



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

WRIT PETITION (L) NO.20458 OF 2022

Anoushka Tusharkumar Desai
Aged about 20 years, Indian Inhabitant,
Occu.: Student, residing at 3, Aashirwad,
51, Vallabh Nagar, Vile Parle (West),
Mumbai – 400 056.

...Petitioner

Versus

1. State of Maharashtra,
Through the Government Pleaders' Office,
Bombay High Court, Mumbai.
2. University of Mumbai,
Having its address at Dr. Babasaheb
Ambedkar Bhavan, Vidyanagari, Santacruz
(East), Mumbai – 400098.
3. The Deputy Registrar, Admission
Enrollment, Eligibility and Migration
Certificate Unit, University of Mumbai,
Dr. Babasaheb Ambedkar Bhavan,
Vidyanagari, Santacruz (East),
Mumbai – 400098.
4. Pravin Gandhi College of Law
Having its address at Mithibhai College
Campus, 8th Floor, Bhaktivedanta Swami
Marg, Vile Parle (West), Mumbai – 400056. ...Respondents

Ms. Anita Castelino a/w. Ms. Namrata Agashe, Ms. Sudha Dwivedi Ms.
Vinsha Acharya, Mr. Ranjit Agaste, Advocate for the Petitioner.

Ms. P. H. Kantharia, G.P. a/w. Mr. Abhay L. Patki, Addl.G.P. for
Respondent No.1 (State).

Mr. Gaurav Sharma i/b. Mr. Ashutosh Kulkarni, Advocate for
Respondent Nos.2 and 3.

Mr. Swaraj Jadhav, Advocate for Respondent No.4.

CORAM : A. S. CHANDURKAR,
JITENDRA JAIN, J.J.

RESERVED ON : 31st JANUARY 2024.

PRONOUNCED ON : 8th FEBRUARY 2024.

Judgment:- (Per Jitendra Jain, J.)

1. By this petition under Article 226 of the Constitution of India, the Petitioner seeks to challenge the communications dated 3rd December 2021 and dated 4th April 2022 of Respondent No.2-University, whereby the Petitioner has been declared as ineligible for enrolling and completing her 5 year LLB course.

2. Narrative of the events:-

(i) The Petitioner is a resident of Mumbai and aspires to pursue a law career.

(ii) On 5th July 2020, the Petitioner cleared her International Baccalaureate (I.B.), which is equivalent to 10+2 course. The Petitioner appeared in 6 subjects and obtained average 60% marks, which is equivalent to 22 points as per I.B. standard.

(iii) The Petitioner aspiring to pursue a law career applied for State Common Entrance Test of Respondent No.1-State for 5 year degree course in law beginning from academic year 2020-21. The Information Brochure issued by Respondent No.1-State CET Cell provided in paragraph 7.2 eligibility criteria for LLB-5 years course.

The eligibility criteria was classified based on the State to which the candidate belongs. Part-A provided for Maharashtra State Candidature Candidates, Part-B provided for All India Candidature Candidates, Part-C provided for Jammu and Kashmir migrant candidature candidate and Part-D provided for children of NRI/OCI/PIO/CIWGC/Foreign National Students. The Petitioner applied for eligibility criteria as per Part-A being applicable for Maharashtra State Candidature Candidates.

- (iv) On 8th October 2020, Respondent No.1 issued a notification under Maharashtra Unaided Private Professional Education Institutions (Regulations of Admissions and Fees) Act, 2015, for providing eligibility conditions and requirements for admission to various courses. Serial No.6 of the said notification provided eligibility conditions and requirements for admission to undergraduate course in law. The said eligibility conditions and requirements are *pari-materia* to what was stated in the Information Brochure referred to above.
- (v) On 11th October 2020, Respondent No.1 conducted CET for LLB 5 year course and declared results of the said test on 27th November 2020. The Petitioner scored 77 out of 150 marks in CET. The score card issued by the Respondent No.1 stated that the score is valid for admission to LLB 5 year course for the academic year 2020-21,

subject to fulfilling the eligibility criteria mentioned in Information Brochure published and displayed on the website, the said Information Brochure has been referred by us herein-above.

