

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

WRIT PETITION (L) NO. 16225 OF 2026

Kushagra Vijay Agrawal

... Petitioner

V/s.

**Union of India Th. Ministry of
Education and Social Welfare and Ors.**

... Respondents

Mr. Rohaan Cama, a/w. Mr. Aman Sadiwala and Ms. Kajal Solanki i/b. Shamyaa
Legal for the Petitioner

Mr. Girish Godbole, Senior Advocate a/w. Ms. Manorama Mohanty and Ms.
Malika Mondal i/b. S.K. Srivastav & Co. for Respondent Nos. 2 and 3

Mr. Prasad Gajbhiye a/w. Ms. Rujuta Joshi for Respondent No. 4

**CORAM : R. I. CHAGLA AND
FARHAN P. DUBASH, JJ.**

**RESERVED ON : 25th JUNE 2026
PRONOUNCED ON : 30th JUNE 2026**

ORDER (Per Farhan P. Dubash J.) :

1. Over the past month, this Bench has consistently passed orders wherein we have chosen not to exercise the extraordinary writ jurisdiction in matters involving a challenge to decisions of educational institutions which have sought to implement their attendance policy and debarred students from appearing in examinations on account of failure on their part in meeting the requisite minimum criteria. These orders were passed primarily on the

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ground that since the educational institutions are expert bodies, such decisions are best left to their discretion and the writ court should ordinarily be hesitant in interfering unless where the decision-making process is shown to be vitiated by arbitrariness, mala fides, perversity, discrimination, violation of statutory provisions, or breach of the principles of natural justice. Absent such circumstances, this Court has repeatedly been slow to interfere with academic decisions merely because another view may be possible or because the consequences of the decision may appear harsh in an individual case.

2. In this background, the principle ground of challenge argued by the Petitioner, who has impugned the decision of Respondent No. 2 Law College debaring him from appearing in the examinations on the ground of non-fulfilment of the prescribed attendance requirement, is founded on the judgment of the Delhi High Court in *Re: Courts on its Own Motion in Re: Suicide Committed by Sushant Rohilla, Law Student of I.P. University*¹, wherein it was directed that no student enrolled in any recognised law college in India should be prevented from appearing for examinations on the ground of shortage of minimum attendance. The Petitioner contends that the impugned decision is in the teeth of and contrary to the said judgment and is, therefore, liable to be set aside.

¹ 2025 SCC OnLine Del 7920

3. The Petitioner is pursuing the final semester of the B.B.A. LL.B. programme at Respondent No. 2, Kirit P. Mehta School of Law (hereinafter, referred to as the "**Law College**"), a constituent institution of Respondent No.3, Shri Vile Parle Kelavani Mandal's (SVKM's) Narsee Monjee Institute of Management Studies (NMIMS) University.

B R I E F F A C T S

4. The Petitioner's case is that during the course of Semester X, which commenced on 2nd January 2026, he was diagnosed with viral fever with eruptions – commonly known as '*chicken pox*' (hereinafter, referred to as the "**said medical condition**") and was advised strict bed rest. Consequently, he was unable to attend the Law College between 4th February 2026 and 17th February 2026. It is his contention that, if the said period of 14 days is regularized by grant of medical leave, he would satisfy the attendance requirement prescribed under the attendance policy of the Law College dated 20th January 2026 (hereinafter, referred to as the "**said Attendance Policy**"), with the result that the impugned decision debaring him from appearing in the Semester X term-end examinations would not have been issued.
5. It is, however, not in dispute that the said Attendance Policy required a student seeking leave on medical grounds (such as surgery, etc.) to submit a leave application accompanied by medical reports and other supporting

documents prior to availing such leave or, in other cases of medical leave, to submit the requisite medical records and supporting documents within five days of availing such leave. Admittedly, the Petitioner did not comply with the said requirements. The documents placed on record disclose that the Petitioner informed the Law College of the said medical condition for the first time, only on 27th April 2026, and that too, after receiving an email of even date intimating him that he had been debarred from appearing in the Semester X term-end examinations, scheduled to commence on 4th May 2026, on account of his failure to satisfy the prescribed attendance requirements.

6. The Petitioner's case is that it was only on 20th April 2026 that the Law College addressed an email to his parents informing them of the said Attendance Policy, which required every student to maintain a minimum attendance of 70% in all subjects in order to be eligible to appear for the term-end examinations. The said communication further informed them that, as per the attendance report dated 14th April 2026, the Petitioner had failed to satisfy the prescribed attendance requirement and had, therefore, been provisionally debarred from appearing in the term-end examinations. At the same time, the Petitioner's parents were advised to ensure that he attended all the remaining lectures in every subject until the last instructional day, whereafter the final attendance report would be communicated to them.

7. This was followed by an email communication dated 27th April 2026, whereby the Law College informed the Petitioner that, upon a review of his attendance record for the semester, he was found to be in substantial non-compliance with the said Attendance Policy. The communication further recorded that, despite prior notifications and opportunities to regularize his attendance, the shortfall continued to remain significant. The Petitioner was, accordingly, informed that he stood debarred from appearing in the Semester X term-end examinations.

8. The Petitioner immediately responded by an email of even date, informing Respondent No. 2 that he had already submitted an application seeking medical leave for a period of 14 days on account of his medical condition. Along with the said email, the Petitioner enclosed copies of the medical certificate and diagnostic reports in support of his request for medical leave and sought favourable consideration thereof. According to the Petitioner, if the said application were to be allowed, the period of medical leave would stand regularized, resulting in his compliance with the attendance requirement prescribed under the Attendance Policy and consequently rendering him eligible to appear for the Semester X term-end examinations.

9. As there was no response to his earlier email, the Petitioner addressed a further email dated 2nd May 2026 requesting the Law College to reconsider its decision by taking a sympathetic view of the matter. Apart from seeking favourable consideration of his application for leave on account of the said

medical condition, the Petitioner also requested that the period during which he remained absent from the Law College while undertaking an internship during the semester be exempted for the purposes of computing his attendance.

