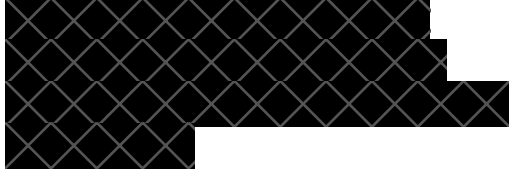




IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 95 OF 2026
IN WP/4881/2026



....APPLICANT

VERSUS

1. Maharashtra National Law University,
Chh. Sambhajinagar, Through its Registrar,
Maharashtra National Law University,
Chh. Sambhajinagar.
2. The Vice Chancellor,
Maharashtra National Law University,
Chh. Sambhajinagar.
3. CPGLS Convenor,
Maharashtra National Law University,
Chh. Sambhajinagar.
4. Grievance Redressal Committee,
Maharashtra National Law University,
Chh. Sambhajinagar.

....RESPONDENTS

...
 *Party In Person*
Mr. S. K. Kadam, Advocate for Respondents in W.P.

...

CORAM : SMT. VIBHA KANKANWADI AND
AJIT B. KADETHANKAR, JJ.
DATE : 18.06.2026

JUDGMENT :- (Per Ajit B. Kadethankar, J.)

. The applicant (Party-in-Person) has filed this Civil Application for review of the judgment and order dated 30.04.2026 passed by this Court in Writ Petition No.4881 of 2026.

2. The applicant, a student pursuing post graduation studies in the Faculty of Law was disallowed by the respondent – Maharashtra National Law University, Chhatrapati Sambhajnagar (“The University” for brevity) from participating in the second/last semester examination of the course for not complying with the requirement of minimum 75% attendance in accordance with the Rules of Maharashtra National Law University Regulations 2020 (“The Rules of 2020” for brevity).

3. The applicant assailed the prohibition imposed by the University vide Writ Petition No.4881 of 2026 before this Court. After hearing the parties at length, this Court, vide its judgment and order dated 30.04.2026 dismissed the writ petition. Feeling dissatisfied by rejection of her Writ Petition, the applicant has filed this civil application for review.

4. At the outset it needs to be recorded that the Writ Petition was filed for immediate relief in the month of April 2026 for seeking permission to

participate in the semester examination. The Writ Petition is dismissed with a reasoned order. The examination is already over. Now the applicant, by taking recourse to review u/o XLVII of the Civil Procedure Code 1908, seeks to re-open the matter and for direction to the University to conduct a special examination for her.

5. The applicant has come up with following prayers in this review application :

“a) Review, recall, modify, and/or reconsider the judgment and order passed by this Hon'ble Court in Writ Petition No. 4881 of 2026 in the interest of justice, equity, and fair play;

b) Quash and set aside the decision dated 28.04.2026-passed by Respondent No.3 Grievance Redressal Committee rejecting the grievance raised by the Applicant;

c) Hold and declare that the proceedings conducted by Respondent No.4 Grievance Redressal Committee were arbitrary, mechanical, non-speaking in nature, and violative of the principles of natural justice;

d) Exercise judicial review over the procedure adopted by Respondent No.4 -Grievance Redressal Committee and examine whether the said committee was constituted and conducted proceedings in accordance with the applicable UGC Regulations and prescribed institutional procedure;

e) Direct the Respondents to place on record the CCTV footage of the meeting/proceedings of the Grievance Redressal Committee held on 27.04.2026, in respect whereof the Applicant had already submitted RTI Application dated 08.05.2026 within the period during which CCTV footage is preserved by the University;

f) Direct the Respondents to place on record the original attendance sheet circulated to students through e-mail on 23.04.2026 together with the corresponding institutional attendance records, lecture-wise attendance registers, guest lecture attendance records, and all related documents relied upon for determination of attendance percentages;

g) Direct the Respondents to place on record the complete month-wise, lecture-wise, and subject-wise attendance details of Mr. Viraj Gapat together with the attendance registers maintained by the concerned faculty members and the records pertaining to additional attendance allegedly granted on account of guest lectures;

h) Direct production of the attendance and service records pertaining to the place of employment of Mr. Viraj Gapat during the relevant period for the limited purpose of comparison and verification with the lecture attendance records maintained by the Respondent University;

i) Hold and declare that the selective and non-transparent grant of attendance additions and discretionary relaxation by the Respondents is arbitrary, discriminatory, biased, and violative of Article 14 of the Constitution of India;

