

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.389/2018

Mr. Sharmad Pai Kane,
Son of Shri. Deepak Pai Kane,
Aged 24 years,
Resident of Flat No.18,
Bento Apartments,
Comba, Margao Goa. ... Petitioner.

Versus

1. Vidya Vikas Mandal,
Having office at Shri Damodar Educational Campus
G.R.Kare Road,
Tansor, Comba,
Margao Goa-403601.
Through Its Secretary.
2. Govind Ramnath Kare College of Law
G.R.Kare Road,
Tansor, Comba,
Margao Goa-403601.
Through its Principal.
3. Mr. Saba Da Silva
C/o Govind Ramnath Kare College of Law,
Comba, Margao Goa.
4. Goa University
Taleigao Plateau Goa
Through its Registrar.
5. Bar Council of India
21, Rouse Avenue Institutional Area,

Near Bal Bhawan,
New Delhi- 110 002.
Through its Secretary.

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Respondents

Mr. G. Agni with Mr. R.Kantak, Advocates for the Petitioner.

Mr. C. A. Ferreira with Mr. S. Pereira, Advocates for Respondent nos. 2 and 3.

Mrs. A. Agni, Senior Advocate with Ms. E. Estibeiro, Advocate for Respondent No.4.

*Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.*

Reserved on : 03 July 2018.

Pronounced on :18 July 2018.

Judgment (Per Prithviraj K. Chavan, J.):

Rule. Rule returnable forthwith. Heard Mr. G. Agni, learned counsel for the Petitioner, Mr. C.A.Ferreira, learned counsel for Respondent nos.2 to 3 and Mrs. A. Agni, learned Senior Advocate for Respondent No.4. Respondent no.5 - Bar Council of India though served, none appeared.

2. The Petitioner is a student of Govind Ramnath Kare College of Law, Margao Goa (Respondent no.2) appearing in the final year of Law examination scheduled for 3 April 2018. Respondent no.1 is a Charitable Education Society, which runs various institutions. Respondent no.3 is the Principal of Respondent no.2 and also the Ex-officio Secretary of the Governing Council of Members of Respondent no.2. Respondent no.2 is represented by Respondent no.3 herein.

3 Respondent no.2 is the affiliated college, which receives grant-in-aid from the State Government and, therefore, “A State” within the meaning of Article 12 of the Constitution of India. The Petitioner contends that on 3 March 2018, Respondent no.3 for and on behalf of Respondent no.2 had displayed a notice on the college notice board informing the students of the fee structure and the schedule, which had to be strictly followed to complete the filling of the forms for the final examination in April 2018. As per the said notice, the last date for submission of forms was 7 March 2018 and the examinations were to commence on 3 April 2018. As per the notice dated 3 March 2018, prior to the submission of examination forms, every student had to obtain an approval of the concerned Mentor for submitting the examination forms in the college office. According to the Petitioner, following is the procedure, which is generally followed in the institution prior to submitting the examination form:

- 1. Each student had to obtain a Note/Chit from the respective mentor with regard to his/her attendance.*
- 2. If the student fulfilled the attendance criteria, that student would be issued a Note/Chit by the Mentor allowing him to submit the form and pay the fees to the clerk, and accordingly that student would submit the form at the counter and pay the examination fees.*
- 3. In case the student was not able to satisfy the minimum attendance criteria, the Mentor*

would issue a Note/Chit to that student that he has insufficient attendance, and that student had to then meet the Principal Mr. Saba D'Silva along with the chit/note issued by the mentor, to obtain the approval of the Principal.

4. After meeting the student on one to one basis, the Principal would either allow the student to submit the form and pay fees or disallowed their request to submit the form. If the student was allowed by the Principal, the Principal would in turn write on the said Note/Chit earlier issued by the Mentor that the student has been permitted to submit the form and pay fees.