- 10.** Since the Semester X term-end examinations were scheduled to commence on 4th May 2026, the Petitioner approached his Court and filed the present Writ Petition on the same day. By an order dated 5th May 2026, this Court directed the Petitioner's case / representations to be heard by the Committee that was constituted pursuant to its earlier order dated 30th April 2026, in line with the erstwhile Regulation 3.2.6 of Respondent No. 3 University which had provided for extraordinary relaxation beyond the prescribed attendance framework governing legal education, in cases where genuine and exceptional circumstances existed. The final decision was directed to be taken by the Officiating Vice-Chancellor of Respondent No. 3 University, on or before 7th May 2026.
- 11.** The Petitioner thereafter submitted a detailed representation dated 5th May 2026 to the Committee. Pursuant thereto, he was granted a personal hearing on 6th May 2026. During the course of the hearing, the Petitioner also drew the Committee's attention to an email communication dated 12th February 2026 issued by the Law College advising students suffering from chicken pox to remain at home in view of the contagious nature of the disease and the attendant risk of transmission to other students.

12. After considering the Petitioner's medical explanation, academic record and the submissions advanced during the personal hearing, the Committee submitted its Report and Recommendation dated 7th May 2026. The Committee examined the Petitioner's attendance record in the context of the said Attendance Policy, which had been framed having regard to Rule 12 of the Bar Council of India's Legal Education Rules, 2008. It noted that the said Rule required every student to maintain a minimum attendance of 70% in each subject / course. It further noted that, where a student failed to maintain the prescribed attendance for exceptional reasons, relaxation could be granted only if the student had secured at least 65% attendance in the concerned subject and had maintained an overall attendance of 70% across all subjects taken together.
13. Upon examining the Petitioner's case, the Committee found a significant disparity between the medically explained period of absence of approximately 14 days and the overall attendance deficiency reflected in the institutional records, which showed that the Petitioner had remained absent for 53 days during the semester. The Committee further noted that, despite having multiple opportunities to do so, including through electronic communications issued by the Law College, the Petitioner submitted the requisite medical certificates and supporting documents only on 24th April 2026. It also recorded that attendance reports and communications regarding attendance deficiency had periodically been furnished to the

Petitioner during the semester, thereby apprising him of the shortfall in his attendance.

14. The Committee further examined the quantitative extent of the attendance deficiency and noted that, in one subject, the Petitioner had attended only 24 out of 45 lectures, resulting in attendance of approximately 53%. In some of the other subjects also, his attendance ranged between approximately 50% and 62%, which was substantially below the prescribed minimum of 70%. The Committee observed that even if the entire medically explained period of absence were to be regularized, the Petitioner's attendance would nevertheless continue to remain below the prescribed threshold. It, therefore, concluded that the attendance deficiency could not be attributed solely to the medical condition relied upon by the Petitioner.

15. The Committee also observed that, despite being periodically informed of his attendance shortfall, the Petitioner continued to remain absent while simultaneously undertaking other academic and extracurricular commitments, including dissertation-related work. The Committee, therefore, rejected the Petitioner's contention that the attendance deficiency had arisen entirely due to circumstances beyond his control. Consequently, the Committee concluded that the requirements for the grant of exceptional relaxation under Regulation 3.2.6 had not been satisfied and recommended that the Petitioner not be permitted to appear for the term-end examinations

on account of shortage of attendance and non-fulfilment of the prescribed attendance requirements.

16. The Vice Chancellor of Respondent No. 3 University has since, also accepted the Report and Recommendations of the Committee, which was communicated by her email dated 7th May 2026. By an order dated 8th May 2026, this Court took the said report and recommendations on record, along with the aforesaid email, on record and granted leave to the Petitioner to amend the present Writ Petition. Pursuant thereto, the petition was amended on 14th May 2026. Consequently, the Petitioner has also impugned the said Report and Recommendations of the Committee (hereinafter, referred to as the "***impugned Report***").
17. For the sake of convenience, the impugned Report shall, together with the emails dated 20th April 2026 and 27th April 2026, be collectively referred to as the "***impugned decision***".

SUBMISSIONS OF THE PETITIONER

18. Mr. Rohaan Cama, learned counsel appearing on behalf of the Petitioner has advanced oral arguments at some length, on 24th June 2026 and again, on 25th June 2026. Mr. Cama submits that the impugned decision is *ex facie* unsustainable in law, being contrary to the judgment of the Delhi High Court in ***Sushant Rohilla*** (supra), which, according to him, was binding upon Respondent Nos. 2 and 3 on the date when the impugned action came

to be taken. He further submits that the impugned decision has caused serious prejudice to the Petitioner's academic career and professional advancement.

- 19.** At the outset, Mr. Cama invites our attention to the Petitioner's attendance record as set out in paragraph 10 of the present Writ Petition. For the sake of convenience, the relevant portion thereof, is extracted hereunder:

Sr	Subject / Course name	Total classes held	Total classes attended	%
1	Mediation & Conciliation Law	45	38	84.44
2	Competition Law	45	27	60.00
3	Direct Taxation	45	24	53.33
4	Foreign Direct Trade & Investment	45	28	62.22
5	Special Contracts in Business	45	32	71.11

- 20.** Referring to the aforesaid attendance record, Mr. Cama submits that the shortfall in attendance was occasioned by circumstances wholly beyond the Petitioner's control. According to him, the Petitioner was compelled to remain away from the Law College on account of a genuine medical condition which required him to return to his parental home at Sambhajinagar. He further submits that during the relevant period, the

Petitioner was also undergoing an internship with M/s. Meenakshi Fibres, as evidenced by the Internship Certificate for the period from 1st December 2025 to 31st March 2026. It is his submission that if the period of medical leave and internship is duly taken into consideration, the Petitioner would satisfy the attendance requirement contemplated under the applicable Attendance Policy.