(vi) Based on Centralised Admission Process (CAP), the Petitioner was allotted admission in Respondent No.4-College. In the application form, the Petitioner gave all the information including educational details, wherein she mentioned that she has scored 59.83% from I.B. board in Science Stream. It is important to note that the table wherein details were to be filed does not have any column to specify the points as per I.B. course but what was required to be filled was only the percentage which the Petitioner filled as 59.83%.

(vii) On 31st March 2021, the Respondent No.1 issued a provisional allotment letter allotting seat to the Petitioner to take admission in Respondent No.4-College. The said allotment letter states that provisional admission is given based on documents uploaded by the Petitioner and subject to scrutiny and validation with original documents by the admitting college. The Petitioner was allotted a seat in the 'Minority' category. The said provisional allotment letter also contains instructions to be followed by the Principal of the admitting law college.

(viii) On 15th July 2021, Respondent No.4 forwarded the enrollment

form along with supporting document of all the students for admission to law degree course for academic year 2020-2021 to Respondent Nos.2 and 3.

- (ix) On 12th August 2021, Respondent No.1 informed Respondent No.4 about admission of 120 students to 5 year LLB course in Respondent No.4-College. The copy of the said letter along with the list of admission certified by Respondent No.1 was annexed and also marked to Respondent Nos.2 and 3.
- (x) On 3rd December 2021, Respondent Nos.2 and 3 addressed a letter to Respondent No.4 informing that the Petitioner is not fulfilling the requirement of enrollment for pursuing 3 year degree course of LLB for the reason that as per I.B. Board circular, she requires 24 credit points.
- (xi) However, on 16th December 2021, Respondent No.1 granted approval of provisional admission granted in Respondent No.4 institute for LLB 5 year course for academic year 2020-2021. The said approval states that on the basis of the verification report submitted by the concerned Authority, the Authority is satisfied as to the correctness of eligibility and data of provisionally admitted students and have decided to accord its approval to students for the academic year 2020-2021 in Respondent No.4-College. It further states that if information given is found incorrect or illegal

or irregular, then same would be brought to the notice of the Authority at a later point of time and it will be open for the Authority to take appropriate action in that regard. The copy of the said letter was marked to Respondent No.2-University. In the said list annexed to the said letter, the Petitioner's name appears at Serial No.103, wherein it is stated that the Petitioner's admission is approved in 'Minority' open category in round 3.

(xii) On 20th December 2021, Respondent No.4-College addressed a letter to Respondent No.3 in reply to a letter dated 3rd December 2021 issued by Respondent No.3. The Respondent No.4 stated that the Petitioner is admitted under the "Open Category" and was allotted seat in "minority" quota, since she has fulfilled the eligibility criteria of minimum 45 marks in her 12th standard as per Information Brochure. The Respondent No.4 further stated that as per Information Brochure, the eligibility is decided based on the percentage and not on credit points. It also refers to no objection received from I.B., which is also termed as migration certificate. The Respondent No.4 further brought to the notice of Respondent No.3 that the admission was approved by Respondent No.1 on 26th December 2021. The Respondent No.4, therefore, requested the Respondent Nos.2 and 3 to issue Permanent Registration Number (PRN) for enrollment of the Petitioner for academic year 2020-

2021.

(xii) On 28th January 2022, Respondent no.4 reminded Respondent no.2 for allotting PRN of the Petitioner and a copy of the earlier letter dated 20th December 2022 was enclosed therewith.

(ixv) On 26th February 2022, the Petitioner addressed a letter to Respondent No.2 requesting for PRN and also explained that as per the Information Brochure of CET Cell, it is the percentage of 12th standard subject which has to be considered and not the score points as per I.B. Diploma Course. The Petitioner prayed for regularization of her admission.