j) Hold and declare that if attendance records or institutional documents originally circulated to students were subsequently altered, reconstructed, inconsistently presented, or misrepresented before this Hon'ble Court for securing a favourable judicial determination, the same constitutes serious interference with judicial proceedings and warrants appropriate action in accordance with law relating to abuse of process and contempt of court;

k) Permit the Applicant to place on record additional medical papers, treatment documents, WhatsApp awareness group screenshots, and all other supporting material demonstrating the bona fide medical circumstances and family healthcare background of the Applicant;

l) Direct the Respondents to ensure that the Applicant's dissertation process, dissertation evaluation, viva voce, and all related academic formalities are conducted fairly, objectively,

transparently, and strictly in accordance with law without any bias, coercion, prejudice, retaliation, discrimination, or mental harassment to the Applicant;

m) Direct the Respondents to conduct a Special Examination/Re-Examination for the Applicant in respect of the concerned Semester-II examinations within a time period deemed fit by this Hon'ble Court and permit the Applicant to complete the LL.M. programme subject to fulfillment of all other academic requirements;

n) Pass any other further orders, directions, or reliefs which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

6. The applicant has formulated following grounds to seek review of the judgment and order (supra) :

- A. Error apparent in respect of attendance computation:
- B. Arbitrary, unreasoned, and procedurally improper decision of respondent Nos.3 and 4 :
- C. Deliberate suppression, reconstruction, and presentation of incorrect attendance records before this Hon'ble Court amounting to interference with judicial proceedings and contempt of Court :
- D. Arbitrary and discriminatory grant of extra attendance to selected students :
- E. Non-consideration of genuine medical circumstances, family healthcare background, and subsequent supporting medical material :
- F. Non-consideration of the principle of reasonable relaxation and subsequent stay operating prospectively :
- G. Grossly arbitrary, biased, and discriminatory grant of attendance benefits to favoured students while denying similar equitable consideration to the applicant :

H. Non-consideration of the doctrine of proportionality in administrative action resulting in disproportionate academic prejudice to the applicant :

7. We have heard the party-in-person at length and also offered a hearing to learned advocate Mr. S. K. Kadam representing the respondent – University.

8. Applicant's arguments :-

(a) The applicant, to make out a case at ground “A” i.e. “error apparent on the face of the record” submitted that the UGC Guidelines do not provide for any percentage relaxation. The applicant vehemently argued that the submission made by learned advocate for the University was not supported by any statute, ordinance, regulation, etc., whereby if a student attained at least 67% attendance, the Vice-Chancellor could offer some addition thereto for touching the requirement of 75% attendance. The applicant, therefore, submitted that it is an error apparent on the face of the record.

(b) Moving to Grounds “B and C”, the applicant submitted that as per the final attendance sheet circulated by the respondent –

University on 23.04.2026, her attendance was at least a bit more than what was submitted by learned advocate for the respondent – University before this court. She would submit that as per the data submitted by learned advocate for the respondent – University in the writ petition, her attendance was shown as 61 (45.86%) against 133 lectures. It is her contention that as per the final attendance sheet dated 23.04.2026, her attendance was in fact 65 (48.87%) against 133 lectures. The applicant submits that learned advocate for the respondent – University did not produce the original attendance record before this Court and instead submitted that, on instructions from the University, he had made such an erroneous statement.

(c) Referring to Ground 'D', the applicant argued that she learnt through oral information from some staff member of the University that additional attendance had been granted to certain students by the University. Upon going through the final attendance sheet dated 23.04.2026, the applicant could not find any details making provision for additional attendance credit. The applicant ought to have been given similar treatment by the University by granting her additional attendance credit. Thus, as per the applicant due to

arbitrary and discriminatory treatment by the University the applicant suffered loss of her examination.

(d) On Ground 'E', the applicant submits that since the applicant and her family believed in Ayurveda, she did not undergo any Allopathic or orthopedic treatment. It is her allegation that the University insisted only upon a certificate issued by M.B.B.S./M.D. medical practitioners, whereas the applicant has case papers to show that she had undergoing Ayurvedic treatment with the assistance of her sister, who herself is a B.A.M.S. practitioner. The applicant submitted that admittedly she could not file such medical papers before the Grievance Redressal Committee or before this Court; however, in this review application she wants to produce the same on record to make out her case. It is her submission that this Court ought to have relied upon the medical certificate which she had produced along with the writ petition.