5. It is important to note that the College Clerk would accept the forms and fees after receiving the abovesaid Note/Chit either from the Mentor or from the Principal.

4. The Petitioner accordingly filled examination form for Semester VI on 6 March 2018 to be submitted to the Goa University. On 7 March 2018, the Petitioner was issued a note by his Class Mentor Mrs.Ruby Luis, which stated that the Petitioner was falling short of attendance and, therefore, he was asked to meet the Principal i.e. Respondent no.3. It is the contention of the Petitioner that the attendance shown on the note by his Mentor Mrs.Ruby Luis is incorrect as none of the Petitioner's exemptions and medical leave were added to it. The Petitioner had also informed Respondent no.3 that he had represented the College at Athletics event conducted by the Goa University at Bambolim stadium and that he had also participated in

various legal aid activities for which he is entitled to exemption in accordance with Ordinance OA-17 of the Goa University. Respondent no.3, however, denied the Petitioner's request.

5. According to the Petitioner, the Principal had a personal prejudice against him, which motivated him to deny the Petitioner permission to answer the examination, despite having required percentage of attendance. It is also the contention of the Petitioner that he had learnt through credible sources that a few students falling short of attendance were allowed by the Principal to submit their forms and pay the examination fees. Thus, the Petitioner alleges discrimination and bias attitude of the Principal towards him. The Petitioner had obtained names of those students through an application under the Right to Information Act.

6. The Petitioner contends that the college has an official website where the students' attendance is uploaded from time to time, and the students are directed to check their attendance. As per the website record, the petitioner had following attendance:

- “(a) Labour Law II- 45.68% (without addition of medical leave and sport exemption),*
- (b) Criminal Procedure Code-87.65%*
- (c) Intellectual Property Rights-85.19%”*

As such, it is his contention that besides having a good academic record, he is also a sportsman and had regularly represented the institution in Badminton and Athletics at the inter collegiate and the University level.

He contends that he had participated in the athletics meet conducted by the Goa University held at Bambolim Stadium between 18 January 2018 to 20 January 2018. As a preparatory exercise for all athletic meet he had to undergo a full day training session conducted by the College itself, which commenced from 8.30 a.m. and lasted till 5.30 p.m. in the evening also. His training session was for a period of 10 days prior to athletics meet. As such, in terms of OA-17 of the Goa University, the petitioner claims exemption of 13 days, pursuant to his 10 days of preparatory training camp and three days athletics meet. He also claims 5 days exemption pursuant to participation in legal aid activities. The aforementioned exemptions have not been intentionally taken into account while calculating the Petitioner's attendance. He states that if these exemptions had been added to the attendance, he would have the requisite minimum 50% attendance in Labour Law Part-II and overall 75% attendance to be eligible for semester examination.

7. The Petitioner made a representation dated 19 March 2018 to the Respondents, in view of the aforesaid factual background. He had also made a representation to the Vice Chancellor of the Goa University seeking an enquiry into the grievances raised by him as to the manner of arbitrary functioning of the Principal of the College and to take corrective measures *inter alia*, seeking review of the decision of the Principal permitting the Petitioner to answer the Semester VI examination of third year LL.B. There was neither any response from the Respondents nor the issue has been resolved and, therefore, he has approached this Court

seeking relief in the form of Certiorari and Mandamus against the Respondents setting aside the notice/action debarring the Petitioner from appearing in the examination in the final Semester and directing the Respondents to accept examination form of the Petitioner, forwarding the same to the Goa University and allowing the Petitioner to answer the examination in question.

8. Respondent nos.2 and 3 in their affidavit in reply denied almost all the averments in the petition. It is contended that the petition contains false averments inasmuch as a distorted picture is sought to be given to the Court with disputed questions of fact for which reason, this Court may not entertain the present petition.

9. It is stated by the Respondents that in view of the record maintained by the College, the Petitioner had a very low attendance in Labour Law (20.33%), Criminal Procedure Code (52.45%) and Intellectual Property Rights (53.45%) as per the chart marked at "Annexure-A".