21. Mr. Cama then places substantial reliance upon the judgment of the Delhi High Court in *Sushant Rohilla* (supra), delivered on 3rd November 2025. Inviting our attention to Part VIII thereof, captioned “*Summary and Conclusions*”, he submits that the Delhi High Court held Rule 12 of the Bar Council of India Legal Education Rules, 2008 (hereinafter, referred to as the “*said Rules*”), insofar as, it mandates a minimum attendance requirement of 70%, relaxable only to 65% in exceptional cases, to be inconsistent with the principles embodied in the National Education Policy (NEP), 2020 and contrary to the scheme underlying the University Grants Commission (UGC) Regulations of 2003.
22. Mr. Cama further relies upon Part X of the said judgment, titled “*Directions With Respect to Mandatory Attendance Norms*”, wherein, pending reconsideration of the attendance regime by the Bar Council of India, the Delhi High Court, inter alia, directed that no student enrolled in any recognised law college or university be debarred from appearing in examinations or prevented from academic progression solely on the ground

of shortage of attendance. Instead, it directed that the consequence of such shortage be limited to a reduction in the student's grade, to the extent indicated therein. Mr. Cama submits that these directions squarely governed the present case. Since considerable reliance has been placed on paragraph 249 of the judgment, the same is reproduced hereunder:

"X. Directions With Respect To Mandatory Attendance Norms:

249. In view of the above discussion in respect of attendance norms, the following directions are issued:

(1) The Bar Council of India shall undertake a re-evaluation of the mandatory attendance norms for the 3-year and 5-year LLB courses in India in line with the above observations as also in line with the NEP, 2020 and also the 2003 UGC Regulations which contemplate flexibility in attendance requirements. As part of this process, the BCI shall also incorporate modification of attendance norms to enable giving credit to moot courts, seminars, model parliament, debates, attending court hearings etc. In addition, ameliorative measures as contained below shall also be discussed and incorporated. BCI shall undertake a stakeholder consultation including students, student bodies, parents, teachers etc., for this purpose in an expeditious manner.

(2) In order to safeguard the life and mental health of students, keeping in mind the debilitating impact on students that detention or non-appearance in examinations, due to mandatory attendance requirements can have, while the consultations by the BCI are underway, it is directed in the interregnum, as under:

a. No student enrolled in any recognized law college, University or institution in India shall be detained from taking examination or be prevented from further academic pursuits or career progression on the ground of lack of minimum attendance;

b. No law college, University or institution shall be permitted to mandate attendance norms over and above the minimum percentage prescribed by the BCI under the Legal Education Rules;

c. Insofar as the mandatory attendance norms fixed by the BCI are concerned, all law colleges, Universities and institutions recognized which impart 3 years and 5 years LLB degree courses shall with immediate effect, implement ameliorative measures including-

i. Weekly notification of attendance of students through an online portal/a mobile app including on the notice board;

ii. Monthly notice to parents/legal guardian/family members regarding any shortage in attendance;

iii. Conducting extra physical or online classes for such students, who do not fulfil the minimum attendance norms;

iv. Home assignments to be completed in lieu of shortage of attendance;

v. *Stringent practical work in legal aid clinics or similar such bodies, duly certified, which can cover up the shortage of attendance during the semester itself. Such steps shall thus be taken during the semester itself.*

vi. *In terms of Rule 12 of Legal Education Rules, 2008, the attendance percentage shall be calculated on the basis of ACTUAL CLASSES HELD by the teachers.*

vii. *If at the end of a semester, a student still does not qualify the prescribed attendance norms, the college/University cannot bar the student from taking the examination. The student shall be permitted to take the semester examination, however, in the final result for the semester, the grade of the student would be permitted to be reduced by a maximum of 5%, in case of marks being awarded and by 0.33% in case of the CGPA system being followed. Merely on shortage of attendance, promotion to the next Semester shall not be withheld.*

BCI shall take into consideration the above measures as part of its consultation process while finalizing its norms for legal education.

(3) *In terms of the assurance given by the BCI on 10th January, 2020, read with Rule 26 of Schedule III to the Legal Education Rules, the BCI shall also take steps to enable internships to be made available to all students, especially those students belonging to economically weaker background, remote areas, specially-abled students etc. who do not have resources to arrange the same. Accordingly, the list of senior advocates, advocates, law firms, regulatory bodies, government organizations, etc. who are willing to provide internships to students, shall be published by the BCI and the State Bar Councils on their respective websites within three months. The said list shall be periodically updated and published city wise by the BCI and State Bar Councils so that the students can apply for and obtain internships.*

(4) *The Circular No. BCI:D:5186/2024 dated 24th September, 2024 issued by the Bar Council of India in respect of Biometric attendance, installation of CCTV cameras etc. in all centres of legal education across India, shall not be given effect to."*

(Emphasis supplied)

23. Proceeding on the aforesaid basis, Mr. Cama submits that the impugned decision debarring the Petitioner from appearing for the Semester X examinations conducted in May 2026 is contrary to the binding directions issued by the Delhi High Court and is therefore liable to be set aside. He accordingly prays that appropriate directions be issued permitting the Petitioner to now appear for the re-examinations scheduled in July 2026.

24. Mr. Cama also relies upon an email dated 10th November 2025 issued by Respondent No. 2 Law College to its students. According to him, the contents of the said communication demonstrate that the Law College itself had accepted and implemented the directions issued by the Delhi High Court in ***Sushant Rohilla*** (supra). It is therefore submitted that Respondent Nos. 2 and 3 cannot now be permitted to contend that the said judgment was not binding upon them. The relevant portion of the said email reads thus:

"Dear Students,

Pursuant to the recent judgment passed by the Hon'ble Delhi High Court on 3rd November 2025 vide W.P.(CRL) 79/2017 & CRL.M.As. 16639/2017, 8850/2024 read with BCI Rules of Legal Education, 2008, and the communication received from the university, the provisional debarment of all the students (except students on academic break) have been revoked.

