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

WRIT PETITION (LODGING) NO.1025 OF 2013

Harshi R. Thakur	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

WITH
WRIT PETITION (LODGING) NO.1024 OF 2013

Maruti Wakode	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

WITH
WRIT PETITION (LODGING) NO.1026 OF 2013

Sarthak V.Gandhi	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

WITH
WRIT PETITION (LODGING) NO.1027 OF 2013

Monica N. Gala	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

WITH
CIVIL WRIT PETITION NO.4089 OF 2013

Kanishak R. Patel	...Petitioner
V/s.	
The Vice Chancellor,	

University of Mumbai & Anr.

...Respondents

Mr.Anand Mishra i/b Mr.A.M.Saraogi for the Petitioner in W.P.(Ldg.) Nos.1026 of 2013 and 1027 of 2013.

Mr.Mihir Desai i/b Mr.Sarnath Sariputta for the Petitioner in W.P. No.4089 of 2013.

Mr.Mihir Desai i/b Ms.Priya Oswal for the Petitioner in W.P. (Ldg.) Nos.1024 of 2013 and 1025 of 2013.

Ms.Anjali Helekar,A.G.P. for the State – Respondent No.1 in W.P. (Ldg.) No.1026 of 2013.

Ms.Uma Palsule-Desai, A.G.P. for the State – Respondent No.1 in W.P. No.1027 of 2013.

Ms.Manorama Mohanty i/b S.K. Srivastava & Co. for Respondent No.2 in W.P.(Ldg.) Nos.1026 of 2013 and 1027 of 2013, for Respondent No.3 in W.P. (Ldg.) Nos.1025 of 2013, 1024 of 2013 and for Respondent No.2 in W.P. No.4089 of 2013.

Mr.Rui Rodrigues for Respondent No.3 in W.P. (Ldg.) Nos.1026 of 2013 and 1027 of 2013, for Respondent No.2 in W.P. (Ldg.) Nos.1025 of 2013 and 1024 of 2013 and for Respondent No.1 in W.P. No.4089 of 2013.

**CORAM : S.J. VAZIFDAR &
R.Y. GANOO, JJ.**
DATE : 24TH APRIL, 2013.

P.C. :-

Mentioned, not on board.

2. In view of the urgency in these matters and on account of today being a holiday for the University of Mumbai, we requested Mr.Rodrigues, who was present in Court and who usually appears for the University of Mumbai to accept service.

3. The above writ petitions are similar to Writ Petition (Lodging) Nos.996 of 2013 and 999 of 2013. A common feature in these writ petitions pertains to the power of the Management Council of the University to condone the deficiency in attendance.

4. In addition in Writ Petition (Lodging) No.1025 of 2013, the petitioner contends that in fact there is no deficiency in attendance.

By this order, we have permitted the petitioners to make separate applications to the Management Council for condonation of the shortfall in attendance. The petitioner in this Writ Petition (Lodging) No.1025 of 2013 is at liberty to raise this issue also in her application to the Management Council. In addition thereto, it will also be open to the institution to reconsider their stand that there is a shortfall in her attendance if the petitioner makes an application in that regard.

5. For the reasons stated in the order dated 20.04.2013 in Writ Petition (Lodging) Nos.996 of 2013 and 999 of 2013, the following ad-interim order is passed :-

i). The petitioners shall be permitted to appear for their exams. Each of them is put to notice that they shall be entitled to do so without claiming any equities whatsoever.

ii). Each of the petitioners shall make a separate application to the Management Council addressed to the Controller of

Examination, University of Mumbai.

iii). The results of the examination shall not be declared till the decision of the Management Council on the application for condonation of the shortfall in attendance is decided. In the event of the applications being rejected, the results shall not be declared.

iv). The learned Counsel appearing on behalf of the institution in the above writ petitions states that the petitioners may collect the hall tickets from the college authorities.

All the parties to act on an ordinary copy of this order duly authenticated by the Associate / Private Secretary of this Court.

(R.Y. GANOO, J.)

(S.J. VAZIFDAR, J.)