10. As regards participation of the Petitioner in sports events and other activities are concerned, it is contended that the Petitioner has not revealed the source from where the Petitioner has obtained the Certificate Ex.P-7 at page 37, which is an internal document maintained by Respondent no.2 for the purpose of accounts, that too after the same was countersigned by Respondent no.3. According to the Respondents, the said document clearly shows that athletic meet was from 18 January 2018

to 20 January 2018 at Bambolim, Goa University Complex. It also shows that a practice allowance @ Rs.10 x 10 days was paid and there is remark which states “athletic was full day event from 8.30 a.m. to 5.30 p.m.”. It was a full day event and not the practices from 8.30 a.m. to 5.30 p.m. A contention was that training was being conducted from 8.30 a.m. to 5.30 p.m., is completely unacceptable as no student could have been made to undergo training for such a long period of time. The Respondents annexed charts at Annexure-A and B indicating the attendance of the Petitioner during the period under question. Charts A and B are reproduced as under:-

ATTENDANCE RECORD OF PAI KANE SHARMAD, SEMESTER VI,
LL.B.DEGREE PROGRAMME
(ACADEMIC YEAR 2017-18)

Sr. No.	Subject	December 2017	January 2018	February 2018	Upto 9/3/2018	Total	%
1	Labour Law	0/11	4/23	7/21	1/4	12	20.33
2	Criminal Procedure Code	0/11	12/23	17/23	3/4	32	52.45
3	Intellectual Property Rights	0/9	12/23	14/21	5/5	31	53.45

ATTENDANCE RECORD OF PAI KANE SHARMAD, SEMESTER VI,
LL.B.DEGREE PROGRAMME
(ACADEMIC YEAR 2017-18)

Sr. No.	January 2018	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
		Practice days											Event days			
1	Labour Law	S U N D A Y	A	A	A	A	P	A			A	A	A	A	A	A
2	Criminal Procedure Code		P	P	A	A	P	P			A	A	A	A	A	A
3	Intellectual Property Rights		P	A	A	P	A	A			P	A	A	P	A	P

11. It is stated that the Petitioner does not have the required minimum attendance of either 75% as prescribed by the Goa University or 70% as prescribed by the Bar Council of India. The Respondents in order to show the poor academic record from the earlier semester where he is declared fail and has secured grace marks is shown in the chart below:

Academic Year	Programme/Course	College	Exam Appeared	Total Marks	%age/Grade	Pass/Fail
2011-12 2012-13 2013-14	BBA	S.S. Dempo College Commerce and Economics, Altinho	April 2014	Grade B (With Grade Point 6.85)		Pass
2014-15	FYLL.B Degree	V.M. Salgaocar College of Law, Panaji	Sem I Oct 2014	appeared		Fail
			Sem I Apr 2015	appeared		Fail
			Sem II Apr 2015	appeared		Fail
			Sem I Oct 2015	appeared		Fail

2015-16	Break of One Year due to ineligibility for admission to S.Y.LL.B		Sem II	Oct 2015	205#10\$6/500)	44.2% (with grace)	Pass
			Sem I	April 2016	208 \$8/500	43.2% (with Grace)	Pass
2016-17	SYLL.B Degree	G. R. Kare College of Law, Margao	Sem III	Oct 2016	Appeared		Fail
			Sem III	Apr 2017	183#10\$7/500	40% (with grace)	Pass
			Sem IV	Apr 2017	Appeared		Fail
2017-18	TYLL.B Degree	G. R. Kare College of Law, Margao	Sem IV	Oct 2017	Appeared		Fail
			Sem V	Oct 2017	Appeared		Fail
			Sems IV & V	Apr 2018	Appearing		-

Note: # = Sports/N.S.S. Marks; \$ = Grace Marks.

12. We have heard the learned counsel for the parties. Learned counsel for the Petitioner contends that the principles of natural justice have been violated in case of the Petitioner for he has not been given due exemptions as per OA-17 of the Goa University, as stated in the petition. The learned counsel drew our attention to the attendance report at Ex.55 indicating the attendance report for Labour Law-II-45.68%, in Criminal Procedure Code 87.65% and Intellectual Property Rights - 85.19%, indicating attendance deficit. Thus, according to the learned counsel, the accumulative percentage comes to 72% which is just above 70% which is the cumulative requirement of attendance as per Rule 12 of the Legal Education Rules, 2008. The learned counsel further drew our attention to the fact that the Petitioner attended athletic meet as well as legal aid programme stated above for which he ought to have been given

exemption while calculating the percentage of his attendance in the college. Despite representation, there was no response and, therefore, the Petitioner is constrained to approach this Court.

13. Ms. Agni, learned Senior Advocate appearing for Respondent no.4 restricted her arguments insofar as the Rules of the University are concerned. Mr. Ferreira, learned counsel drew our attention to the Charts A, B, C, and D annexed, to indicate the attendance record of the Petitioner for his academic year 2017-18 insofar as the aforesaid three subjects are concerned.

14. On 19 April 2018, we passed the following order:-

“Heard Mr. G. Agni, learned counsel appearing for the Petitioner, Mr. C. A. Ferreira, learned counsel appearing for the College and Ms. A. Agni, learned Senior Advocate appearing for the University.

2. The Petitioner has been debarred from answering the examination of VI Semester of three year LL.B programme. It is the contention of the Petitioner that the Petitioner has completed requisite attendance and there are certain rules which mandate that the Petitioner must be put to notice for short fall in attendance.

3. Reply has been filed on behalf of the College controverting the averments made in the petition and asserting that the Petitioner has not fulfilled the mandates of the minimum attendance. The Respondent-College has also placed on record the Rules of Legal Education of 2008 framed under the Advocates Act of 1961 which mandate 70%

of attendance.

4. *We had directed the Petitioner to add the University and also the Bar Council of India as party Respondents. The learned counsel for the Petitioner states that he had served the Bar Council of India twice and affidavit of service is also filed. The Bar Council of India, inspite of notice, has not appeared before this Court.*

5. *We are informed that the examination starts tomorrow that is, 20 April 2018 and the first paper for the Petitioner is on 24 April 2018. Considering the shortage of time and that the Bar Council of India has not appeared to make their stand clear, we are of the opinion that by way of an ad-interim order, the Petitioner can be permitted to appear for examination subject to certain conditions.*

6. *We make it clear that this indulgence shown to the Petitioner is subject to further orders to be passed in the petition and subject to the stand of the Bar Council of India. We had in fact adjourned the petition for the Petitioner to take instructions in the light of the clear stipulation by the Bar Council of India, which empowers the Bar Council of India to withhold grant of Sanad, if the degree is not acquired by the student in consonance with the legal standards set by the Bar Council of India. The learned counsel for the Petitioner submitted that the Petitioner is aware of this position.*

7. *We adjourn the hearing of this petition to 11 June 2018 and pass the following ad-interim order.*

(i) By way of ad-interim relief, the Respondent No.2-College shall forward the form of the Petitioner to the Respondent No.4-Goa University by Friday 20 April 2018, for the VI Semester of the 3 year LL.B. programme which is to commence on 24 April 2018 upon the Petitioner paying the examination fee to Respondent No.2-College;

(ii) The Goa University shall issue Hall Ticket to the Petitioner for the said examination held in the said College on 24 April 2018 onwards, subject to further orders which may be passed by this Court on the next date and subject to the stand, if any, of the Bar Council of India;

(iii) This ad-interim relief is granted subject to condition that the Petitioner will not claim any equity whatsoever on the ground that he is permitted to appear for the said examination on the basis of this order. Undertaking to that effect of the Petitioner shall be filed on 20 April 2018;

(iv) We make it clear that if such undertaking is not filed by 20 April 2018, the ad-interim relief shall stand vacated without further reference to the Court;

(v) Needless to add that the result of the Petitioner of the said examination shall not be declared without permission of this Court;

(vi) All concerned authorities of the aforesaid College and the University to act upon an authenticated copy of this order.

Stand over to 11 June 2018”.

15. In exercise of powers conferred under Sections 7(1) (h) and (i), 24 (1) (c), (iii) and (3a), 49 (1) (af), (ag) and (d) of the Advocates Act, 1961, the Bar Council of India has framed the “Rules of Legal Education, 2008”. As rightly argued by the learned Senior Advocate appearing for Respondent no.4 that these Rules will override the Goa University Ordinance, and that the Ordinance itself provides so. Rule 12 of the Legal Education Rules, 2008 reads as under:-

“12. End Semester Test:

No student of any of the degree program shall be allowed to take the end semester test in a subject if the student concerned has not attended minimum of 70% of the classes held in the subject concerned as also the moot court room exercises, tutorials and practical training conducted in the subject take together.

Provided that if a student for any exceptional reasons fail to attend 70% of the classes held in any subject, the Dean of the University or the Principal of the Centre of Legal Education, as the case may be, may allow the student to take the test if the student concerned attended at least 65% of the classes held in the subject concerned and attended 70% of classes in all the subjects taken together. The similar power shall rest with the Vice Chancellor or Director of a National Law University, or his authorised representative in the absence of the Dean of Law.

Provided further that a list of such students allowed to take the test with reasons recorded be

forwarded to the Bar Council of India”.

16. The learned counsel for the Petitioner emphasised on OA 17.3 (i) of the Goa University as regards attendance and eligibility to appear for the examination. The learned counsel stressed that as per OA-17, which is effective from 30 November 2007 and is applicable and enforceable as against Respondent no.2, the Lecturer is required to maintain a paper/course-wise attendance register recording the attendance taken by the Teacher for each lecture on day to day basis. Our attention is drawn to OA 17.3 (ii) which reads thus:-

“OA-17.3 (ii) Attendance shall be taken on a day to day basis for all the students and shall be cumulative of all the months of the Semester/Term/Year (in case of annual examination), as the case may be, for deciding the eligibility to appear for the respective examination. The statement of the attendance shall be prepared paper-/course-wise and month-wise and the same shall be displayed on the Notice Board. A copy of this statement shall be sent to the University for records”.

Since, no such attendance was displayed on the notice board by the Respondents, as mandated by the Ordinance and there was no oral or written notice issued to the Petitioner by the College calling upon him to justify his alleged absence, it is argued that injustice has been done to him.

17. We cannot accept the arguments of the Petitioner. Firstly, the Bar Council of India Rules mandates that a student must have 70%

attendance. The responsibility of being vigilant is on the student. Even if his own contention as averred in the petition coupled with the documents tendered on record are taken cumulatively, it would show that the Petitioner has failed to meet the minimum required attendance of 70% as per Rule 12 of the Rules of Legal Education, 2008. Respondent no.4 has taken a clear stand that the Rules of Bar Council of India would prevail over its Ordinance. That being so, there is absolutely no scope for the Petitioner to rely upon the Ordinance of the University.

18. While exercising writ jurisdiction especially when a writ of Certiorari is invoked, we are required to exercise care, caution and circumspection under Article 226 of the Constitution of India as we cannot sit in appeal and adjudicate the disputed questions of facts. The Petitioner had a very low attendance in Labour Law, Code of Criminal Procedure and Intellectual Property Rights, as per the Chart depicted hereinabove. The Respondents have questioned Certificate Exhibit P-7 tendered by the Petitioner in order to substantiate his contention that he will have to be treated "on duty" as he had represented the institution for the athletics meet conducted by the Goa University held at Bambolim Stadium between 18 January 2018 to 20 January 2018 and further he had undergone a full day training session from 8.30 a.m. to 5.30 p.m., for a period of 10 days. We do not see any reason to disbelieve the stand taken by Respondent nos.2 and 3 for the simple reason that the record maintained by the Respondents is in their regular course. During the

Course of the arguments, an opportunity was given to the Petitioner by us to ascertain his attendance from the record which he did not avail.

