



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

WRIT PETITION (L) NO. 11936 OF 2026

Yash Pramod Gaikwad

Occupation: Student, Age, 24 years,
Residing at 204, Ishwati Pooja Building,
Shivsena Shakha, Vartak Nagar,
Jekegram, Thane (W) – 400606

... **Petitioner**

V/s.

1. The State of Maharashtra

Through the Directorate of Technical
Education, Maharashtra 3, Mahapalika Marg,
Dhobi Talao, Chhatrapati Shivaji Terminus
Area, Fort, Mumbai, Maharashtra 400001.

**2. Jammalal Bajaj Institute
of Management Studies,**

D. N. House, 164, Backbay,
Reclamation H. T. Parekh Marg,
Churchgate, Mumbai – 400020.

3. The State Common Entrance Test Cell

Through – The Commissioner,
CET Cell 8th floor, New Excelsior,
Building A.K. Nayak Marg, Fort,
Mumbai – 400001.

4. The University of Mumbai

Through the – Vice Chancellor,
Fort, Mumbai – 400023

... **Respondents**

AND

WRIT PETITION (L) NO. 11933 OF 2026

1. Vishal Vivek Kumar Gupta

Occupation: Student, Age, 23 years,
Residing at Flat No. 15, Jyoti Apartments,
3rd floor, Nathalal Parekh Marg,
Matunga (East), Mumbai – 400019

2. Gautam Satheesh Nair

Occupation: Student, Age, 24 years,
Residing at Archid Tower, A wing,
1902, Belasis Road,
Mumbai Central, Mumbai – 400008

... Petitioners

V/s.

1. The State of Maharashtra

Through the Directorate of Technical
Education, Maharashtra 3, Mahapalika Marg,
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Mumbai – 400001.

4. The University of Mumbai

Through the – Vice Chancellor,
Fort, Mumbai – 400023

... **Respondents**

Mr. Mihir Desai, Senior Advocate i/b Mr. Atal Bihari Dubey for the Petitioner in Writ Petition (L) No. 11936 of 2026

Mr. Arvind Tiwari for the Petitioners in Writ Petition (L) No. 11933 of 2026

Mr. Nishigandh Patil, AGP for Respondent No. 1 – State in WPL/11936/2026.

Mr. Suraj Gupte, AGP, for Respondent No. 1 – State in WPL/11933/2026.

Mr. Anil Anturkar, Senior Advocate, with Mr. Atharva Date, Ms. Kashish Chelani & Mr. Jainendra Sheth, i/b Mr. Rui Rodrigues, for Respondent No. 2

Mr. Sameer Khedekar with Ms. Mayuri Andhale for Respondent No. 3

Mr. Rui Rodrigues with Mr. Jainendra Sheth for Respondent No. 4

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

**RESERVED ON : 28th JULY 2026
PRONOUNCED ON : 31st AUGUST 2026**

JUDGMENT : (Per Farhan P. Dubash, J)

1. Since the issues arising in both the above Writ Petitions are substantially similar, and since common submissions have been advanced on behalf of the parties, learned counsel appearing for the respective parties have consented to the disposal of both Writ Petitions by a common judgment.
2. On 27th March 2026, Respondent No. 2 – Jamnalal Bajaj Institute of Management Studies (the “**Institute**”) cancelled and revoked the admission of the Petitioners in the above Writ Petitions, namely, Mr. Yash Gaikwad in Writ Petition (L) No. 11936 of 2026 and Mr. Vishad Gupta and Mr. Gautam

Satheesh Nair in Writ Petition (L) No. 11933 of 2026, to the Two Year Full Time Master of Management Studies degree course (the “**MMS Course**”). At the material time, all three Petitioners were in Semester IV and were on the verge of completing the course. The decision to cancel their admission was founded upon the allegation that the documents submitted by them at the time of admission were forged and/or fabricated. It is this decision which is impugned in the above Writ Petitions.

3. The Writ Petitions first came up for hearing before this Court on 6th April 2026. Having regard to the fact that the final semester examinations were commencing on that very day, this Court granted ad-interim relief permitting all three Petitioners to appear for the said examinations. The relief was expressly granted without prejudice to the rights and contentions of the parties and subject to the final outcome of the Writ Petitions. It was further made clear that the Petitioners would not be entitled to claim any equity merely by reason of having been permitted to appear for the examinations.
4. Pursuant to the aforesaid order, all three Petitioners appeared for the final semester examinations. Their results, however, have not been declared by the Institute. In terms of the subsequent order dated 3rd July 2026, the results of all three Petitioners have instead been placed before this Court in a sealed cover, where they continue to remain.