(xv) On 31st March 2022, Respondent No.4 addressed a letter to Respondent no.2-University reiterating all the facts which were earlier stated in the letter of Respondent no.4 dated 20th December 2021 to Respondent no.3. The letter of 31st March 2022 was pursuant to the letter of Respondent no.2 dated 3rd December 2021 whereby Respondent no.4 was informed about ineligibility of the petitioner. Respondent no.4 requested Respondent no.2 to allot PRN for enrollment of the Petitioner to the course.

(xvi) On 4th April 2022, Respondent no.2 replied to the petitioner's letter dated 26th February 2022 wherein it was stated that Association of Indian Universities (AIU) has issued equivalence policy with regard to I.B. Diploma Course and as per which, AIU shall accord

equivalence to both the IB Diploma and IB Diploma Course provided that a student has secured a minimum of 24 credits and has passed a minimum of three subjects at Higher Level (HL) and three at Standard Level (SL). The said letter further states that this policy was informed to Respondent no.4-College vide letter dated 3rd December 2021. The copy of the Circular No.Eig/C/1652 of 2014 dated 20th August 2014 issued by Respondent No.2 to all the Colleges was annexed to the letter dated 4th April 2022. The Resolution was reproduced which reads as under :-

“It was resolved that all students registered for the full IB Diploma with core Requirements (Theory of Knowledge, Extended Essay and Creativity, Action and Service) and minimum 24 points, and the best five subjects considering for determining eligibility for Arts/Commerce/Science and Law courses. The Academic Council after consideration resolved as under:-

“Resolved that the Circular be sent to all affiliated colleges/University Departments regarding the IB policy and the best five subjects considering for the determining eligibility for Arts, Commerce, Science and Law courses.”

In the said Circular, it was also resolved that best of five subjects (full pass i.e. 35/100) would be considered for determining the eligibility for Arts/Commerce/Science and Law courses.

3. The Respondent No.2 has enclosed the policies and procedures for equivalence of the qualification/degree of AIU and paragraph 29 of the said policy reads as under :-

“29. AIU does not entertain applications for equivalence of such professional degrees awarded by foreign universities which also entitle the holder of the degree to practice a profession in India. Thus, degrees in disciplines like Medicine, Nursing, Pharmacy, Law,

Architecture etc. are presently outside the purview of the AIU as such cases are handled by the respective professional councils;

The extracts of these policies annexed are stated to be updated dated 31st June 2015. It is on this backdrop that the present petition is filed seeking relief that the petitioner's admission be regularized and action of Respondent nos.2 and 3 be held to be illegal.

Submissions of the Petitioner:-

4. The Petitioner submitted that as per Information Brochure, paragraph 7.2-Part A, there is no requirement of score points with respect to the student from I.B. courses but what is required for being eligible is the percentage of marks by the student. The Petitioner submits that she has obtained 60% marks against the minimum requirement of 45% as per the said brochure and therefore, the action of Respondent nos.2 & 3 declaring her as ineligible is incorrect. The Petitioner further stated that Respondents had approved her admission on 16th December 2021 after raising an objection on 3rd December 2021. The Petitioner submits that the action of Respondents in approving the provisional admission would amount to accepting the contention of the Petitioner that she was eligible based on the percentage of marks. The Petitioner submits that she had disclosed all the documents and details in her application for admission to CET exam and to Respondent No.4- College and same has not been shown to be false or incorrect. The

Petitioner stated that she is almost midway in completing her course and, therefore at this stage, it is unfair on the part of Respondent Nos.2 & 3 to declare her as ineligible. The Petitioner submits that the equivalence policy of AIU referred to a letter dated 4th April 2022 was not communicated to her and therefore, the Petitioner cannot be found to be at any fault. The Petitioner further submits that the Circular dated 20th August 2014 of Respondent no.2 speaks of I.B. points to be calculated on best of five subjects whereas her course of 22 points is based on six subjects. The Petitioner further submits that AIU policy brochure is contrary to the Information Brochure of Respondent No.1 and there appears to be inconsistency between the two and in such a scenario, the benefit has to be given to the Petitioner. The Petitioner therefore, prayed that her admission be regularized and she be allowed to complete her course and appropriate directions be given to the Respondents.

