

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO.15799 OF 2021  
WITH  
INTERVENTION APPLICATION (L) NO.16302 OF 2021**

**Latoya Mistral Ferns,**

**...Petitioner**

***Versus***

**University of Mumbai & Anr.**

**...Respondents**

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Mr. Shashank Sudhir with Ms. Srishty Jaura, Mr. Rahul Jain,  
Ms. Khushboo Rupani i/by M/s. HSA Advocates for the  
Petitioner.

Mr. Ashutosh M. Kulkarni for the Respondent No.1.

Mr. Amit Sale for the Respondent No.2.

Mr. Prashant Pandey with Mr. Aiqan Menon for the  
Intervenor.

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**CORAM : R.D. DHANUKA &  
R.I. CHAGLA, JJ.**

**DATE : 28 July 2021**

**ORDER :**

1 Pursuant to the order passed by this Court on  
26<sup>th</sup> July, 2021 after recording the prima-facie view that the  
University of Mumbai could not have withdrawn results  
already declared on 22<sup>nd</sup> May, 2020 in respect of various  
semesters referred in Circular dated 5<sup>th</sup> July, 2021 based on

the directives issued by the Bar Council of India, Mr. Amit Sale the learned counsel appearing for the Bar Council of India, on instructions states that the Bar Council of India undertakes that they do not propose to apply the decision recorded in the Bar Council of India's Circular dated 9<sup>th</sup> June, 2021 and the press release dated 10<sup>th</sup> June, 2021 mandatorily requiring end term examination to be conducted by all the Law Colleges / Universities, with retrospective effect and will apply with prospective effect only and shall neither apply to, nor adversely affect the results declared prior to 10<sup>th</sup> June, 2021, by the Law Colleges/Universities on the basis of previous semester scores, in accordance with UGC Guide-lines issued in April, 2020. Statement is accepted.

2 Mr. Kulkarni the learned counsel for the respondent no.1-University of Mumbai tenders instructions received by him from the University of Mumbai dated 28<sup>th</sup> July, 2021, which states that in the event the Bar Council of India ('BCI') expressly undertakes before this Court that the BCI's circular dated 9<sup>th</sup> June, 2021 and its press release

dated 10<sup>th</sup> June, 2021 mandatorily requiring end term examination to be conducted by the all Law Schools/ Universities shall have prospective effect and shall neither apply to, nor adversely affect, the results declared prior to 10<sup>th</sup> June, 2021, by the Law Colleges / Universities on the basis of previous semester scores, in accordance with UGC guidelines, issued in April, 2020, University of Mumbai will have no reservations nor objections in withdrawing its circular dated 5<sup>th</sup> July, 2021 on Assignment Based Evaluation (ABE) for the Students of LL.B. (3 years) Semesters II and IV, LLB (5 years) and BBA LL B (5 years) Semester II, IV, VI and VIII. Resultantly, the schedule announced vide University Circular dated 5<sup>th</sup> July, 2021 would stand withdrawn and the results of Intermediate semesters declared in First Half 2020 announced earlier in August, 2020 on the basis of average marks based on the scores of previous semester and internal assessment as applicable, declared by the University vide Circular dated 22<sup>nd</sup> May, 2020 would stand restored.

3 Mr. Kulkarni, the learned counsel for the University of Mumbai on instructions states that results of

all the semesters, which are referred in the Circular dated 5<sup>th</sup> July, 2021 and for the examinations for the next class for which students have appeared, would be declared within two weeks from today along with the mark-sheets. Statement made by the respondent no.1 in the instructions tendered across the bar and made now are accepted as and by way of Undertaking to this Court.

4 We appreciate the stand at-least now taken by the Respondents. We hope that large number of law students who have suffered mental trauma in view of the action of the respondents would be now relieved of such trauma.

5 Petition is disposed of in the aforesaid terms with No order as to Costs.

6 Intervention Application (L) No.16302 of 2021 is allowed and stands disposed of.

**[R.I. CHAGLA J.]**

**[R.D. DHANUKA, J.]**