BRIEF FACTS

5. Before considering the rival submissions on merits, it would be appropriate to set out, in brief, the facts necessary for adjudication of the above two Writ Petitions -

- a) We are informed by Respondent No. 2 – Institute that admission to the Two Year Full Time MMS Course under the Supernumerary Quota is governed by a process materially different from the ordinary admission process. Candidates eligible to apply under the Supernumerary Quota in the Children of Indian Workers in Gulf Countries (“CIWGC”) category are not required to appear for an entrance examination. Their selection is based upon their past academic performance and the institutional admission process prescribed for that purpose. An applicant is required to submit a physical application form accompanied by the prescribed academic records and such other supporting documents as may be required by Respondent No. 3 – State CET Cell.
- b) All three Petitioners applied for admission to the MMS Course under the CIWGC category, in accordance with the procedure prescribed by Respondent No. 3.
- c) On 27th August 2024, the Institute published its Provisional Merit List. The name of Mr. Yash Gaikwad appeared at Serial No. 10 with 81.80% marks, and he was provisionally selected under the CIWGC category. The names of Mr. Vishad Gupta and Mr. Gautam Satheesh Nair appeared at Serial Nos. 6 and 8 respectively, with 84.00% and 82.40% marks. They were accordingly also provisionally selected under the CIWGC category.
- d) The Final Merit List, published on the following day, carried the names of all three Petitioners at the same respective positions and reflected the same percentages, namely, 81.80%, 84.00% and 82.40%.

- e) On the basis of their respective positions in the Final Merit List, all three Petitioners were granted admission to the Two Year Full Time MMS Course conducted by the Institute. They, thereafter completed the requisite admission formalities, including submission of the prescribed documents for verification. Following scrutiny and verification of those documents, they were admitted to the MMS Course for the academic period 2024 – 2026.
- f) The matter, however, did not end there. On 6th March 2026, the Institute received an anonymous email alleging that certain students, including the three Petitioners, had falsified their graduation marks in order to secure admission under the CIWGC category. At that time, all three Petitioners were in their final semester.

The First Committee Report dated 12th March 2026

- g) On 7th March 2026, the Institute constituted an independent three-member committee (the **“First Committee”**) comprising a former Director of the Institute, a retired Police Superintendent of the Central Bureau of Investigation, and the Principal of Sathaye College, Mumbai. The First Committee was constituted as a fact-finding body. No notice or opportunity of hearing was afforded to the Petitioners at that stage. Its examination proceeded on the basis of the documents available to it and the material placed before it by the Institute. The First Committee submitted its report on 12th March 2026.
- h) Insofar as Mr. Yash Gaikwad is concerned, the First Committee recorded a finding that, according to the degree certificate issued by VNIT, Nagpur dated 15th September 2023, he had secured a Cumulative Grade Point Average (**“CGPA”**) of 7.59 on a scale of 10,

and not 8.18, which was the CGPA reflected in the documents submitted by him at the time of his admission to the MMS Course under the CIWGC category.

- i) Insofar as Mr. Vishad Gupta is concerned, the First Committee recorded a finding that, according to the Semester VIII grade report issued by Veermata Jijabai Technological Institute (“VJTI”), Matunga, Mumbai, the original Transfer Certificate of VJTI, the original provisional passing certificate of VJTI and the original Degree Certificate of the University of Mumbai, the latter documents having been submitted on 9th March 2026, Mr. Gupta had secured a Cumulative Performance Index (“CPI”) of 5.81 on a scale of 10 and not 8.90, which was the CPI reflected in the documents submitted by him at the time of his admission to the MMS Course under the CIWGC/NRI quota.
- j) Insofar as Mr. Gautam Satheesh Nair is concerned, the First Committee recorded that there was a mismatch in the grade card submitted by him, which had been issued by VNIT, Nagpur and reflected an overall CGPA of 8.24. However, Page 2 of the said grade card bore the name of the other Petitioner, Mr. Yash Gaikwad, together with his academic credentials, whilst page 1 bore the name of Mr. Gautam Satheesh Nair. The First Committee noted that Mr. Nair had been granted admission on the basis of the CGPA of 8.24 reflected in the said document. It further noted that, at the time of admission, Mr. Nair had submitted two documents, namely, a consolidated grade report for B.Tech. in Mechanical Engineering dated 15th November 2023 reflecting an overall CGPA of 8.24 and a degree certificate dated 16th November 2023 for Bachelor of Technology in Electronics and Communication

Engineering issued by Delhi Technological University, Delhi, reflecting an overall CGPA of 5.99.

- k) The First Committee further recorded a finding against all three Petitioners that, at the time of securing admission in 2024, they had submitted forged documents reflecting grades higher than those actually obtained by them in their respective undergraduate degrees. It found that, if the actual CGPA of Mr. Yash Gaikwad, namely 7.59, were taken into consideration for the purpose of merit ranking, his position would have been at Serial No. 28 instead of Serial No. 10, and that he would consequently not have qualified for admission to the MMS Course under the CIWGC category.
- l) A similar finding was recorded in respect of the other two Petitioners. According to the First Committee, Mr. Vishad Gupta would have stood at Serial No. 58 instead of Serial No. 6, and Mr. Gautam Satheesh Nair would have stood at Serial No. 58 instead of Serial No. 8, if their actual CPI/CGPA, namely 5.81 instead of 8.90 and 5.99 instead of the higher CGPA of 8.24 reflected in the disputed document, respectively, were taken into consideration.
- m) The First Committee further observed that, since no competitive examination was conducted for admission to the special Supernumerary Quota seats under the CIWGC category and applications were received over the counter at the Institute, there was reason to believe that certain outside elements may have taken advantage of the quota and facilitated the admission of ineligible candidates through fraudulent means. It also observed that there was reason to believe that the prescribed procedures had not been followed

by the staff of the Institute, particularly in relation to documentation and verification.