However, as per the directions issued by the Hon'ble Court in the above mentioned order. The students have to mandatorily sign an undertaking based on their respective attendance and additionally fulfil the mandatory ameliorating requirements mentioned therein.

The schedule of signing and submitting the undertaking in person will be communicated to respective students shortly."

25. Mr. Cama fairly points out that by an order dated 26th May 2026, the Hon'ble Supreme Court, while entertaining the Special Leave Petition arising from ***SVKMS Narsee Monjee Institute of Management Studies vs. Bar Council of India***², 'prospectively' stayed the operation of paragraph 249 of the judgment in ***Sushant Rohilla*** (supra). According to him, however, the impugned decision had been taken prior to the said order of stay. He therefore submits that on the date when Respondent Nos. 2 and 3 acted, the judgment of the Delhi High Court remained operative and

² In SLP (Criminal) No. 9450 of 2026

binding, and consequently the validity of the impugned action must be tested with reference to the legal position obtaining on that date and not with reference to subsequent developments.

26. Elaborating this submission, Mr. Cama contends that an authority cannot justify an action which was contrary to the law prevailing on the date of its decision merely because the judgment declaring the law was subsequently stayed or subjected to challenge. In support of this proposition, he places reliance upon *Edit II Productions vs. Standard Chartered Bank*³ & Ors., *Mohammed Riyaz Shaikh & Ors. vs. Edit II Productions Binaifer Sanjay Kohli & Ors.*⁴; *All Bengal Excise License Association vs. Raghendra Singh*⁵; *Tayabbhai M. Bagasarwalla & Anr. vs. Hind Rubber Industries Pvt. Ltd. & Ors.*⁶ and *Krishnadevi Malchand Kamathia & Ors. vs. Bombay Environmental Action Group & Ors.*⁷. According to him, these authorities recognise that judicial pronouncements continue to bind parties and authorities unless and until they are stayed or set aside.
27. Mr. Cama also relies upon the decisions of the Hon'ble Supreme Court in *Managing Director, ECIL, Hyderabad vs. B. Karunakar & Ors.*⁸ and *Kanishk Sinha and Another vs. State of West Bengal and Another*⁹ to contend that where an order or declaration is expressly made prospective,

³ Notice of Motion (L) No. 2304 of 2018

⁴ (2022) SCC OnLine Bom 2077

⁵ (2017) 11 SCC 374

⁶ (1997) 3 SCC 443

⁷ (2011) 3 SCC 363

⁸ (1993) 4 SCC 727

⁹ 2025 SCC OnLine SC 443

acts and omissions preceding such prospective operation must necessarily be tested on the basis of the legal position as it then existed. Any contrary interpretation, according to him, would render the expression ‘*prospectively*’ devoid of content and retrospectively validate actions which were otherwise contrary to law.

28. Mr. Cama further relies upon a reply dated 16th April 2026 furnished by the Central Public Information Officer, Bar Council of India, in response to an application made under the Right to Information Act, 2005. According to him, the said reply clarifies that although no fresh notification or circular had been issued by the Bar Council of India concerning minimum attendance requirements, all Centres of Legal Education were required to comply with the judgment in ***Sushant Rohilla*** (supra), in both letter and spirit, until any contrary order was passed by a superior Court.
29. Mr. Cama further submits that during the period when the judgment in ***Sushant Rohilla*** (supra) remained operative, this Court had followed the said judgment in several matters, including ***Aman Jaiswal vs. Vice Chancellor, Maharashtra***¹⁰; ***Aniruddha Gaurav Gursal & Ors. vs. State of Maharashtra & Ors.***¹¹; and ***Vinayak Krishna Thorat vs. University of Mumbai & Anr.***¹². Placing reliance upon the decision of this Court in ***Commissioner of Income Tax, Vidarbha & Marathwada, Nagpur vs. Smt.***

¹⁰ Writ Petition No. 4727 OF 2025

¹¹ Writ Petition No. 6027 of 2026

¹² Writ Petition (L) No. 5881 of 2026

*Godavari Devi Saraf*¹³, he submits that where a High Court interprets a Central statute or subordinate legislation having nationwide application, such declaration ordinarily deserves to be followed by authorities across the country unless a contrary view has been taken by another High Court or by the Hon'ble Supreme Court.

30. Mr. Cama submits that even independent of the judgment in *Sushant Rohilla* (supra), a similar approach has been adopted by the Karnataka High Court in *Dayan Varsi vs. Vice-Chancellor, The National Law School of India University*¹⁴, wherein it was held that a marginal deficiency in attendance ought not, by itself, to result in a student being denied permission to appear for the examination. He submits that having regard to the fact that the Petitioner is a final-semester law student, the consequence of debarring him from the examination is wholly disproportionate.
31. Lastly, Mr. Cama submits that this Court, while exercising jurisdiction under Article 226 of the Constitution of India, possesses wide and equitable powers to mould relief in order to advance the cause of justice. In support of this submission, he relies upon the decisions in *Ananya Yogesh Patki v. State of Maharashtra & Ors.*¹⁵ and *Dwarka Nath v. Income Tax Officer*¹⁶, and submits that an appropriate direction may therefore be issued

¹³ (1978) 133 ITR 589

¹⁴ 2020 SCC OnLine Kar 5442

¹⁵ Order dated 10th August 2021 passed in Writ Petition No. 1413 of 2021

¹⁶ (1965) 57 ITR 349

permitting the Petitioner to appear for the re-examinations scheduled in July 2026.