(e) Ground 'F' concerns non-consideration of "the principle of reasonable relaxation and subsequent stay operating prospectively". The applicant submits that relaxation in attendance deficiency and interim protection to students in attendance matters are permissible in appropriate circumstances. She would submit that although the

judgment delivered by the Delhi High Court in the case of *In Re : Sushant Rohilla*, has been stayed by the Honorable Supreme Court vide order dated 26.05.2026, the stay would be operative prospectively.

(f) Ground 'G' in the application refers to the applicant's batch-mate, to whom the University allegedly gave different, yet favorable treatment. Referring to the name of the said student, the applicant submits that while he was in full-time employment as a Law Clerk of this Court at Aurangabad, the University still accommodated him by showing the requisite attendance. The applicant's contention is that a person working as a Law Clerk in the High Court could not have achieved the requisite attendance by attending the course during its ordinary timing of 9.00 a.m. to 12.00 noon. The applicant alleged a biased approach on the part of the respondent – University and some faculty members in extending discriminatory treatment to her.

(g) The last Ground 'H' in the review application pertains to the doctrine of proportionality and disproportionate academic prejudice. Applicant reiterates the said principle on the same facts which she has argued in the Writ Petition.

9. We have given thorough opportunity of hearing to the applicant. The original copy of the Ayurvedic treatment documents is produced on record. The same is marked as Annexure "X" for identification.

10. **Respondents' arguments:**

(a) Mr. S. K. Kadam, learned advocate for the respondent – University placed on record the Minutes of the 28th PG. Academic and Examination Committee Meeting dated 10.10.2023 conducted under the Chairmanship of the Chairperson of the PG. Academic and Examination Committee of Maharashtra National Law University, Aurangabad, Centre for Post Graduate Legal Studies.

(b) Mr. Kadam denies that he made any incorrect statement before this Court. He submitted that the decision requiring at least 67% attendance and permitting further addition to meet the minimum requirement of 75% attendance was taken in the meeting of the Committee, while also recording the reasons for granting such relaxation in attendance. The Minutes of the Meeting are taken on record and marked as "X-1" for identification.

(c) He further submits that the Center for Post Graduate Legal Studies is established in the University as per the UGC Guidelines

communicated to all HEIs vide D.O. No.5-1/99(CPP-II) dated 18 January 2013. The CPGLS has adopted a policy prescribing a minimum of 67% attendance for students who wish to avail medical leave. The said policy was adopted in its 28th P.G. Academic and Examination Committee Meeting dated 10 October 2023 vide Resolution No.3, which was approved by the Vice-Chancellor.

(d) It is further submitted by the respondents that it was always the stand of the University that had the applicant attained at least 67% attendance upon production of convincing medical evidence, she could have been elevated to the requisite attendance criteria i.e. 75%.

(e) On behalf of the respondent – University, it is submitted that none of the official, faculty of the University has any grudge against the applicant. The university never offers nor has ever caused any discriminatory treatment to any student.

(f) To conclude, Mr. Kadam, learned advocate for University argues that the decision to invoke rule No. XI (b) Of the Rules of 2020 to ban the applicant for examination was in fact a painful one, but it was taken up extremely cautiously in view of the mandate of the Rules. It is submitted that the examination is already over, and

there is neither any provision nor any precedent nor any extraordinary exceptional circumstances to conduct special examination of the applicant.

11. Consideration :

11.1 Before proceeding, for convenience we reproduce the text of the Order XLVII of the Code of Civil Procedure which reads thus:

ORDER XLVII

REVIEW

1. Application for review of judgment.—(1) Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applied for the review.

[Explanation.—The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.]

11.2 The main issue is of whether the applicant touched at least 75% attendance mandated by the 2020 Rules or at least 67% with a convincing case for grant of additional attendance. We tested applicant's case on the facts and record placed by her before us. Thereafter, upon dissatisfying with the applicant's case, we dismissed the Writ Petition on merits.

11.3 In the light of the parameters for review set out in Order XLVII of the Code of Civil Procedure, we now test applicant's case in the light of her each objection.

(a) At Ground 'A' of the Petition, the applicant submits that there is error apparent as regards to the rule of mandatory attendance, the minimum attendance and scope for addition. Applicant's main

thrust is on the statements made on behalf of the respondent – University in the Writ Petition. We find that the requirement of 75% attendance is provided in the 2020 Rules itself. The Rules are binding on the University. The provision for relaxation of the gap between 75% and 67% is neither un-reasoned, arbitrary nor erroneous. In fact, the same is well supported by the Resolution of the P. G. Academic and Examination Committee. As such, Ground A seeking review, as mentioned in the application, does not meet the requirements for review as contemplated under Order XLVII of the Code of Civil Procedure. It cannot be overlooked that it is not the case of the applicant that she had at least 67% attendance. In view of this, we find that no case is made out for recording any error of fact apparent on the face of the record. Applicant's concept about 'error apparent on the face of record' is misconceived one.