- n) The First Committee accordingly recommended cancellation of the admissions of the Petitioners and initiation of criminal proceedings against them for alleged forgery of documents. It also recommended an investigation into the possibility of involvement of external or internal officers and/or members of the Institute's office staff, thereby raising the possibility of a case involving criminal conspiracy.

The Second Committee Report dated 17th March 2026

- o) Following the report of the First Committee, the Institute constituted a second committee (the **"Second Committee"**) comprising three professors of the Institute for the purpose of further examining the allegations and affording all three Petitioners an opportunity of being heard. The Second Committee comprised three professors of the Institute. On 12th March 2026, the Petitioners were informed by email of the anonymous complaint, the allegation that they had falsified documents during the admission process for the academic period 2024 – 2026, and the constitution of the Second Committee.
- p) The Petitioners appeared before the Second Committee. They made oral submissions and also tendered written responses. The Second Committee considered the material placed before it, including the documents and submissions of the Petitioners, and submitted its report on 17th March 2026.
- q) The Second Committee independently recorded findings substantially

similar to those recorded by the First Committee. It found that the three Petitioners had been granted admission on the basis of incorrect and inflated marks submitted at the time of submitting the admission proforma to the CET Centre. Upon noting significant discrepancies between the academic credentials declared by the Petitioners during the online application process and the verified data obtained from their original University records, the Second Committee observed that the discrepancies had a direct bearing upon their merit ranking and eligibility for admission.

- r) The Second Committee also recorded observations concerning the role of the admission authorities, including alleged negligence and dereliction of duty by admission officials, deliberate overlooking of discrepancies, possible collusion with external agents or unofficial intermediaries, unauthorized or irregular approval of admissions, failure to initiate corrective action and misuse of official position.
- s) Insofar as Mr. Vishad Gupta is concerned, the Second Committee additionally observed that the certificate issued by the Indian Embassy and submitted by him for admission under the CIWGC category indicated that he fell within the NRI category and, according to the Committee, was therefore not a valid certificate for admission under the CIWGC category.
- t) Insofar as Mr. Gautam Satheesh Nair is concerned, the Second Committee observed that he had secured admission by submitting a grade card which belonged to the other Petitioner, Mr. Yash Gaikwad, reflecting completion of B.Tech. in Mechanical Engineering from VNIT, Nagpur, and that the CGPA reflected therein had also been

enhanced, whereas Mr. Nair had in fact completed his engineering degree from Delhi Technological University in Electronics and Telecommunication Engineering.

- u) The Second Committee accordingly concluded that there was credible and substantial material indicating fraudulent admission practices, fabrication of documents and possible institutional complicity. It recommended cancellation of the admissions of all three Petitioners on the ground that they had submitted forged documents. It further recommended registration of an FIR against the Petitioners in accordance with the applicable procedure and initiation of an independent police investigation and inquiry.
- v) The Second Committee also recommended that formal communications be sent to the companies concerned for cancellation of the Petitioners' placements obtained through the Institute's campus recruitment process. While recommending an investigation into all admissions made under the Supernumerary Quota, it further recommended immediate suspension of persons found responsible, pending enquiry, so as to prevent any tampering with the records.
- w) Acting upon the findings and recommendations contained in the report of the Second Committee, the Institute cancelled and revoked the admissions of all three Petitioners. The decision was communicated to them by separate letters, all dated 27th March 2026 (collectively, the **"impugned communications"**).
- x) Aggrieved by the impugned communications, the Petitioners approached this Court by filing the above Writ Petitions on 4th April

2026 and 3rd April 2026 respectively.

- y) It is against the aforesaid factual and procedural backdrop that the rival submissions fall for consideration.

SUBMISSIONS OF THE PETITIONERS

6. Mr. Mihir Desai, learned senior advocate appearing on behalf of Mr. Yash Gaikwad, submits that the impugned communication is vitiated by a breach of the principles of natural justice. He contends that although his client was afforded an opportunity to appear before the Second Committee, the opportunity so afforded was neither real nor meaningful. He points out that the Petitioner was given barely eighteen hours to respond and was not even furnished with the complete allegations or the documents relied upon, including the very documents alleged to have been forged by him. He points out that several documents subsequently relied upon by the Institute before this Court were also not furnished during the enquiry. He submits that the First Committee had already recorded adverse findings and recommended cancellation of the Petitioner's admission and initiation of criminal proceedings before the Petitioner was afforded an effective opportunity of hearing. Consequently, he argues that, the proceedings before the Second Committee were reduced to a mere formality. He therefore submits that, in the absence of disclosure of the material constituting the evidentiary basis of the allegations and a reasonable opportunity to meet the same, the enquiry stands vitiated on account of breach of natural justice. In support of this submission, he relies upon the decision of this Court in ***Shiva Dhawan v/s SVKM's Narsee Monjee Institute of Management Studies***¹.

