

## Harshi Ramjiyani Vs State Of Maharashtra

**Court:** Bombay High Court

**Date of Decision:** Feb. 3, 2025

**Hon'ble Judges:** A.S. Chandurkar, J; M.M. Sathaye, J

**Bench:** Division Bench

**Advocate:** Sakshi Mane, Reena A. Salunkhe, Girish J. Paryani, Abhishek Ingale, Pradeep Kumar, C.R.Naidu & Co.

**Final Decision:** Dismissed

### Judgement

M.M. Sathaye, J

1. The challenge raised in this petition is to the order dated 30/08/2022 passed by Respondent No.2 "University, by which the Petitioner has been

held "not eligible" for pursuing the degree course of B.Voc. (Interior Design).

2. Few facts necessary for the disposal of this petition, are as under. The Petitioner completed her schooling till 10th grade and thereafter, two years

of International Baccalaureate ("IB" Diploma programme from R.B.K. Education Institute, Kanakia International School, Chembur.

The Petitioner gave her 12th IB board examination in April 2019 and her results were awaited. Since the admission process of many colleges usually

commence prior to the assessment and announcement of the final IB board result, the IB Board students are allowed to apply to the colleges after

receiving a temporary/provisional eligibility certificate from the University. The Petitioner accordingly applied for eligibility certificate on 13/05/2019

for the course of B.A., asserting that she has appeared IBDP-2 exam. This was based on "predicted grades" of the Petitioner under the IB

programme, as per certificate which is produced on record by the University, along with its affidavit-in-rely (Page 124). Apparently, this is an undated

certificate predicting that the Petitioner will secure total 25 points. Pursuant to this application, Respondent No.2 "University issued a "prima

facie eligibility certificate" for admission to First year B.A./ B.M.S./ B.Com/ B.Com.(A&F)/ B.Com.(B&I)/ B.Com.(F.M.)/ B.M.M degree

course for the academic year 2019-20, "subject to condition that the Petitioner must have to full pass in IB Diploma with minimum 24 credit points

as show, in the predicted mark-sheet".

3. The case of the Petitioner is as under. She visited Respondent No.3 " College inquiring about courses and she was informed that eligibility for the

said course of B.Voc. (Interior Design) was 12th college certificate and passing of aptitude test. The Petitioner accordingly applied for B.Voc Interior

Design degree course and gave an aptitude test. However, due to her low score in the aptitude test, she did not qualify. The college thereafter

informed about an alternative that the Petitioner can take admission in Certified Course of School of Interior Design which does not require aptitude

test for the current academic year 2019-20 and in the next year she can again give entrance examination for first year of B.Voc degree course. The

Petitioner accordingly took admission in first year of certified course. After completing first year of certified course, the Petitioner followed the

process for admission in first year of B.Voc Interior Design degree course for the academic year 2020-21 and applied on the website of the

University and uploaded all the documents. The Petitioner thereafter again appeared for aptitude test for admission in B.Voc Interior Design degree

course for the year academic year 2020-21, but did not score requisite marks. She was informed that she cannot be allotted a seat in the degree

course. The Petitioner was asked to visit the College. On such visit with her parents, the College informed that it has certain seats reserved for

management quota. Accordingly, a meeting was held between the Trustees of the College and the Petitioner's parents and thereafter, the

Petitioner was allowed a seat in the first year of B.Voc degree course from management quota. The Petitioner thereafter, completed her first year

2020-21 online due to pandemic and the Petitioner was promoted to second year of B.Voc Interior Design course. The Petitioner thereafter appeared

for her exam of 3rd and 4th semesters. She could not pass all subjects but was permitted on ATKT basis (allowed to keep term). Thereafter, the

Petitioner was to appear for ATKT exams when she got an email with a letter of the impugned decision from the Respondent " University, stating

that her admission in B.Voc Interior Design degree course stands canceled as she has failed to meet the minimum 24 points requirement. The

Petitioner thereafter approached the College authorities, who, it is alleged initially supported her and asked to wait for some time. But when the dates

for ATKT exams were declared by the University and she again approached the College, it is alleged that the attitude of the College authorities had

changed. It is in these circumstances that the Petitioner has approached this Court.

4. Learned counsel for the Petitioner submitted that the Petitioner was allowed to take courses and has spent two years in pursuing of B.Voc Interior

Design course. It is urged that at such stage, cancellation of her eligibility is not justified. It is contended that for no fault of the Petitioner, two years of

her academic life will be wasted. Learned counsel for the Petitioner has relied upon the judgments of Abha George and Others Vs. All India Institute

of Medical Sciences (AIIMS) and Another 2022 SCC OnLine Del 366 and Rohan Ravindra Thatte Vs. University of Mumbai, through its Vice

Chancellor and Ors. 2024 SCC OnLine Bom 169

5. Learned counsel for Respondent No.3 " College, by referring to the affidavit-in-rely dated 12/09/2023, contended that the Petitioner is guilty of

delay and laches as the impugned order dated 30/08/2022 is challenged on 11/04/2023 by filing this petition. It is submitted that the Petitioner, in reality

has not scored as per predicted IB points. It is submitted that the Petitioner has submitted her IB certificate to the College only on 26/08/2022, which

were immediately sent to the Respondent - University on 29/08/2022 and therefore no fault can be found with the Respondent College. He has relied

upon the judgment in the case of Parakh Jaiprakash Shahal Vs. Thakur College of Science and Commerce and Ors. 2017 SCC OnLine Bom 979

