i) It is declared that the Petitioner's transfer admission to the second year of LL.B. (Five Year Course) at Respondent No. 7 - College affiliated with University of Mumbai is legal, valid and regular for all intents and purposes.
- (ii) The impugned communication dated 18 December 2025 issued by Respondent Nos.3 to 6 – University imposing the conditions on the Petitioner for making the Petitioner eligible for transfer admission in the University of Mumbai is quashed and set aside.
- (iii) The Respondent Nos.3 to 6 – University is directed to forthwith release the Petitioner's LL.B. Xth Semester (Final Year) marksheet and Degree Certificate.
- (iv) We make it clear that we have not expressed any opinion insofar as Cumulative Grade Points Average (CGPA) awarded by the University of Mumbai, in the context of reference made by the Petitioner to the Certificate of University of Mumbai for B.L.S. LL.B. (Third Year of Final Degree) Course mentioning the Cumulative Grade Points Average of 7.5 out of 10 is concerned.
- (v) The Respondent No.7 – College shall pay costs of Rs.50,000/- to the Respondent Nos.3 to 6 – University

within a period of four weeks from the date of uploading of this order.

(vi) We accordingly dispose of the present Petition on the above terms.

(vii) Parties to act on an authenticated copy of this order.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]