1 2018 SCC OnLine Bom 1272

7. Having regard to the serious civil, academic, professional and reputational consequences flowing from the impugned action, Mr. Desai submits that the Petitioner was entitled to a real, effective and meaningful opportunity of defence. He contends that administrative fairness extends beyond the mere grant of an opportunity of hearing and requires an impartial enquiry, disclosure of the material relied upon, objective consideration of competing explanations and conclusions founded upon established facts.
8. Mr. Desai next submits that the fundamental error in the impugned action lies in the failure to establish the necessary factual and evidentiary nexus between the disputed documents and the Petitioner. According to him, the mere fact that a document is found to be forged or inconsistent with the Petitioner's genuine academic record does not, by itself, establish that the Petitioner prepared, authored, altered, signed, uploaded, submitted or knowingly adopted the document. According to him, the Committees, have conflated two distinct questions: *first*, whether the disputed documents were false or fabricated; and *second*, whether the Petitioner was responsible for such documents. He submits that the Committees have answered only the former question and proceeded, without sufficient evidentiary basis, to infer the latter.
9. According to him, the principal issue, therefore, was not merely whether the documents were forged, but who was responsible for them and whether the Petitioner consciously submitted or relied upon them. During the course of arguments, Mr. Desai went so far as to contend that the disputed documents had not been forged by the Petitioner but by one or more persons within the Institute, with a view to dishonestly implicating the Petitioner.
10. Mr. Desai further submits that the findings of the Committees are founded upon inference and comparison rather than independent evidence capable of

establishing fraud on the part of the Petitioner. He points out that the Committee Reports principally compare the Petitioner's genuine academic records with the disputed documents and draw adverse inferences therefrom, but do not identify any independent evidence establishing that the Petitioner prepared or submitted the disputed documents. It is submitted that no evidence has been produced regarding the origin or authorship of the documents, the manner in which they entered the institutional record, the person who uploaded or physically submitted them, or any forensic, handwriting or digital material connecting the Petitioner with them.

11. Mr. Desai submits that the Respondents have also failed to produce the best available evidence, such as portal-upload logs, metadata, digital audit trails, forensic examination or contemporaneous evidence from officials who allegedly received the documents. He further contends that the provenance and chain of custody of the disputed documents have not been established. According to him, several documents subsequently relied upon in the affidavits in reply were not furnished during the enquiry, and their subsequent production raises further questions as to their provenance and evidentiary value.
12. Mr. Desai submits that fraud cannot be presumed and must be established by cogent and reliable evidence. In support, he relies upon the decision of the Hon'ble Supreme Court in ***Union of India v. M/s. Chaturbhai M. Patel & Co.***². He submits that the burden lay upon the Respondents to establish the foundational facts necessary to sustain the allegations of fraud, forgery and deliberate misrepresentation. According to him, that burden could not be shifted to the Petitioner merely because disputed documents were found in the institutional records or because the Petitioner was called upon to explain

² (1974) 1 SCC 747

them. He submits that the enquiry effectively required the Petitioner to prove a negative, namely, that he had not submitted the disputed documents, whereas it was incumbent upon the Institute, in the first instance, to establish through reliable evidence, that the documents originated from or were consciously submitted by the Petitioner. He contends that the findings recorded in the impugned communications, therefore rest upon a presumption of attribution rather than established attribution.

13. Mr. Desai next submits that the Institute itself failed to discharge the institutional obligation of scrutiny and verification cast upon it during the admission process. He submits that the Petitioner followed the prescribed admission procedure and furnished his academic documents, which were received, scrutinised and processed by the Institute. According to him, the Institute had access to the CET Portal, undertook the verification process, prepared the merit list, granted admission and thereafter permitted the Petitioner to continue his studies, appear for examinations and participate in the placement process. It is further submitted that the parent Universities' verification reports were received by the Institute and that, despite being in possession of such material, the Institute did not act for several months.
14. He contends that, having exercised complete control over the admission and verification process, the Institute cannot retrospectively convert an institutional failure to detect an alleged discrepancy into evidence of fraud on the part of the Petitioner. He argues that administrative negligence, cannot, in the absence of cogent evidence of conscious participation, be transformed into individual student misconduct. In support, he relies upon the judgments of the Hon'ble Supreme Court in ***Rajendra Prasad Mathur v. Karnataka University & Anr.***³ and ***Shri Krishnan v. The Kurukshetra University***⁴.