Submissions of Respondent nos.2 & 3:-

5. The contesting Respondent Nos.2 & 3 have filed an affidavit-in-reply dated 14th November 2022. Respondent Nos.2 & 3 submitted that the Petitioner has scored only 22 points whereas minimum point was required for being eligible to the College affiliated to the University should be 24 points and since the Petitioner is disqualified at the threshold, the action of Respondent Nos.2 & 3 is in accordance with its

rules and regulations. Respondent Nos.2 &3 submitted that there is no vested right existing in the Petitioner to seek a seat in the College affiliated to it.

6. Respondent Nos.2 & 3 further submitted that within 6 months from the date of receiving the documents, they had informed Respondent no.4-College of the Petitioner's ineligibility and therefore, there is no delay on their part to communicate the same. Respondent Nos.2 & 3 have also enclosed the extracts of book titled '*The International Baccalaureate*' Guide to University Recognition in India of January 2017 wherein it is stated that AIU shall accord equivalence to I.B. Diploma Courses provided that a student secures 24 points. Respondent Nos.2 & 3 referred to the Circular No.Eig/C/1652 of 2014 dated 20th August 2014 wherein it is stated that I.B. Diploma or I.B. Diploma Courses with 24 points holders would be eligible for Law courses. The said Circular further stated that the College should not admit any student without *Prima Facie Letter* from Eligibility & Migration Section.

7. Respondent Nos.2 & 3 have annexed various documents to its reply and one of the documents is a letter dated 3rd December 2021 addressed to Respondent No.4 in which there appears to be overwriting in the column dealing with 'Course' and it seems that 3 year Course

which was originally appearing in the said letter addressed and received by Respondent No.4 is now changed to 5 year Course in the reply filed by them.

Respondent Nos.2 & 3 therefore, prayed for dismissal of the present petition.

8. Insofar as Respondent No.4 is concerned, they have supported the Petitioner and adopted the arguments made by the advocate for the Petitioner.

9. We have heard learned counsel for the Petitioner and the Respondents and with their assistance have perused the pleadings, documents and replies, etc.

10. **Analysis and Conclusions :-**

Before we proceed to analyse it would be apt to reproduce Para 7.2 Part-A clause 2(a) of Information Brochure, which reads thus:-

“2.(a) An applicant who have successfully completed Senior Secondary School Course (+2) or equivalent course from the Board in Maharashtra State (such as 11+1, A level in Senior secondary School Leaving Certificate course) from a recognized Board in India or outside or from Secondary Board or equivalent, constituted or recognized by the Union or by a State Government or form any equivalent institution from a Foreign Country recognized by the Government of that Country for the purpose of issue of qualifying certificate on successful completion of the course Examination, having its Board in the State of Maharashtra, with minimum of,

i. Forty-five Percent (45%) marks in Aggregate in case of candidates belonging to General (Open)/E.W.S./Orphan Candidates from the State of Maharashtra.

ii. Forty-Two Percent (42%) marks in Aggregate in case of candidates belonging to VJ/DT/NT(A)/NT(B)/NT(C)/NT(D)/O.B.C. /S.B.C. Category belonging to State of Maharashtra.

iii. Forty-Percent (40%) marks in Aggregate in case of Candidates belonging to SC&ST Categories from the State of Maharashtra only”.

11. The starting point of admission is State CET and Information Brochure for Centralised Admission Process (CAP) which a candidate is advised to download and read before filling an online admission form for CET. The Petitioner is the Maharashtra State Candidate and therefore, Part A of Para 7.2 which deals with the eligibility condition for LL.B. 5 year course would be applicable. As per paragraph 2(a) of the said eligibility condition, an applicant should have scored minimum 45% marks in aggregate if candidate belongs to General Open Category from the State of Maharashtra. There is no dispute that the applicant has successfully completed the 10+2 or equivalent course from the Institution referred to in 2(a) with 60% equivalent percentage.