(b) Grounds B and C refer to a final attendance sheet dated 23.04.2026 on which the applicant has heavily placed reliance. However, the applicant has not produced a copy of such attendance sheet. Instead, the applicant seeks a direction in the review application against the University to produce such sheet. The applicant, on the one hand, asserts and relies upon the existence of

a particular document and counters the University for submitting contrary data. On the other hand, the applicant does not place such document on record and shoulders the responsibility of producing the same upon the University. She submits that the University has already served her the final attendance sheet, however, she could not print it out. This is unacceptable. We record here that there is not a single whisper in the Writ Petition about any such Final Attendance Sheet dated 23.04.2026. As per her own version, the applicant was well aware about such final attendance sheet dated 23.04.2026 even before she was summoned before the Grievance Redressal Committee. Now the applicant wants to rely upon that, and she seeks directions to the University to produce the said document. We reject such contention and argument at threshold.

(c) There is one more finding which we wish to record here. As per the applicant's contention, the data provided by the University before us in the writ petition reflected her attendance as 45.86%. The applicant, by referring to the final attendance sheet, submits that her attendance was in fact 48.87%. It is her further submission that by adding three additional attendance credits, her attendance could reach 51.12%. Thus, it is clear that in any case, the applicant

could neither reach 75% attendance nor 67% attendance. Hence, Grounds B and C do not make out a case for review.

(d) The applicant herself states that she didn't attend the Grievance Redressal Committee meeting. However, in the review application, she challenges composition of the committee and the procedure of the meeting. The applicant even sought information under the Right to Information Act from the University on this count. Applicant has further prayed for directions to the University for procuring CCTV footage of the meeting proceedings. The applicant alleges that the decision of the Committee is arbitrary, unreasoned and procedurally improper. She also alleged deliberate suppression, reconstruction and presentation of incorrect documentation before this Court amounting to interference with the judicial proceedings.

The applicant fails to attend the meeting, doesn't place on record the document on which she seeks review – while the document is already served to her, the reason for not tendering the said copy before this court is non-convincing. The reliance placed by the learned advocate for the respondent – University is a matter of record, and more particularly the rules and the record of the

institution. We are constrained to observe that the contents in the review application are absolutely reckless and irresponsible.

(e) Grounds 'D' and 'G' refer to the applicant's allegations against the University for extending favorable treatment to certain other students. In Ground D, the applicant relies upon hearsay information allegedly received from a staff member regarding enhancement of attendance of some students. In Ground G, the applicant attempts to bring into question the attendance record of her batch-mate by referring to his engagement as a Law Clerk in this Court. We deprecate such practice to be placed in service while a review application is filed and argued. We have no doubt in our mind that these are absolutely reckless and irresponsible contentions raised in the review application. In no way these grounds help the applicant in seeking review of the judgment and order passed by this Court in Writ Petition No.4881 of 2026.

(f) So far as Ground "E" is concerned, the applicant cannot fill up lacunae in her case vide a review application by producing such documents and by adding such facts which were not disclosed by her while arguing the Writ Petition.

We find that all the contentions pleaded and argued by the applicant in support of this ground are irrelevant. This time some new story is raised by the applicant about her unwellness and treatment. There is absolute no reference to such documents, incidences and treatments in the Writ Petition, while it was well within knowledge of the applicant while arguing the Writ Petition. We have held in the writ petition that the applicant cannot take benefit of her own wrong. We repeat the said principle while answering this ground.

(g) Grounds “F” and “H” are drafted and argued in an entirely irrelevant manner. It is clear that the applicant did not attend the semester lectures as required for mandatory attendance under the 2020 Rules. The University is undoubtedly bound by these Rules. It is also true that the applicant could not meet even the attendance percentage required for seeking relaxation, namely 67% attendance. The applicant could not dispute this fact. On the contrary, she submitted that her attendance could, at best, have been 51.12%. In these circumstances, we find that Grounds “F” and “H”, as argued and explained by the applicant, do not make out a case for review under Order XLVII of the Code of Civil Procedure.