3 1986 (Supp) SCC 740

4 (1976) 1 SCC 311

15. Mr. Desai further submits that the enquiry is assailable on the ground that the legal foundation and manner of constitution of the Committees have not been demonstrated and that the decision-making process is vitiated by institutional bias. According to him, the Institute has not disclosed the statutory provision, University Ordinance, Regulation, Rule or Executive Resolution under which the First and Second Committees were constituted, nor the source of their jurisdiction or authority to record findings of fraud, recommend cancellation of admission or recommend initiation of criminal proceedings. He submits that the anonymous communication which triggered the enquiry raised allegations not merely against the students but also concerning the integrity of the admission process and possible involvement of persons within the institutional hierarchy. Notwithstanding this, the Director remained part of the very institutional structure whose functioning was under scrutiny, initiated the enquiry, constituted the Committees, determined the scope of the enquiry, acted upon the Committee Reports and ultimately took the impugned decision. Mr. Desai therefore submits that the Director ought to have recused herself and that the manner in which the enquiry was initiated and conducted gives rise to a reasonable apprehension of institutional bias, offending the principle of *nemo judex in causa sua*.
16. Having advanced the aforesaid submissions, Mr. Desai then drew our attention to the Application Form brought on record by the Institute in its affidavit in reply⁵. He admitted that the said Form was filled in by the Petitioner in his own handwriting and bore his signature, and that it was submitted on 29th August 2024. He, however, submitted that the incorrect percentage of 81.80% mentioned in the said Form was entered on the basis of information and guidance allegedly received by the Petitioner from clerical staff at the admission desk of the Institute, who instructed him to mention

5 Exhibit F at Page 226

81.80% since that percentage was reflected in the Final Merit List.

17. Lastly, Mr. Desai submits that, independently of the aforesaid grounds, the impugned action is arbitrary and disproportionate and offends Articles 14 and 21 of the Constitution of India. He submits that the Petitioner was otherwise a meritorious student, had substantially completed the MMS Course and was at the fag end of the programme when the impugned action was taken. He places reliance upon the fact that the Petitioner had successfully pursued the course, secured placement with Boston Consulting Group and built a meritorious academic and professional record. He emphasizes the grave and potentially irreversible academic, professional and reputational consequences of branding the Petitioner as a person who secured admission by fraud. According to him, the proportionality of the consequence must therefore be assessed having regard to the stage at which the action was taken and the Petitioner's academic and professional circumstances. In support, he relies upon the decisions of this Court in ***Simran Inderjeet Singh Kaur v. State of Maharashtra***⁶; ***Rohan Ravindra Thatte v. University of Mumbai & Ors.***⁷ and ***Sai Sessa Abhinay Kallepalli v. University of Mumbai***⁸ as also the decision of the Himachal Pradesh High Court in ***Akash Bhawra v. Technical Education and Ors.***⁹. He submits that the ultimate question before the Court is whether such grave allegations have been established through a process which was fair, transparent and unbiased and upon legally reliable material. He submits that in the absence thereof, the impugned communications are liable to be quashed and set aside and the Writ Petitions allowed.

18. Mr. Atal Bihari Dubey, learned advocate who appears on behalf of the other two Petitioners, namely, Mr. Vishad Gupta and Mr. Gautam Satheesh Nair

6 Order dated 3rd September 2025 passed in Writ Petition No. 15555 of 2025

7 Order dated 15th January 2024 passed in Writ Petition (L) No. 392 of 2023

8 2024 (4) AIR Bom R 41

9 Order dated 6th September 2005 passed in Civil Writ Petition No. 349 of 2025

adopts the submissions advanced by Mr. Desai.

SUBMISSIONS OF RESPONDENT NO. 2 – INSTITUTE

19. *Per contra*, Mr. Anil Anturkar, learned senior advocate appearing on behalf of Respondent No. 2 – Institute, submits that all three Petitioners were fully aware of the percentages attributed to them when the Final Merit List was published on 28th August 2024. He submits that, having seen the Final Merit List reflecting 81.80%, 84.00% and 82.40% respectively against their names, none of them raised any objection or disputed the correctness of the marks so reflected. According to Mr. Anturkar, if the Petitioners' case is that the marks reflected in the Merit List were not their marks, there was no reason for them to remain silent at that stage. He submits that the explanation is apparent: their actual percentages in their undergraduate degrees were substantially lower and, on the basis of their actual academic record, they would not have secured admission to the MMS Course under the CIWGC category. The Petitioners, therefore, cannot now be permitted to contend that the marks reflected in the Final Merit List were incorrectly attributed to them.
20. At the outset, Mr. Anturkar refers to the Application Form submitted by Mr. Yash Gaikwad, in which the Petitioner, in his own handwriting, expressly disclosed and represented that he had secured 81.80% in his B.Tech. degree in May 2023 from Visvesvaraya National Institute of Technology ("VNIT"), Nagpur. He points out that the Application Form also bears the Petitioner's signature. He submits that, notwithstanding the allegations and grounds raised in the Petition, this material document was not disclosed by the Petitioner and came on record only when it was produced by the Institute with its affidavit in reply. He points out that it was only thereafter that the Petitioner admitted the document and sought to explain the discrepancy by dishonestly contending

that he had purportedly been informed and guided by clerical staff at the admission desk of the Institute to mention 81.80%, since that percentage was reflected in the Final Merit List.