12. Paragraph 3, part A – 7.2 makes a reference to an Applicant who has passed the examination from State/Central Boards of Schooling or from Open Schooling System/Regular System recognized & established by the Government of the State/India or International Board of School Education, after prosecuting the basic course of studies in the pattern of 1st to 10th Standards in Regular mode, at Secondary Schooling is also eligible for admission to five year Integrated LLB Course. Admittedly, there is no dispute that this condition is satisfied by the Petitioner.

13. Clause 4 of Para 7.2, Part-A refers to qualification of 10th, 12th (+2) obtained through any mode (distance/Correspondence/Open Schooling Method) are also eligible for LLB-5 Year Course, if they fulfill the condition in 2(a) in Para 7.2, Part-A.

14. Clause 5 of Para 7.2, Part-A further prescribes eligibility condition of an Applicant who should obtained basic qualification for admission to Five Year Degree course and the Basic Qualification shall be 10th (SSC) which shall be required to be followed by +2 (HSC) qualification with the Condition fulfilled in 2(a) and lastly in clause 6 of Para 7.2, the candidate should have a non-zero score in CET.

Note below Para 7.2, Part-A states that the percentage of marks shall not be calculated by rounding off to nearest integer.

15. On a reading of whole of Para 7.2, Part-A, we do not find anywhere, the grade point of I.B. is required to be considered for being eligible. Insofar as the minimum marks required for being eligible for the said course is specified in clause 2(a), it is 45% marks in case of open category. Therefore, in our view, the reason given by the Respondent nos.2 and 3 that the petitioner's score point is 22 as per I.B. and the minimum required is 24 for being eligible for LLB course is not borne out from eligibility criteria specified by Respondent no.1-Cet Cell and in its Information Brochure on the basis of which the CET Exams

are held and Centralized Admission Process is carried out for allotment of seats. The Petitioner has admittedly obtained 60% marks in her 10+2 equivalent I.B. course and, therefore, the Petitioner is eligible as per Paragraph 7.2, Part-A for admission to LLB 5 year course.

16. The Notification of Respondent No.1 dated 8th October 2020, providing for eligibility condition for admission to 5 year LLB course for unaided private professional education is identical to what is specified in the brochure issued by Respondent No.1. Therefore even on this count, there is no requirement of considering the grade point as per I.B. Course.

17. The score card issued by Respondent No.1-CET Cell dated 27th November 2020, declares the Petitioner having scored 77 out of 150 marks and it further states that the score of CET is valid for admission subject to fulfilling the Eligibility Criteria mentioned in the Information Brochure published and displayed on the website. We have already analyzed the Eligibility Criteria as per Information Brochure in earlier paragraphs and have come to a conclusion that the Petitioner qualifies for being eligible for 5 year LLB course as per the Information Brochure.

18. The Petitioner in her application form for the said course has declared that she has cleared HSC equivalent in science stream from I.B. Board and scored 59.83%. The application form wherein educational

details of the candidate is required to be filled in does not provide for mentioning of any score point as per I.B., but what is required to be filled in is the percentage of marks scored in HSC or equivalent. The Petitioner has admittedly stated that she has scored 59.83% marks which is more than the minimum requirement for being eligible i.e. more than 45% as per 7.2, Part-A of the information brochure. The application form issued by the Respondents also is in consonance with the interpretation given by us of Para 7.2 Part-A on the issue of Eligibility Criteria for 5 year LLB degree course. Therefore even on this count, the Petitioner has been correctly granted admission to LLB course.

19. The Respondent No.1-CET Cell issued provisional allotment letter to the Petitioner allotting a seat in Respondent No.4-College. The said allotment letter states that the same is subject to verification of documents uploaded matching with the original documents by the admitting college. The provisional allotment letter issues instructions to the Principal of the admitting college for verifying the documents and if any discrepancy is found in the details submitted while applying online against the original copies produced at the time of admission, the college has full authority to ask for explanation/additional documents and the candidate will have to comply within stipulated time as per the schedule. Pursuant to this, the Petitioner produced the original

documents with what were uploaded online and no discrepancy was found in the uploaded documents and the original documents submitted by Respondent No.4.