SUBMISSIONS OF RESPONDENT NOS. 2 AND 3

32. *Per contra*, Mr. Girish Godbole, learned senior counsel appearing on behalf of the Respondent No. 2 Law College and Respondent No. 3 University, opposes the present Writ Petition. At the outset, he submits that the Petitioner has approached this Court without making a full and fair disclosure of all material facts and has presented an incomplete narrative of the events leading to the impugned decision.
33. Mr. Godbole submits that the academic relationship between the parties is governed by the Student Resource Book (**SRB**) applicable for the Academic Year 2025-26. Under the SRB, a student is eligible to appear for the semester-end examinations only upon maintaining a minimum attendance of 80% in each individual course. A student failing to satisfy the prescribed attendance requirement is required to seek readmission to the same semester or trimester in accordance with the applicable academic regulations. According to him, the Petitioner cannot claim any relief dehors the provisions of the SRB and the Attendance Policy framed thereunder.
34. Mr. Godbole further submits that Respondent Nos. 2 and 3 are equally bound by the Bar Council of India Rules of Legal Education, 2008. Inviting our attention to Rule 12 thereof, he submits that no student is entitled to

appear for the end-semester examination in a subject unless the prescribed minimum attendance has been secured in that subject, inclusive of moot court exercises, tutorials and practical training. According to him, even where exceptional circumstances are pleaded, the minimum threshold contemplated under the said Rules is required to be satisfied.

35. Mr. Godbole further relies upon the said Attendance Policy published by the Law College on 20th January 2026. He submits that the said policy expressly incorporates Rule 12 of the said Rules and was issued to remove any uncertainty that may have arisen after the decision of the Delhi High Court in *Sushant Rohilla* (supra). According to him, all students were specifically informed that non-fulfilment of the prescribed attendance requirement would result in their being ineligible to appear for the term-end examinations. He therefore submits that the Petitioner was fully aware of the applicable attendance requirements from the commencement of the semester.
36. Mr. Godbole next submits that throughout the semester the Petitioner and his parents were repeatedly informed regarding the Petitioner's attendance position through the University's SAP-based automated attendance tracking system. He submits that the present Writ Petition is conspicuously silent regarding these communications, although copies thereof have been annexed to the Affidavit in Reply. He points out that attendance reports were forwarded, inter alia, on 16th January 2026, 20th January 2026, 12th

February 2026, 24th March 2026, 2nd April 2026, 15th April 2026 and 26th April 2026. Particular reliance is placed upon the caution contained in each attendance report that failure to maintain the prescribed attendance would result in detention from the semester examinations. The relevant portion reads thus:

"1. The overall attendance % for each course is reflected once, whereas lectures conducted / attended for Theory / Practical / Tutorial / Studio are shown in a separate row, as applicable.

2. Please contact school Course Co-Ordinator / AR / DR for any attendance-related queries within 2 days from the receipt of the report.

3. You will be detained if you do not comply with the attendance requirement of 80% attendance in each course. You have to register afresh and repeat the Semester / Year in the subsequent Academic year as per readmission rules mentioned in the Student Resource Book.

4. For academic-related concerns, please write to us at kpmsol-mum.academics@nmims.edu with the following details to ensure prompt assistance.

Student SAP ID | Student Name | Student Roll No. | Name of the Program | Academic Term"

37. Placing reliance upon the Petitioner's final attendance report dated 26th April 2026, Mr. Godbole submits that the Petitioner's attendance in the concerned subjects admittedly fell below the minimum prescribed threshold and consequently Respondent No. 2 had no option but to issue the impugned decision debarring him from appearing in the semester-end examinations.
38. Insofar as the Petitioner's medical condition is concerned, Mr. Godbole submits that the said Attendance Policy itself prescribes a specific procedure for seeking medical leave. According to him, the Petitioner

neither sought prior permission nor submitted the requisite application within five days of resuming attendance, as required under the applicable policy. He further submits that the Petitioner also failed to comply with the requirements contained in the email dated 12th February 2026, on which reliance has now been placed. In these circumstances, it is submitted that the request for condonation of attendance shortage, made only after issuance of the impugned decision dated 20th and 27th April 2026, could not have been entertained. Mr. Godbole also points out that despite repeated communications, neither the Petitioner nor his parents attended the parent-teacher meetings convened during the semester, where attendance shortages and academic progress were specifically discussed. According to him, the Petitioner was, at all material times, fully aware that failure to satisfy the prescribed attendance requirement would inevitably result in his being debarred from the examinations.

- 39.** Mr. Godbole also disputes the Petitioner's reliance upon his internship and submits that the applicable rules do not contemplate any exemption from the attendance requirement merely because a student is undergoing an internship.
- 40.** In answer to the Petitioner's reliance upon the email dated 10th November 2025, Mr. Godbole submits that the relaxation granted thereunder was intended only as a one-time measure in the peculiar circumstances then prevailing. According to him, the subsequent publication of the Attendance

Policy on 20th January 2026 made it abundantly clear that the ordinary attendance requirements would thereafter strictly govern all students.

41. Insofar as the constitution of the Committee is concerned, Mr. Godbole submits that the Committee was reconstituted pursuant to the order passed by this Court on 5th May 2026. He further submits that the recommendations of the Committee have since been accepted by the Vice-Chancellor of Respondent No. 3 by her communication dated 7th May 2026. According to him, the Committee required to be reconstituted only because certain members were unavailable at short notice. He points out that eight members of the Committee were present during the Petitioner's personal hearing and therefore the challenge to the constitution of the Committee is without substance.
42. Turning to the principal legal issue, Mr. Godbole submits that the Petitioner's reliance upon the decision of the Delhi High Court in *Sushant Rohilla* (supra) is misplaced. He submits that both the Petitioner and Respondent Nos. 2 and 3 are situated within the State of Maharashtra and no part of the cause of action has arisen within the territorial jurisdiction of the Delhi High Court. According to him, a judgment rendered by the Delhi High Court in exercise of jurisdiction under Article 226 of the Constitution does not bind authorities situated outside its territorial jurisdiction. In support of this submission, he relies upon the decision of the Hon'ble

Supreme Court in *Kusum Ingots and Alloys vs. Union of India and Others*¹⁷.