21. Insofar as the other two Petitioners are concerned, Mr. Anturkar relies upon their respective Application Forms. In the case of Mr. Vishad Gupta, he points out that the Petitioner, in his own handwriting, expressly disclosed and represented that he had secured 84.00% in his B.Tech. degree in July 2024 from the University of Mumbai. He adds that Mr. Gautam Satheesh Nair, likewise, in his own handwriting, had also disclosed and represented that he had secured 82.40% in his Bachelor's degree in Electronics and Communications from Delhi Technological University in November 2023.
22. Mr. Anturkar submits that these admissions on the part of the Petitioners effectively undermine the case with which they have approached this Court, since they have themselves admitted to submitting false and incorrect details in their respective Application Forms. Without admitting the explanation sought to be offered by them for having done so, he submits that such admission disentitles the Petitioners to the reliefs sought in the present Writ Petitions. He further submits that, once Mr. Yash Gaikwad admits to having himself written the incorrect percentage of 81.80% in the Application Form as having been secured in his B.Tech. degree from VNIT, Nagpur, it is only logical, according to him, to infer that the documents reflecting that incorrect percentage were fabricated by the Petitioner and submitted by him to the Institute for securing admission. A similar submission is advanced in respect of Mr. Vishad Gupta and Mr. Gautam Satheesh Nair.
23. Mr. Anturkar submits that there is no plausible reason for any member of the Institute's staff to forge or fabricate documents, as has been casually alleged

by the Petitioners. He points out that, at no stage prior to the oral arguments, whether before the Second Committee or in the above two Writ Petitions, did the Petitioners raise such a contention. Similarly, according to him, the allegation that the anonymous complaint disclosed possible involvement of members of the Institute's staff, thereby disentitling the Second Committee, comprising three professors of the Institute and constituted on the instructions of the Director, from conducting the enquiry, was neither raised earlier nor pleaded in the Writ Petitions. He therefore submits that such a contention, cannot, be entertained by this Court at this stage. In support, he relies upon the decision of the Hon'ble Supreme Court in ***Mohammed Abdul Walid v. Nilofer***¹⁰.

24. Mr. Anturkar next submits that the allegation of violation of the principles of natural justice is an afterthought. He submits that the Petitioners were expressly afforded an opportunity of hearing before the Second Committee and were permitted to place their respective cases before it. According to him, at no stage before the Second Committee did the Petitioners dispute that the documents in question had been submitted by them, nor did they challenge the authenticity of the documents or contend that they had not submitted them. He submits that this ground has been raised for the first time in the above Writ Petitions. He argues that having failed to raise the issue when an opportunity was afforded to them to do so, the Petitioners cannot now be permitted to contend that they were denied an effective opportunity of hearing. In any event, he submits that it is undisputed that all three Petitioners were heard on the very allegations which ultimately resulted in cancellation and revocation of their admissions.

25. Mr. Anturkar then draws our attention to the two grade cards of Mr. Yash

10 2024 2 SCC 144

Gaikwad placed on record – one, reflecting his actual academic record and the other, being the grade card submitted by him to the Institute at the time of admission. According to him, comparison of the two documents reveals a striking and systematic alteration of the marks obtained by the Petitioner in each semester. While the integer portion of the marks has been altered so as to reflect higher marks, the decimal portion remains identical in each instance. He submits that this is not a case of a mere discrepancy or clerical error, but one in which the pattern of alteration is apparent upon comparison of the documents themselves.

26. In the case of Mr. Vishad Gupta, Mr. Anturkar points out that the Petitioner submitted forged grade reports of VJTI, Mumbai, reflecting an incorrect CPI of 8.90, as well as a fabricated document on the letterhead of VJTI, Mumbai dated 21st August 2024 purporting to explain the conversion of CPI into percentage. He also refers to the certificate issued by the Indian Embassy and submitted by Mr. Gupta for admission under the CIWGC category, which, according to him, indicates that the Petitioner fell within the NRI category. He accordingly submits that the said certificate was not a valid certificate for admission under the CIWGC category.
27. Lastly, in the case of Mr. Gautam Satheesh Nair, Mr. Anturkar points out that the Petitioner submitted a grade card of VNIT, Nagpur reflecting an overall CGPA of 8.24, with page 2 bearing the name of the other Petitioner, Mr. Yash Gaikwad, whereas page 1 bore the name of Mr. Nair. He submits that Mr. Nair was granted admission on the basis of the CGPA of 8.24 reflected in that document, despite the admitted position that he had not attended VNIT, Nagpur but had obtained his Bachelor's degree in Technology in Electronics and Communication Engineering from Delhi Technological University, Delhi, with an overall CGPA of 5.99.

28. Mr. Anturkar submits that where the circumstances establish fraud or manipulation on the face of the record, the requirement of a further or elaborate opportunity of hearing cannot be invoked so as to defeat an otherwise demonstrable case of fraud. In support, he relies upon the decisions of the Hon'ble Supreme Court in ***Ganpatbhai Mahijbhai Solanki v. State of Gujarat***¹¹ and ***State of Chhattisgarh v. Dhirjo Kumar Sengar***¹².
29. Dealing with the submission that fraud must be strictly proved before the Petitioners can be held responsible for it, Mr. Anturkar submits that the standard of proof relied upon by the Petitioners is inapplicable to the present proceedings. He points out that the present case is not a criminal prosecution in which the charge must be established beyond reasonable doubt. Instead, it is pointed out that the proceedings before the Institute were in the nature of an institutional or disciplinary enquiry, in which the applicable standard is that of preponderance of probabilities. He contends that the Second Committee was therefore not required to establish the allegations against the Petitioners to the standard applicable in a criminal trial. In any event, according to him, once the Petitioners admitted to submitting Application Forms in which they disclosed and represented that they had obtained incorrect and inflated grades, the supporting documents corroborating those grades could reasonably be attributed to having been forged or fabricated by the Petitioners, and they cannot thereafter be heard to contend otherwise. In support of this submission, he relies upon the decisions of the Hon'ble Supreme Court in ***Suresh Pathrella v. Oriental Bank of Commerce***¹³ and ***Samar Bahadur Singh v. State of Uttar Pradesh***¹⁴.
30. Mr. Anturkar further submits, relying upon ***Ram Preeti Yadav v. U.P. Board***