20. On 12th August 2021, Respondent No.1 informed the Respondent No.4-College that 120 students have been allotted seats in their college and the Petitioner's name appears at Item No.79 and in the remark column, it is stated to have been certified by Respondent No.1. The copy of this letter was also marked to other Respondents including Respondent No.2. The Respondent No.1 certified the admission of the Petitioner to Respondent No.4-College for the said course.

21. Vide letter dated 3rd December 2021, Respondent No.2 informed the Respondent No.4-College that pursuant to the details forwarded by the College under cover of letter dated 15th July 2021, the Petitioner is found ineligible for 3 year LLB course as per I.B. Circular which required 24 credit points, which the Petitioner was not satisfying, since her credit points were only 22. It is important to note that this letter was addressed to Respondent No.4-College and enclosed by the Petitioner in the column under the head "Course" Respondent No.2 has specified that the Petitioner has applied for 5 year LLB course. However, on realizing the same, Respondent No.2 in their Affidavit-in-reply has enclosed the copy of the said letter, wherein the 3 year LLB course is

substituted by 5 year LLB course which appears to be overwritten by whitener. Although, it appears to be an error on the part of Respondent No.2, but it also indicates the non-application of mind and the casual way in which the Respondent No.2 has informed about ineligibility to the Respondent No.4. The Respondent No.4 submitted enrollment form of all the students including the Petitioner to Respondent No.2 on 15th July 2021 and it is only on 3rd December 2021 which is almost after 5 months by which the course had already started that they informed about ineligibility of the Petitioner to Respondent No.4. The stand of Respondent No.2 that due to large volume of work, they could not verify and inform immediately about the ineligibility cannot be a ground to justify the delay on the part of the Respondent No.2 moreso, when Respondent No.1 has already allotted the seat to the Petitioner and the course had begun. The ineligibility ought to have been informed at the stage of accepting the CET Exam form or atleast at the time of allotting seat to the College. In the Petitioner's case, it was neither informed at the time of filling up CET Exam or at the time of filling admission form after allotment of the College nor any discrepancy was found between what was uploaded online and what was originally submitted to Respondent No.4. Therefore, even on this count, the impugned action of Respondent No.2 is not justified.

22. It is important to note that the Admission Regulating Authority, on 16th December 2021 approved the provisional admission granted to the Petitioner and a copy of the said approval along with the list of 120 students which included the Petitioner at Serial No.103 was sent to Respondent No.4 and a copy of which was marked to Respondent Nos.2 and 3. The said approval letter specifically records about the admissions have been electronically scrutinized as well as physically verified. It further states that if any illegality or irregularity or information is found incorrect, then it will be open for the Authority to take appropriate action in that regard. We have already opined earlier that no discrepancy has been found in the documents uploaded and the original submitted by the Petitioner. Furthermore, the information submitted by the Petitioner has not been found to be incorrect or false or illegal. This approval letter also does not state that if there is any confusion in the interpretation of the eligibility then the admission will be cancelled *ab-initio*. In our view, the admission of the Petitioner having being approved and the information submitted by the Petitioner having not found incorrect or illegal or irregular, it would not be proper to question the eligibility now.

23. Respondent No.2-University for the first time vide letter dated 4th April 2022 informed the Petitioner about the equivalence policy

issued by AIU for I.B. Diploma Course, wherein it is provided that I.B. Diploma Course shall accord equivalence provided a student has secured minimum of 24 credits. The said letter also refers to a Circular No.1146 dated 3rd December 2021 which was addressed to all the colleges. First and foremost in the eligibility criteria stated in the Information Brochure there is no such reference that for I.B. student the eligibility criteria would be minimum 24 credits. In the absence of the same being specified in the Information Brochure, it cannot be expected that the Petitioner would be aware of such equivalent policy of AIU. In our view, the same should have been expressly provided in the Information Brochure itself. Furthermore, the Circular of 2021 referred to in the said letter is marked to Principals of the affiliated colleges and therefore even if it is assumed that this Circular would govern the eligibility criteria, no fault can be found with the Petitioner, moreso, when she had submitted her original marksheet of I.B. course which not only contain the score points, but also the percentage which she had obtained in I.B. course and which percentage is more than what was required as per the Information Brochure.

