

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5341/2015

Saif s/o Sharif Khan

...Versus...

Rashtrasant Tukadoji Maharaj Nagpur University through its Registrar, Civil Lines, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Abdul Subhan, Advocate for petitioner
Shri P.B. Patil, Advocate for respondent no.1
Shri Mohd. Rafique, Advocate for respondent no.2

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 30.11.2015

By this petition, the petitioner seeks a direction to the respondent – College to give provisional admission to the petitioner and a further direction to the respondent – University to accept the form of the petitioner for appearance at the 7th semester examination that is scheduled on 02.12.2015.

The petitioner had failed to clear two subjects of the 4th semester examination, while the petitioner appeared at the 6th semester examination in Summer 2015. In summer 2015, the petitioner appeared for the two subjects of the 4th semester and had passed in one of the subjects. Since the petitioner did not clear other subjects of the 4th semester examination, the College refused to give admission to the petitioner in the 7th semester

examination, as per the Rules of the University. By this petition, the petitioner has sought a direction to the respondent - College to provisionally admit the petitioner in the 7th semester. Also, a direction is sought against the respondent – University to permit the petitioner to appear at the 7th semester examination scheduled on 02.12.2015.

The relief sought by the petitioner cannot be granted in the circumstances of the case. Though the writ petition was filed on 10.9.2015, the petitioner did not circulate the same for hearing till 16.10.2015. On 16.10.2015, a notice for final disposal was issued to the respondents. The matter was posted for 28.10.2015. The petitioner had failed to supply the copies to be served on the respondent – College and hence, the matter was listed before this Court for removal of office objections. The petitioner was permitted to serve the unserved respondents by Hamdast on 18.11.2015. On 27.11.2015, the matter was adjourned by two days, at the request of the learned Counsel for the University. It is apparent from the aforesaid facts that the petitioner was not diligent in taking appropriate steps to seek a direction against the respondent – College to grant provisional admission to the petitioner. Provisional admission cannot be granted to the petitioner when the examination is scheduled on the day after tomorrow. The petitioner was not permitted by the College to appear at the practical examination of the University. In the circumstances of the case, no direction could be issued to the College to provisionally admit the petitioner in the 7th semester, more so, when the 7th semester course is completed by the College long back. A direction also cannot be issued to the

University to permit the petitioner to appear at the 7th semester examination on 02.12.2015.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar