

*Esha***IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 2491 OF 2025 (F)**

SHIVAM MANJREKAR & ANOTHER ... PETITIONERS

Versus

STATE OF GOA & 2 OTHERS ... RESPONDENTS

Mr. Chaitanya Padgaonkar with Ms. Vaishali Mahato, Advocates for the Petitioners.

Ms. A. Agni, Senior Advocate with Ms. Afrin Harihar Khanm, Advocate for Respondent No. 2.

Mr. Gaurish Agni with Mr. Kishan Kavlekar, Mr. Yash Naik and Mr. Madhav Cuncoliencar, Advocates for Respondent No. 3.

**CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.**

DATED: 25th SEPTEMBER 2025

P.C:

1. The Petitioners, enrolled as a student for B.Sc. (Chemistry) at PES's Ravi S. Naik College of Arts and Science, Ponda, Goa in the year 2022, when they appeared for the sixth semester examination conducted in April 2025, did not obtain passing marks in subject 'Analytical Chemistry'.

This event required them to appear for the examination as a repeat candidate, to be conducted in October every year. The Petitioners' grievance is that they missed the bus as they did not



submit the exam forms for the examination, which is the B.Sc. repeat exam, which commenced for 2025.

2. We have heard Mr. Padgaonkar for the Petitioners, who, by relying upon the pleadings, stated that the notification issued on 03.09.2025 by the Goa University, categorically contain the following directions:-

“Principals of the Affiliated Colleges are requested to kindly take note of the same and bring the content of this notification to their concerned staff and students.”

It is to be noted that the very same notification, also categorically reflected thus:-

“No Forms beyond the dates mentioned will be accepted by the examination section”.

3. With this background notification being issued by the University, the Petitioners make a specific grievance in the Petition that no sufficient diligence was adopted to convey this to the Petitioners and the specific ground to that effect raised in paragraph 4, read to the following effect:-

“The Notification dated 03/09/2025 specifically required the Principals of the Affiliated Colleges to circulate the same along with the concerned Staff and Students.



In the instant case there was no effective circulation of the said notification either on the website of the college or the official WhatsApp group which lead to the Petitioners not submitting their examination forms within the due dates.

The Petitioners therefore having unjustly suffered owing to the lack of circulation of the said notification deserved an extension to submit their application forms to answer the repeat exam as scheduled in October 2025 and the failure of which will cause grave injustice to the Petitioners.

The matter therefore warrants interference from this Hon'ble Court."

4. Yesterday, we had requested Mrs. Agni, representing the University to obtain instructions as to whether any indulgence can be shown in favour of the Petitioners, as they would be missing one session, if their forms are not accepted.

Today, on instruction, Mrs. Agni expresses the inability on the part of the University, as she would submit that accepting the form of the Petitioners would open a window for all those who have not submitted their application forms, despite the fact that the timeline was extended from time to time and the last timeline being extended up to 19.09.2025.

5. We find substance in her submission as we find that the University as a whole has to deal with a number of students, and if



some indulgence is shown in favour of one, definitely there is no reason why others should be kept out.

6. Learning Counsel Mr. Agni, representing the College, has specifically placed before us a notice displayed in the College dated 03.09.2025, addressed to the students of the third year BA/B.Sc Semester V and VI (Repeat), informing them about the examination to be held in the month of October/November 2025, with the timelines being set up for submission of the exam forms and the date of commencement of submission of the exam form, along with its deadline and the late fee and it is categorically mentioned therein that no further extension will be allowed in any circumstance.

Mr. Agni has also placed before us the form submitted by various other students (Repeat), and as far as the BA stream is concerned, according to him, 62 students submitted their examination forms pursuant to the said notice, and 30 students from the B.Sc. stream have submitted their forms. It is therefore his submission that it is not that the students did not take cognizance of the notice which was displayed on the notice board in the College campus, and in fact, this was sufficient notice and the College, as such, do not operate any official WhatsApp group and therefore, the submission of the learned Counsel that the



notice ought to have been circulated on the WhatsApp group is without any merit and substance.

Mr. Agni also make a statement that on every occasion when the timeline was further extended, the notice was displayed on the notice board in the College.

7. We repeatedly asked Mr. Padgaonkar about the violation of any of his legal right or fundamental rights, which would justify the exercise of our writ jurisdiction and specifically, a writ of mandamus as is prayed for under Article 226 of the Constitution of India. Except alleging that there was no sufficient notice of the notification issued by the Controller of examination, with a specific direction that it should be sufficiently communicated to the students and staff, Mr. Padgaonkar has no argument to make.

8. Here we find a student who did not bother to even keep a watch on the possible dates and in fact, even when he was conscious that the examination is to be held in October/ November, and we expect he ought to have been vigilant in visiting the College or making inquiries with the College, as to when the examination is scheduled and what will be the last date of filling of the examination form.



We could have come to the assistance of a student, who is diligent, but due to some unforeseen circumstances has lost the opportunity but not for a student who remained casual. The reliance placed on the decision of the Apex Court in case of **Sadaf Imran Versus Uttar Pradesh Public Service Commission**¹, in no case, is of succour to him, as we find that the fault was found because the application was sent through the speed post, but on account of the fault with the postal services, it was not received in time.

Such is not the case with the Petitioners.

9. By invoking the principle, *Vigilantibus Non Dormientibus Jura Subveniunt*, as we find that the Petitioners did not adopt due diligence, to have participation in the examination, and particularly when we are dealing with the case of the student, we expect some discipline and order to be followed and if the University has set out certain timelines for filling up the application form, in absence of violation of any legal or fundamental right being demonstrated before us, we are not inclined to show any indulgence and for this situation, only the Petitioners are to be blamed and definitely, neither the University nor the College.

¹ WP(c) No. 581/2023 dt. 19.01.2024



In the wake of the aforesaid, finding no merit and substance
in the Petition, we dismiss the Petition.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.