

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.24954 OF 2019

1. Siddharth Sonaji Ingle)
Aged 34 years, Occupation :- Student,)
Residing at A-wing 304, Shivprakash,)
Celebration CHS, Plot No-7, Sector-11)
Kamothe, Panvel - 410 209)
)
2. Prajakta Bhaskar Shetye)
Aged 34 years, Occupation:- Student,)
Residing at Block No.3 & 4,)
Sonu Apartment, Kamtha Road, Uran)
Raigad - 400702)
)
3. Onkar Yashwant Gawade)
Aged 24 years, Occupation :- Student,)
Residing at 2/35, Phanse Building,)
Dr.B.A.Road, Lalbaug, Mumbai - 400 012)
)
4. Shweta Bhalchandra Desai)
Aged 28 years, Occupation :-Student,)
Residing at 2/11, Shri Mahalaxmi)
Darshan, Old Dombivali Road,)
Dombivali, West)
)
5. Amit Shyamnarayan Mishra)
Aged 30 years, Occupation :- Student,)
Residing at Flat No.-704, 7th Floor, Bldg)
No.B-4, Buddh Dev Vihar, Opp Hill)
Garden, Tikkuji Wadi Road, Manpada,)
GB Road, Thane, West-400607)
)
Petitioners
versus
1. University of Mumbai)
Through its Vice Chancellor,)
Fort Office, Mumbai 400 032)
)
2. Controller of Examinations)
University of Mumbai, having address)
at Vidyanagari Campus, Kalina,)
Santacruz (East), Mumbai 400 098)

3. Admission Regulatory Authority)
The Commissioner,)
24,A.K.Nayak Marg, Azad Maidan,)
New Excelsior Building,)
Mumbai 400 001)
)
)
4. Bar Council of Maharashtra and Goa)
Through its Secretary)
2nd Floor, P.W.D. Building,)
Bombay High Court, Fort,)
Mumbai 400032)
)
)
5. St.Wilfred's College of Law,)
Through its Principal, having address at)
Near Shedung Toll Plaza,)
Old Mumbai-Pune Highway, Shedung,)
Panvel, Maharashtra 410206)
)
)
6. Directorate of High Education,)
The Director,)
1st Floor, Central Building, Pune 411001) **Respondents**

Mr.Gauraj Shah a/w Mr.Gaurav Iangle i/b
I.V.Merchant & Co. for the Petitioners.

Mr.Rui Rodrigues for Respondent No.1.

Mr.Mihir Desai-Senior Counsel i/b Kalai Magal for
Respondent Nos.2 to 5.

Mr.V.M.Mali, AGP for Respondent No.6 (State).

**CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.**

DATED :- SEPTEMBER 11, 2019

P.C. :-

1. Heard both sides.



2. This writ petition has been moved by five students who claim that they have been admitted to the fifth respondent-Law College and that they have appeared for the examination for the third year LLB course and have passed it. The University has still not completed the formalities of issuing the necessary mark-sheets and passing certificates, which would enable these petitioners to appear for the All India Bar Examination scheduled on 15th September, 2019 so as to then qualify for a licence to practice as an advocate.

3. The petitioners claim that they have been admitted to respondent no. 5 college in the academic year 2016-2017. They appeared for the first year of the three years' LLB course at the end of that academic year and they have passed the first year with good marks in both semesters. Thereafter, the petitioners have continued their studies and have appeared for the further examinations. They have documents which would show that they appeared for the examinations for the second year of this course in the academic year 2017-2018 and cleared that as well. For the third year LLB course, namely, in academic year 2018-2019, the petitioners have appeared for the examination and cleared that. They have good marks in the fifth and sixth semesters. They have annexed the hall tickets and mark-sheets for the three year

degree course issued by the University. Today, the examinations for this academic year are over. The Bar Council insists on production of certain documents and then alone they would permit the petitioners to appear and take the examination. The urgent relief that is prayed for is to issue a direction to all concerned to allow the petitioners to take this examination.

4. The petitioners are aware that this direction cannot be issued unless there is a permanent registration number allotted to them after the mark-sheets and passing certificates are issued to them. They must be generated is the request.

5. On this request, we have heard the learned counsel appearing for the petitioners, Mr.Rui Rodrigues appearing for the University and Mr.Mihir Desai appearing for the fifth respondent. Though it is conceded that these students were enrolled by the fifth respondent, the University and the Controller of Examinations-second respondent have not been able to firm up the case simply because the third respondent authority had not verified and scrutinised the documents and held them to be legal.

6. We do not think that in this short span of time, the entire process before the third respondent can be directed to be completed. All that can be done is, without prejudice to the rights

and contentions of these contesting respondents, we can direct the University as also the Controller of Examinations to verify the correctness and genuineness of the documents listed at Exhibit 'D' to this petition and from its own records, conclude whether the admissions were granted, the examinations were taken and the examinations have been indeed cleared by these petitioners. Should any additional documents be required from the college, respondent nos. 1 and 2 should call for them, but it must take a call and determine the matter by 13th September, 2019 positively. The University can take a tentative and *prima facie* view subject, of-course, to its legal rights and release the necessary documents so that the petitioners can take the examinations to be held under the auspices of the fourth respondent.

7. This order is without prejudice to the rights and contentions of both sides and should any action be required to be taken against the fifth respondent college, that can still be taken irrespective of our tentative and *prima facie* directions.

8. Stand over to 19th September, 2019.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)