24. It is also important to note that the Information Brochure of AIU annexed to the petition in paragraph No.29 expressly states that AIU does not entertain application for equivalence of degrees in discipline like medicine, nursing, pharmacy, law, etc. which are

presently outside the purview of AIU as such cases are handled by the respective professional councils. Therefore there appears to be some contradiction and confusion between what is stated in the AIU procedure and what is stated in the Circular issued by the University and the Information Brochure of State CET. In the Information Brochure of State CET there is no such mention of score points, but what is required to be considered is only percentage of marks, whereas in the Circular of Respondent No.2 dated 20th August 2014 it is stated that I.B. Diploma Courses with 24 points be made eligible for courses of law. However, the AIU brochure states that law courses is outside its purview. In our view, in the midst of this confusion and contradiction, it would be unfair and unjust to hold the Petitioner ineligible by Respondent No.2 moreso, when the Circular of Respondent No.2 dated 20th August 2014 is not addressed to the students, but to the colleges and what a candidate is required to read is the Information Brochure issued by the State CET. Therefore, in our view, there cannot be any fault on the part of the Petitioner, so as to treat her ineligible to get enrolled to LL.B course.

25. In the reply to the petition, Respondent Nos.2 and 3 have further stated that the Petitioner has not obtained *prima facie* eligibility *letter* from Eligibility and Migration Section and therefore she is ineligible. This was not the reason for holding the Petitioner ineligible in

the communication dated 3rd December 2021, and therefore, it is settled position that one cannot improvise the reasons by filing further affidavits. The eligibility has to be tested on the touchstone of what was communicated to the Petitioner and not by way of subsequent affidavit. Even otherwise, Respondent No.4 in their letter to Respondent Nos.2 and 3 have stated that such a certificate was raised.

26. It is also important to note that the I.B. brochure annexed to the Affidavit of Respondent Nos.2 and 3 states that for I.B. Diploma Programme, as the Universities in India require percentage transcripts, students applying to Indian Universities received a transcript with the I.B. grades and percentages and to receive such transcript students must notify their Diploma Programme Coordinator to apply to an Indian University. This also indicates that the credits score is not sacrosanct, but what is required to be seen for admission to Indian University is the conversion of the said grades to percentages and therefore, when it comes to admission to Indian Universities it is the percentage which is important for considering eligibility, and therefore in the Information Brochure of State CET minimum percentage of marks required which is specified and not the credit points.

27. In the Circular of 20th August 2014 issued by Respondent No.2 it is resolved that for admission purposes the colleges should take into

consideration percentage of the best 5 subjects (full pass i.e. 35/100 for each subject as they do for other boards of education). This also indicates that it is the percentage which is to be considered as per Respondent No.2-University's own Circular and not the scored points. Even otherwise, the Circular appears to be in conflict inasmuch as one hand it is stated that I.B. Diploma with 24 points be considered for eligibility for law course, whereas at the end it states that for admission purposes the colleges should take into consideration percentage of best of 5 subjects. Therefore even on this count there appears to be a contradiction in terms and the Petitioner cannot be faulted since she has already crossed the eligibility criteria of minimum 45% marks by obtaining 60% marks in her I.B. course.

28. Therefore looked from any angle, in our view, Respondent Nos.2 and 3 are not justified in holding the Petitioner as ineligible for 5 year LL.B course. We, therefore pass the following order :

ORDER

- (i) The Respondent Nos.2 and 3 are directed to issue Permanent Registration Number (PRN) to the Petitioner and Respondent No.4 to regularize the admission to 5 year LL.B degree course from the academic year 2020-2021.

- (ii) The Respondent Nos.2 and 3 are directed to issue the mark-sheet/certificate of all the semesters for which the Petitioner has appeared and cleared her exams till today.
- (iii) The communication dated 3rd December 2021 and 4th April 2022 issued by Respondent Nos.2 and 3 to Respondent No.4 and the Petition is quashed and set aside.
- (iv) Writ Petition is allowed in terms of above with no order as to costs.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR, J.]