43. Without prejudice to the aforesaid contention, Mr. Godbole submits that paragraph 249 of the judgment in *Sushant Rohilla* (supra) has since been expressly stayed by the Hon'ble Supreme Court by its order dated 26th May 2026. According to him, the prospective nature of the stay cannot be construed to mean that every order passed prior thereto by educational institutions on the ground of attendance shortage automatically becomes illegal or liable to be set aside. He submits that the Supreme Court has itself clarified that High Courts are free to decide pending matters on their own merits notwithstanding the pendency of the proceedings before it. Consequently, this Court is not bound to apply paragraph 249 of the Delhi High Court judgment while deciding the present Writ Petition.
44. Elaborating the aforesaid submission, Mr. Godbole contends that the expression '*prospective*' employed by the Supreme Court merely protects cases where benefits have already been granted or matters have attained finality on the basis of *Sushant Rohilla* (supra). According to him, where proceedings remain pending, as in the present case, the Court is not required to mechanically apply paragraph 249 while deciding the controversy.

¹⁷ (2004) 6 SCC 254

45. Mr. Godbole submits that the object of prospective operation is only to prevent reopening of matters that have already attained finality. In this regard, he relies upon the decision of the Hon'ble Supreme Court in ***Kanishk Sinha*** (supra), and submits that the doctrine of prospectivity preserves completed actions without compelling courts to extend the benefit of the earlier legal position to pending disputes. Since the present Petition is yet to be finally adjudicated, he submits that the Petitioner cannot claim any vested right flowing from paragraph 249 of the judgment in ***Sushant Rohilla*** (supra).
46. Mr. Godbole also places reliance upon the Constitution Bench judgment of the Supreme Court in ***Mineral Area Development Authority vs. Steel Authority of India and Another***¹⁸, to submit that the doctrine of prospective overruling is intended to protect only those matters which have already attained finality prior to the change in law. According to him, after the stay granted by the Hon'ble Supreme Court on 26th May 2026, no pending matter is required to be decided by applying paragraph 249 of the judgment in ***Sushant Rohilla*** (supra), merely because the impugned action preceded the order of stay.
47. Mr. Godbole also relies upon the decision of is Court in ***Unnati Rawat vs. The Principal Management Indian Law Society (ILS) Law College and Ors.***¹⁹ decided on 17th January 2026. He submits that notwithstanding the

¹⁸ (2024) 10 SCC 257

¹⁹ Writ Petition No. 739 of 2026

directions contained in paragraph 249 of *Sushant Rohilla* (supra), this Court upheld the action of the educational institution in debarring the student from appearing in the examination on account of shortage of attendance under the applicable University Ordinances. According to him, the said decision lends support to the stand adopted by Respondent Nos. 2 and 3 in the present case.

48. Mr. Godbole lastly submits that the judgment in *Sushant Rohilla* (supra) was rendered in the context of Rule 12 of the said Rules, which has neither been declared ultra vires nor struck down. According to him, even assuming Rule 12 were to be treated as inoperative, the independent attendance requirements prescribed by Respondent No. 3 University would nevertheless continue to govern the Petitioner's case, and it is not disputed that the Petitioner has failed to satisfy even those requirements. He further points out that the present Petition does not contain any challenge either to the vires of Rule 12 or to the validity of the said Attendance Policy itself and, therefore, the Petitioner cannot seek relief on that basis.

49. In conclusion, Mr. Godbole submits that the Petitioner has failed to establish any arbitrariness, mala fides, perversity, discrimination or violation of the principles of natural justice in the decision-making process. According to him, the present Writ Petition merely seeks an individual exception to the academic regulations applicable to all students alike and, therefore, deserves to be dismissed.

REASONS, ANALYSIS AND FINDINGS

50. We have considered the rival submissions made by counsel and also perused the material placed on record. At the outset, we are unable to persuade ourselves that the present case warrants interference by this Court in the exercise of extraordinary writ jurisdiction under Article 226 of the Constitution of India.
51. One of the primary grounds of challenge argued in the present Writ Petition is the applicability of the decision of the Delhi High Court in ***Sushant Rohilla*** (supra) and the resultant argument of the Petitioner that the impugned decision which was issued prior to ‘*prospective*’ stay order 26th May 2026 passed by the Supreme Court in ***SVKMS Narsee Monjee Institute of Management Studies*** (supra), is in the teeth of and contrary to the directions set out in paragraph 249 of the said judgment and is therefore required to be interfered with by this Court. However, in order to appreciate this submission, it would be profitable to extract the relevant portion of the said order, which is reproduced hereunder:

“List on 21.07.2026.

In the meantime, the effect and operation of the paragraph no. 249 of the impugned judgment shall remain stayed, however the same shall be effective prospectively.

In the meantime, it would be open for the High Courts where similar matters are pending on the issue of attendance, to take an appropriate final decision. The pendency of this petition may not come in the way of the High Courts to decide the matters on merits.”