11 2008 (12) SCC 353

12 2009 (13) SCC 600

13 (2006) 10 SCC 572

14 (2011) 9 SCC 94

*of High School and Intermediate Education*¹⁵, that where a person is the direct and sole beneficiary of a fraudulent act, his knowledge and participation may legitimately be inferred from the surrounding circumstances. In the present case, according to him, the three Petitioners were the sole beneficiaries of the higher marks reflected in the disputed grade cards and of the consequent admissions secured on that basis. The circumstances, therefore, cannot be considered in isolation or divorced from the benefit obtained by the Petitioners.

31. Mr. Anturkar then submits that the consequences of the Petitioners' conduct cannot be overlooked. He submits that the Petitioners could not have secured admission to the MMS Course on the basis of their actual CGPA/CPI and that the admissions consequently deprived three genuinely eligible candidates of an opportunity of admission. According to him, the Petitioners cannot be permitted to retain the benefit of admissions which, on the Institute's case, were secured by fraud. He relies upon the well-settled principle that fraud vitiates every solemn act and that no advantage can be derived from an act founded upon fraud. In support, he relies upon the decisions of the Hon'ble Supreme Court in *Ram Preeti Yadav (supra)* and *District Primary School Council, West Bengal v. Mrintunjoy Das & Others*¹⁶.
32. Mr. Anturkar strongly opposes the submission that the Petitioners ought to be permitted to retain their admissions merely because they have reached the fag end of the course. He submits that passage of time cannot legitimise an admission which was allegedly obtained by fraudulent means. According to him, a student who secures admission by submitting forged documents cannot claim equity or sympathy merely because the fraud is detected after the student has substantially completed the course. He submits that permitting

¹⁵ (2003) 8 SCC 311

¹⁶ 2011 (15) SCC 11

such a student to retain the benefit of the admission on the ground that he has reached the final semester would, in effect, reward the very conduct which resulted in the admission being secured in the first place. In support, he relies upon the decision of the Hon'ble Supreme Court in **Gurdeep Singh v. State of J&K**¹⁷ and the decision of the Karnataka High Court in **P.N. Bhadra v. Registrar, University of Agricultural Sciences, Bangalore**¹⁸.

33. According to Mr. Anturkar, where a student obtains an advantage over other candidates in the admission process by adopting illegal or fraudulent means, the Court ought not to interfere with the consequential action taken by the institution, since doing so would compromise the fairness and purity of the admission process. He submits that a student who commences his professional career by resorting to trickery and deceit cannot seek the Court's sympathy merely on account of the passage of time or the stage reached in the course.
34. Mr. Anturkar accordingly submits that the impugned communications do not warrant interference in the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. According to him, the Petitioners have failed to establish any violation of the principles of natural justice or any other ground warranting judicial interference with the decision of the Institute. He therefore submits that both Writ Petitions be dismissed with costs and that no indulgence or leniency be shown to the three Petitioners.
35. Lastly, Mr. Anturkar informs us that, irrespective of the outcome of the present proceedings, the Institute has already initiated a separate inquiry into the serious allegations contained in the anonymous complaint, as also into the concerns and recommendations recorded by both Committees regarding the manner in which admissions under the Supernumerary Quota were processed.

17 1995 Supp (1) SCC 188

18 1995 SCC OnLine Kar 461

He assures us that the said inquiry would be pursued independently and taken to its logical conclusion and that, upon its conclusion, appropriate action in accordance with law would be taken against all persons, whether officers, employees, intermediaries or any other persons, who may be found responsible for or complicit in any irregularity or misconduct in the admission process.

ANALYSIS, REASONS AND FINDINGS

36. We have heard Mr. Mihir Desai, learned senior advocate appearing on behalf of the Petitioner in Writ Petition (L) No. 11936 of 2026, Mr. Atal Bihari Dubey, learned Advocate appearing on behalf of the Petitioners in Writ Petition (L) No. 11933 of 2026 and Mr. Anil Anturkar, learned senior advocate appearing on behalf of Respondent No. 2 – Institute, at considerable length. We have also carefully considered the pleadings, the documents placed on record, the reports of the First and Second Committees, the affidavits filed by the parties and the material produced before us in the course of the hearing.
37. At the outset, we note that certain facts are not in dispute. All three Petitioners were admitted to the Two Year Full Time MMS Course under the Supernumerary Quota in the CIWGC category, on the basis of their respective positions in the Final Merit List published on 28th August 2024. Their names appeared at Serial Nos. 10, 6 and 8 respectively, with percentages of 81.80%, 84.00% and 82.40%. It is also not disputed that, if their actual academic records, as subsequently verified from the concerned Universities, were taken into consideration, their respective academic credentials would have been materially lower and their corresponding merit positions would have been substantially different.