6. Learned counsel for Respondent No.2 " University, by referring to an affidavit-in-rely dated 15/04/2024, submitted that a combined score of 24

points across six subjects are required to qualify for the Diploma Award which is the system under the IB programme. It is submitted that to obtain

temporary/provisional eligibility certificate, the Petitioner had applied to the University. He submitted that the temporary eligibility certificate, on the

basis of which the Petitioner took admission, clearly stated that the same was subject to condition that the Petitioner must have to full pass in IB

Diploma with minimum 24 credit points as shown in the "predicted mark-sheet". He submitted that provisional eligibility was sought for

admission to first year B.A. degree course and not for any diploma course. He submitted that the requirement of scoring minimum 24 credit points is

introduced under Circular No. Elg/O/19/2017 which is produced on record, and the said circular is valid and subsisting. He submitted that if the

eligibility is asked on the predicted score of 25 and the Petitioner cannot actually score that many points in reality, no fault can be found with the

University in taking impugned action of declaring the Petitioner ineligible. He invited the Court's attention to the predicted score certificate of the

Petitioner. He submitted that the College itself was provided with IB certificate of the Petitioner on 26/08/2022 and immediately thereafter it was

submitted to the University on 29/08/2022 and upon inspection of the documents, when it was found that she had failed to secure minimum credit

points, she was declared ineligible. It is submitted that considering the relevant dates, no fault can be found with the Respondent - University as the

Petitioner was informed of the next date after receiving the IB certificate from the College.

7. We have carefully considered rival submissions of the parties and perused the record. Admittedly, no interim relief was granted to the Petitioner. It

is undisputed that the Petitioner was a student of IB board and had completed her 12th grade equivalent examination from the IB programme. It is

also undisputed that when she applied for temporary or provisional eligibility on 13/05/2019, the eligibility sought was for B.A. (degree course) and the

said application was based on predicted IB points of 25, because at the relevant time, as per the system of IB programme, the results were not

actually declared. It is also undisputed that the actual points scored by the Petitioner are 23 IB points, which is clear from a certificate issued by the

Petitioner's school produced by the Petitioner at Exhibit-A (page 24). Even the transcript of grades produced by the Petitioner at Exhibit-B (pages

29 & 30) dated 05/07/2019 shows total points as 22.

8. The Petitioner had her IB certificate of scored points in July 2019. The College has taken a stand that Petitioner supplied the same only in August

2022. The Petitioner has disputed this by filing affidavit-in-rejoinder, contending that she had supplied all her documents to the college at the time of

admission in 2019 itself, relying on certain emails and communications. Such disputed questions of facts as regards submission of IB certificate

between the Petitioner and College, can not be adjudicated in writ jurisdiction.

9. However, university has taken a specific stand that it received the Petitioner's IB certificate on 29/08/2022 and on the next date i.e. 30/08/2022,

the impugned decision is taken and communicated to the Petitioner. There is no rejoinder filed by the Petitioner to University's stand.

10. In any case, in our considered view, there is nothing wrong with the University insisting upon meeting with the criteria of scoring minimum 24 IB

points for being eligible to pursue the degree course as per its policy under the circular mentioned above. If the Petitioner does not score the necessary

cut-off points, the Court cannot direct the University to lower the cut-off standard. From the dates explained above, it is clear that the Respondent -

University has not contributed to any delay. If the students like the Petitioner choose to complete their schooling from IB board, which does not

declare its result in time necessary for them to apply to further courses, and if the University gives necessary accommodation of issuing provisional

eligibility based on predicted marks and then if the student does not actually score as per prediction, as in the present case, then the College or the

University cannot be blamed. In that view of the matter, we do not find any merit in the petition.

11. In both the judgments relied upon by the Petitioner, the issue regarding provisional eligibility being issued on predicted marks was not involved. In

addition, in the facts of the present case, we do not find that it was the fault of the Respondent - College and University for less score of the

Petitioner, lesser than minimum required and therefore the said judgments relied upon by the Petitioner do not advance her case.

12. On the other hand, the judgment relied upon by the Respondent " College in the case of Parakh Jaiprakash Shahal Vs. Thakur College (supra) is

clearly applicable to the facts of the present case, being arising out of a student of IB Board. In that case also, the student had not actually scored the

points in the IB Board as per the predicted mark-sheet, and the co-ordinate bench of this Court has held that since the Petitioner has not secured the

required marks, there is nothing wrong in admission being canceled.

13. In the aforesaid facts and circumstances, there is no merit in the petition. The impugned decision holding the Petitioner not eligible for pursuing

F.Y.B.Voc. (Interior Design) degree course is justified. The Petition is accordingly dismissed. No order as to costs.

14. However, the Petitioner is at liberty to file appropriate proceedings for her grievance against the College about alleged late submission of IB

certificate to the University resulting in alleged waste of academic year/s. Rival contentions in that regards are kept open.

15. All concerned to act on duly authenticated or digitally signed copy of this order.