(Emphasis supplied)

52. A plain reading of the aforesaid order indicates that the Supreme Court, being conscious of the practical consequences that had arisen after the judgment of the Delhi High Court in *Sushant Rohilla* (supra) came to be followed by various educational institutions and High Courts across the country, directed that the operation of paragraph 249 thereof shall remain stayed prospectively. Significantly, however, the Supreme Court also clarified that such stay would not preclude the High Courts from deciding pending matters relating to attendance on their own merits.
53. The aforesaid clarification is of considerable significance. Had it been the intention of the Supreme Court that every educational institution was bound to implement paragraph 249 notwithstanding the grant of prospective stay, or that every High Court was required to dispose of pending matters strictly in accordance therewith, no such clarification would have been necessary. On the contrary, the Supreme Court expressly preserved the jurisdiction of the High Courts to adjudicate pending matters independently on their own facts and in accordance with law.
54. In our view, therefore, the Petitioner cannot merely rely upon paragraph 249 of *Sushant Rohilla* (supra) as furnishing an independent ground for interference. It was incumbent upon the Petitioner to demonstrate, on the facts of the present case, why the impugned decision warranted interference in exercise of our writ jurisdiction notwithstanding the order of the

Supreme Court dated 26th May 2026. We are unable to hold that any such case has been made out.

55. In that view of the matter, the authorities relied upon by the Petitioner, including *Edit II Productions* (supra), *Mohammed Riyaz Shaikh* (supra), *Bengal Excise Licensees Association* (supra), *Tayabhai Bagasarwalla* (supra), *Krishnadevi Kamathia* (supra), *Aman Jaiswal* (supra) do not carry the matter any further. Equally, the decisions in *Managing Director, ECIL, Hyderabad* (supra), *Kanishk Sinha* (supra) and *Godavaridevi Saraf* (supra) have no application to the facts of the present case.
56. The Petitioner has also relied upon the decisions of this Court in *Aman Jaiswal* (supra), *Aniruddha G. Gursal* (supra) and *Vinayak K. Thorat* (supra) all of which followed the decision of the Delhi High Court in *Sushant Rohilla* (supra). However, each of those decisions came to be rendered during the period when paragraph 249 of *Sushant Rohilla* (supra) continued to operate without any modification by the Supreme Court. Admittedly, none of them was rendered after the order dated 26th May 2026 passed by the Supreme Court. Those decisions must therefore be understood in the factual and legal context prevailing at the relevant time and cannot be regarded as laying down an inflexible proposition requiring this Court to grant identical relief irrespective of subsequent developments. Our view is also fortified by subsequent orders of the Delhi High Court itself that have been passed after the order dated 26th May 2026. These

include the decisions in *Varsha Rani & Ors. vs. University of Delhi*²⁰ and *Jahnavi vs. University of Delhi*²¹.

57. Even independently of the aforesaid aspect, we find no merit in the Petition on facts. It is an admitted position that the Petitioner's attendance falls below the prescribed minimum requirement in three out of the five subjects forming part of Semester X. His attendance stands at 60% in Competition Law, 53.33% in Direct Taxation and 62.22% in Foreign Direct Trade and Investment. Rule 12 of the Legal Education Rules, 2008 as well as the said Attendance Policy framed by the Law College, prescribe a minimum attendance of 70% in each subject. Although a relaxation of 5% is contemplated on medical grounds, such relaxation is itself subject to the fulfilment of the conditions prescribed therein, including the requirement of maintaining the stipulated aggregate attendance. Admittedly, the Petitioner does not satisfy those conditions.
58. The Petitioner's explanation for the attendance shortage rests principally on medical leave and internship. We shall consider each separately.
59. Insofar as the medical leave is concerned, the said Attendance Policy requires a student seeking exemption on medical grounds to intimate the Law College in the prescribed manner and to furnish the requisite medical documents within the stipulated time. The Petitioner admittedly failed to

²⁰ Order dated 29th May 2026 passed in Writ Petition (C) No. 7736 of 2026

²¹ Order dated 1st June 2026 passed in Writ Petition (C) No. 8024 of 2026

comply with these procedural requirements. No satisfactory explanation has been offered as to why the prescribed procedure was not followed despite the Petitioner being aware of the applicable policy.

- 60.** We are unable to accept the submission that such procedural requirements are unreasonable. They serve a legitimate institutional purpose by enabling timely verification of medical claims, maintenance of attendance records and contemporaneous consideration of requests for exemption. A medical certificate produced only after issuance of the debarment communication cannot, by itself, entitle a student to claim condonation of attendance shortage as a matter of right.
- 61.** The record further indicates that the Law College repeatedly apprised the Petitioner of his attendance position throughout the semester by issuing attendance reports on several occasions. Those reports contained a detailed subject-wise break-up of attendance together with a clear indication that failure to satisfy the minimum attendance requirement could result in detention from the examinations. Despite such repeated communications, the attendance deficiency remained unremedied. It is also the case of the Law College that neither the Petitioner nor his parents attended the parent-teacher meetings convened during the semester to discuss attendance and academic performance.

62. The Petitioner's reliance upon the email dated 12th February 2026 is equally misplaced. That communication merely records that certain students had contracted chickenpox and required such students to submit medical certificates and fitness certificates before resuming classes. It does not establish that the Petitioner complied with those requirements or that the Law College was informed of his medical condition in accordance with the said Attendance Policy.
63. We therefore express no opinion on the genuineness of the Petitioner's medical condition. For the purposes of the present proceedings, it is sufficient to note that the prescribed procedure for seeking relaxation was admittedly not followed. Nevertheless, the Petitioner's subsequent representation and medical material were considered by the Committee, which declined to recommend relaxation. We find no ground warranting interference with that academic assessment.
64. The submission founded upon internship stands on an even weaker footing. No provision of the applicable Regulations or the said Attendance Policy has been brought to our notice which permits a student to absent himself from scheduled lectures on account of an internship while simultaneously claiming attendance credit. Internships undoubtedly contribute to professional development. However, they cannot substitute attendance in the academic programme nor create an independent ground for exemption from mandatory attendance requirements.