19. Insofar as the claim of the Petitioner for the attendance in legal aid activities seeking exemption for such attendance, no details are set out. Respondent nos.2 and 3 have made their stand clear that as per their record all such activities for the year 2017-18 were held beyond the Lecture hours of the Petitioner's classes and, therefore, there was no question of the Petitioner requiring to skip any of the Classes/ Lectures in order to attend the legal aid activities and, therefore, there is no question of claiming exemption on that count.

20. As regards the attendance from the website of the college is concerned, it is the contention of the Respondents that the Campus Management Site with a link shown in the website of the college has been used on a trial basis and, therefore, any information obtained by the Petitioner from the Website cannot be said to be correct and authenticated information about the attendance of the students. An example is given by the Respondents that the days on which the Petitioner claimed exemption when he was "absent" website shows his "presence" in the system.

21. The importance of legal profession in a democratic society where the rule of law governs, role of a student of law has been well explained by this Court in the case of in *Inamdar Vahab Badasha and others Vs. Symbiosis Society's Law College, Pune and others*¹. It would be apposite to reproduce the relevant *portion* from para 18, which reads

¹ AIR 1984 BOMBAY 451

thus:

“It cannot be denied that fixing a particular percentage for admission to the new course is an important step towards improvement of the standard of legal education. Considering the complexity of the legal system and ever expanding sweep of the legislation in a welfare state having a democratic system and committed to social, economic and political justice, a student aspiring to have legal career must have the basic equipment needed to acquire knowledge of humainties which deal with various facets of the complex modern human life. One of the methods of ensuring that only such students take up law course as have aptitude for it, is to lay down a minimum qualifying standard for admisisions. No profession can maintain high standard if it is allowed to be inundated by persons who reluctantly took up the law course because having failed to secure admission to the courses of their choice, they have nothing else to do. The prescribed minimum qualification, therefore, has a rational nexus to the purpose sought to be achieved. We also do not feel that the percentage fixed is in any manner arbitrary. It is reasonable, and more so in view of the general patern of percentage of marks generally obtained at the qualifying examinations”.

22. In case of *Aparna Basu Mallick Vs. Bar Council of India*² the Hon'ble Supreme Court observed held:

“14. Now under Section 7, one of the functions of the Bar Council of India is to recognise

universities whose degree in Law shall be a qualification for enrolment as an Advocate and for that purpose to visit and inspect the universities. This power of recognition of universities is conferred where the degree of Law of that university entitles the degree-holder for enrolment as an Advocate. Under Section 24(1)(c)(iii) which is relevant for this purpose, a person shall be qualified to be admitted as an Advocate on a State roll if he fulfils the conditions of having undergone a three-year course of study in Law from any university in India which is recognised by the Bar Council of India. Sub-section (3) of Section 24 is an exception clause to sub-section (1) as it begins with a non obstante clause which entitles a person to be enrolled as an Advocate under special rule made in that behalf. No such rule was relied upon as having been made under sub-section (3) of Section 24. Section 49(1)(d) empowers the Bar Council of India to make rules which may prescribe the standards of legal education to be observed by universities in India and the inspection of universities for that purpose. If the acquisition of a degree in Law is essential for being qualified to be admitted as an Advocate on a State roll, it is obvious that the Bar Council of India must have the authority to prescribe the standards of legal education to be observed by universities in the country. On a conjoint reading of these provisions of the Act with Rule 1(1)(c) in Part IV of the Rules which prescribe the standards for legal education and recognition of degrees in Law as well as admission as Advocates, it is difficult to understand how one can say that the said Rule is