(h) Considering that the interim order dated 26.05.2026 passed in Special Leave to Appeal (Crl) No.9450 of 2026 (Challenge to Delhi High Court's judgment in *Sushil Rohilla* case) is passed after disposal of the Writ Petition No.4881 of 2026 on 30.04.2026, applicant's argument 'to review our judgment in the light of the interim order dated 26.05.2026 (supra)', is found to be a misplaced one.

11.4 We must record here that the review application is drafted and argued as if its an appeal against the judgment and order passed by this Court in Writ Petition No.4881 of 2026. Each of the objection raised by the applicant is already argued by the applicant at length in the Writ Petition. The objections are dealt on their own merits as per the record available. Now, the applicant again agitates the same issues.

11.5 We find that the applicant failed to make out a case for review. Although the applicant articulates her draft with a legal proposition that an appeal must not be placed under the disguise of a review, the applicant practically has sought to re-appreciate her case as if this Court is sitting in an appeal over its own judgment and order. It is a matter of fact that the examination was already over in the month of May itself. The applicant has

sought a direction to the respondent – University to re-conduct the said examination for her. We do not accept such prayer, as it is beyond the scope of review powers.

11.6 We are well guided by the principles of law laid down by the Hon'ble Supreme Court in its two landmark judgments on the scope of review application under Order XLVII of the Civil Procedure Code. We gainfully place our hands on law laid down by the Hon'ble Supreme Court in *Lily Thomas and Others Versus Union of India and Others reported in (2000) 6 SCC 224* and *Government of NCT of Delhi and Another vs. K. L. Rathi Steels Limited and Others reported in (2024) 7 SCC 315* which lays down that neither an appeal under the disguise of review should be entertained, nor subsequent development in law or the subject-matter shall give a reason for review.

11.7 We are not only disappointed due to audacity in the approach of the applicant, but rather we are worried. The applicant is a law graduate, who is now prosecuting the Post Graduation studies at Maharashtra National Law University Aurangabad and soon shall be entering into the noble profession of legal field. We notice that to overcome her own defaults the applicant adopted such extreme measures, which not only makes her case an abuse of process, but we are afraid, that it would hamper her own career too.

11.8 We quote at least three instances where the applicant has taken impermissible liberty.

(A) In the Writ Petition, the petitioner at no point of time said that she didn't attend the Grievance committee meeting. In the present review application, the applicant, however, states on oath that 'for unavoidable circumstances' she didn't attend the meeting. Then she raises wild allegations against the University and the Grievance Committee. Further, the applicant even prays to call for CCTV footage of the committee hearing proceedings.

(B) The additional medical documents on which the applicant now relies, are coming from own custody. In the Writ Petition, the petitioner nowhere whispered about such treatment or documents. After noticing the findings of this court in the judgment in Writ Petition, the petitioner raised this new case.

(C) The applicant very irresponsibly and recklessly named her batch-mate to demonstrate that the University discriminated herself. Without looking to own default, the

applicant then has made wild allegations against everybody including her batch-mate, the Faculties, the University, the Grievance Committee etc., except herself.

We are cautious to refrain ourselves from commenting and recording further. But we record our serious displeasure and disappointment on the applicant's conduct.

11.9 The applicant is yet to enter into practice. She is at tender age of learning the practice and procedure of advocacy. At such stage of professional career, if appearance before the Courts of Law is meant and taken up in any undisciplined scurrilous way and without clean hands, then we are seriously concerned about the professional career of the new entrants in this noble field. This is high time that we must deprecate such practice.

11.10 On facts, we have held that the applicant could not make out a case u/o XLVII of the Civil Procedure Code 1908. A cause taken up before the Courts of Law must be bonafide. Of course, every proceeding before a court is to seek justice; but the concept of 'justice' doesn't mean 'whatever I want and howsoever I put it'.

11.11 We are seriously tempted to impose heavy costs for the reasons recorded above. However, considering that the applicant is a student we hold on our hands.

11.12 Before parting, we deem it appropriate to direct the registry to mask the name of applicant's batch-mate pleaded in the review application, to secure his privacy and to avoid future unpleasant consequences.

12. For the reasons recorded above, we find that no case is made out for interference. Hence, we pass following order :

ORDER

- i. The Civil Application for review stands dismissed.
- ii. Registry is directed to mask the name of applicant's batch-mate which is pleaded in the review application at paragraph Nos.1 to 19 from Ground G and at such places where it appears.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)