65. The reliance placed upon the relaxation granted during Semester IX is equally misconceived. Respondent Nos. 2 and 3 have consistently maintained that the said relaxation was granted as a one-time measure. In any event, such a concession cannot create a vested right to claim a similar relaxation in a subsequent semester contrary to the governing academic framework.
66. Even otherwise, subsequent to the aforesaid relaxation, it is an admitted position that the Law College published its Attendance Policy in January 2026, expressly reiterating the mandatory requirement of compliance with the prescribed attendance norms in accordance with Rule 12 of the said Rules. Consequently, all students were placed on clear and unequivocal notice that, notwithstanding the judgment of the Delhi High Court in *Sushant Rohilla* (supra) and the relaxation granted to certain students during the preceding Semester, the minimum attendance requirement prescribed under the Rules would thereafter be enforced in its strict terms.
67. The Petitioner's reliance upon the application filed by the Delhi University Students Union under the Right to Information Act, 2005, and the response thereto furnished by the Bar Council of India (BCI) – Respondent No. 4, dated 16th April 2026, also does not advance his case. The said response, in fact, clarifies that subsequent to the judgment in *Sushant Rohilla* (supra), the BCI has not issued any notification, circular, directive, or mandate giving effect to the said judgment, nor has it superseded or amended the

existing regulatory framework governing attendance requirements, including, inter alia, Rule 12 of the said Rules. Consequently, the attendance requirements prescribed under the existing Rules continue to hold the field and remain binding upon all law colleges and students.

68. We also find no infirmity in the decision-making process. Pursuant to the order dated 5th May 2026 passed by this Court, the Petitioner's representation was considered by the Committee after affording him a personal hearing. The Committee examined the Petitioner's attendance record, medical explanation, institutional communications and the earlier relaxation granted in Semester IX before submitting its recommendation, which thereafter came to be accepted by the Vice-Chancellor. The principles of natural justice were thus duly complied with.
69. Mr. Cama has relied upon the decisions in *Ananya Yogesh Patki* (supra), *Dwarka Nath* (supra) and the judgment of the Karnataka High Court in *Dayan Varsi* (supra) in support of the submission that this Court ought to exercise its plenary jurisdiction under Article 226 to mould the relief. There can be no dispute with the principles enunciated in those decisions. Equally, there can be no quarrel with the proposition that in an appropriate case this Court may exercise its equitable jurisdiction to mould relief. The question, however, is whether the present case warrants such exercise.

70. In our view, it does not. For the reasons already recorded, the Petitioner has failed to establish that the impugned action suffers from arbitrariness, mala fides, perversity, discrimination, violation of any statutory provision or breach of the principles of natural justice. The authorities relied upon by the Petitioner are therefore distinguishable on facts and do not advance his case.
71. On the other hand, the issue arising in the present Writ Petition is substantially covered by the reasoning adopted by this Court in our earlier decision in *Kavya Agarwal v. University Grants Commission & Ors.*²². In the said case also, the student was unable to maintain the mandatory attendance requirement for appearing in the examinations on account of medical circumstances. This Court declined to interfere under Article 226 of the Constitution of India, holding that a writ court cannot rewrite academic regulations or create exemptions for students which the governing academic framework does not contemplate.
72. The reasoning in *Kavya Agarwal* (supra) squarely applies to the facts of the present case. The Petitioner seeks, in substance, a direction permitting him to appear for the Semester X term-end examinations despite not satisfying the prescribed attendance requirement. Granting such relief would amount to this Court substituting its own view in place of the academic framework prescribed by Respondent Nos. 2 and 3. In our view, such an exercise is

²² 2026 : BHC - OS : 13197 - DB

impermissible in writ jurisdiction unless the impugned decision is shown to be manifestly arbitrary, mala fide, perverse or contrary to law, which in the present case, it is not.

73. The conclusion arrived at above is also consistent with the settled principles governing judicial review in matters concerning academic administration. Prescription of attendance requirements, academic standards and eligibility criteria lies primarily within the domain of expert academic bodies. In exercise of jurisdiction under Article 226 of the Constitution, this Court does not sit in appeal over such academic decisions and would ordinarily refrain from substituting its own view unless the impugned action is shown to be arbitrary, mala fide, discriminatory, perverse, contrary to statute or in violation of the principles of natural justice.

74. In the present case, the Petitioner has neither challenged the validity of Rule 12 of the Legal Education Rules, 2008 nor the said Attendance Policy framed by the Law College. The grievance of the Petitioner is confined to the refusal to grant relaxation in his individual case. The material on record demonstrates that his request was duly considered by the competent authorities but was declined upon finding that he failed to satisfy the prescribed requirements. No procedural irregularity, arbitrariness, mala fides or statutory infraction has been established.

75. We are conscious of the medical difficulties relied upon by the Petitioner and the fact that he is presently in the final semester of the B.B.A. LL.B. course. Hardship, however genuine, cannot by itself furnish a legal basis to compel an academic institution to act contrary to its governing regulations. In the absence of any established ground warranting judicial review, no interference is called for under Article 226 of the Constitution.
76. We are not unmindful of the medical difficulty pleaded by the Petitioner, nor of the fact that he is a final-semester law student. The scope of judicial review is concerned with the legality and fairness of the decision-making process, and not with the desirability of the outcome. Once it is found that Respondent Nos. 2 and 3 have acted within the bounds of the applicable academic framework and that no case of arbitrariness, violation of natural justice, discrimination, mala fides or statutory infraction has been established, no interference is warranted under Article 226 of the Constitution of India.
77. For all the aforesaid reasons, we are of the view that the Petitioner has not been able to demonstrate any manifest arbitrariness, perversity, mala fides, discrimination, breach of natural justice or violation of any statutory provision warranting interference under Article 226 of the Constitution of India.

78. We, therefore, find no reason to interfere with the impugned decision including inter alia, the email communications dated 20th April 2026 and 27th April 2026 issued by Respondent No. 2 and the said Report and Recommendation of the Committee dated 7th May 2026.
79. The present Writ Petition is accordingly dismissed. There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

(R. I. CHAGLA J.)

Jyoti Pawar