inconsistent with any of the provisions of the Act. What Rule 1(1)(c) requires is that the course of study in Law must be completed by regular attendance at the requisite number of lectures, tutorials and moot courts in a college recognised by a university. As pointed out earlier, this Court in Baldev Raj Sharma case pointed out that there was a substantial difference between a course of studies pursued as a regular student and the course of studies pursued as a private candidate. The policy underlying the relevant provisions of the Rules is to lay emphasis on regular attendance of the Law classes. It is, therefore, clear that a candidate desiring enrolment as an Advocate must fulfil the conditions set out under the relevant clause of Section 24 read with Rule 1(1) (c) of the Rules. In the present case since both the candidates admittedly did not pursue any regular course of study at any college recognised by the university by attending the Law classes, lectures, tutorials and moot courts, they cannot be said to have complied with the requirements for enrolment as an Advocate. In that view of the matter we think that the view taken by the Calcutta High Court in Aparna Basu Mallick v. Bar Council of India is erroneous."

23. Thus, it is made clear that the policy underlying relevant provisions of the Rules is to lay emphasis on regular attendance of law classes. A student desiring enrolment as an Advocate, therefore, must fulfill the conditions set out under the relevant Rules. Since the Petitioner herein did not attend the requisite number of Classes/Lectures, he cannot

as of right claim any exemption. In case of *Ankita Meena Vs. University of Delhi*³ the Petitioner, who was undergoing IV Semester LL.B course, could not attend classes due to her pregnancy. Her attendance in the III Semester was 86%. She was not permitted to appear in the IV Semester. In the said case, Rule 2(9) (d) of the Ordinance VII of Chapter III of the Delhi University, which is the general provision, which does not deal with the professional courses like LL.B., provides that a married woman, who remains on maternity leave, is entitled to benefit of the relaxation attendance from the said period, while calculation of her attendance. The Delhi High Court in its judgment referred to the decision of the same Court in case of *Smt. Deepti Vs. Vice Chancellor, University of Delhi in WP (C) No.18051/2006 decided on 20 April 2007. It would be apposite to refer to Para 14 of the judgment in case of Deepti Vs. Vice Chancellor, University of Delhi*, which reads thus:

“14. Before parting with the case, we are obliged to state that the field of legal education has its own sacrosanctity. With the passage of time, the field of law is getting a larger canvas. A well organized system for imparting of education and training in law has become imperative. In a democratic society where the rule of law governs, a student of law has a role to play. Roscoe Pound has said "Law is experience developed by reason and applied continually in further experience". A student of law has to be a dedicated person as he is required to take the study of law seriously as pursuit of law does not countenance any kind of idleness. One may conceive wholesome idleness after a day's

energetic and effective work. An active mind is the mother of invention. A student prosecuting study in law, in order to become efficient in the stream of law, must completely devote to the learning and training. One should bear in mind that learning is an ornament to continuous education and education fundamentally is how one engages himself in acquiring further knowledge every day. If a law student does not attend lectures or obtain the requisite percentage of attendance, he cannot think of taking a leap to another year of study. Mercy does not come to his aid as law requires a student to digest his experience and gradually discover his own ignorance and put a progressive step thereafter."

24. By way of indulgence, we had granted ad-interim relief permitting the Petitioner to appear for VI Semester of the three year LL.B programme, which was to be commenced from 20 April 2018, subject to the condition that the Petitioner will not claim any equity whatsoever on the ground of such permission to appear for the examination. The ad-interim relief was purely by way of indulgence subject to the result of the Petition. In view of the observations made hereinabove, we are of the view that the Petitioner is not entitled to invoke the writ jurisdiction of this Court. Consequently, the Writ Petition stands dismissed. There is no order as to costs.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.