38. During the course of oral arguments, Mr. Desai fairly conceded that if the actual CGPA of 7.59 obtained by Mr. Yash Gaikwad were taken into consideration, he would not have secured his position in the Final Merit List and consequently would not have obtained admission under the CIWGC category. Mr. Dubey has made a similar concession in respect of Mr. Vishad Gupta and Mr. Gautam Satheesh Nair, whose actual CPI/CGPA were 5.81 and 5.99 respectively.
39. Thus, the controversy before us is not whether the disputed academic credentials had a material bearing upon the Petitioners' merit and admission because they plainly did. Instead, the controversy is principally as to the fairness of the decision-making process, the sufficiency of the material to attribute knowledge and participation in the alleged fraud to each Petitioner, the effect of the Institute's own failure in verification, the allegation of institutional bias and, finally, the proportionality of cancelling admissions at the fag-end of the course.
40. The controversy, though arising from cancellation of admission to an educational course, is consequently not a mere academic dispute. The impugned communications terminated the Petitioners' admission when they were in Semester IV. Since then, the Petitioners have appeared for their final examinations pursuant to the ad-interim orders of this Court. The consequences are undoubtedly grave, affecting their academic qualifications, placements, professional careers and reputation. At the same time, the allegations against them are equally serious. The Institute's case is that the very foundation of their admission consisted of academic records which did not represent their true academic performance and which materially inflated their marks. We are therefore faced with the challenging task of balancing two competing considerations: the necessity of protecting the fairness and integrity

of the admission process, and the equally important requirement that a student should not be branded as having committed fraud without a fair process and sufficient material.

41. We first consider the challenge founded upon the principles of natural justice. There is no dispute that the First Committee, constituted on 7th March 2026, was a fact-finding body and proceeded without issuing notice to the Petitioners or affording them an opportunity of hearing. The First Committee submitted its report on 12th March 2026 and recommended, inter alia, cancellation of the Petitioners' admissions and initiation of criminal proceedings. The absence of a hearing before the First Committee, however, cannot be considered in isolation. The Institute thereafter constituted the Second Committee specifically for the purpose of considering the allegations after affording the Petitioners an opportunity of being heard. It is not disputed that since then, on 12th March 2026, the Petitioners were informed of the anonymous complaint, the allegations concerning falsification of their academic records and the constitution of the Second Committee. They appeared before that Committee, made oral submissions and tendered written responses. The Second Committee thereafter submitted its report dated 17th March 2026.
42. The Petitioners nevertheless contend that the hearing before the Second Committee was illusory because they were given barely eighteen hours and were not furnished with the complete material upon which the allegations were founded, including the documents alleged to have been forged. Reliance has been placed by the Petitioners upon the decision in **Shiva Dhawan** (supra) to contend that that a hearing in form is not necessarily a hearing in law, particularly where the consequence is cancellation of an admission after almost two years of study. We have no difficulty in accepting the proposition,

as a matter of principle, that natural justice does not mean merely calling a person before a committee and where an adverse decision is proposed to be founded upon documentary material, the person concerned must ordinarily be informed of the substance of the case and afforded a reasonable opportunity of explaining or controverting the material relied upon. It is well settled that the more serious the civil, academic or reputational consequences, the greater is the requirement that the opportunity of hearing should be real and meaningful.

- 43.** We are, however, unable to accept the Petitioners' submission that the proceedings before the Second Committee were reduced to an empty formality merely because the First Committee had earlier recorded adverse findings. The First Committee was expressly constituted as a fact-finding body. The subsequent Second Committee was separately constituted to hear the Petitioners. They were informed of the allegations, appeared before the Committee and made both oral and written submissions. The Second Committee recorded findings after considering their responses. More importantly, the central factual allegations were not matters wholly outside the Petitioners' knowledge. The allegations were that the academic credentials submitted by them reflected marks materially higher than those actually obtained. The Petitioners knew their own academic records and were in a position to explain the discrepancies. In the case of Mr. Yash Gaikwad, the Application Form bearing the incorrect figure of 81.80% was admittedly filled in his own handwriting and signed by him. In the case of Mr. Vishad Gupta and Mr. Gautam Satheesh Nair, the Institute has similarly placed reliance upon their respective Application Forms, which, according to the Institute, were filled in and signed by them and contained the disputed percentages. This position is now also admitted by both of them.
- 44.** The Petitioners' grievance concerning non-supply of every document cannot

therefore be treated as if the entire case against them was based upon some undisclosed third-party evidence. Nevertheless, we do not accept the broader submission of the Institute that the allegation of fraud itself dispenses with natural justice. An allegation of fraud ordinarily makes the need for a fair opportunity more, and not less, important. The principle must be applied having regard to the nature of the material, what facts are admitted or undisputed, and whether the person concerned had a genuine opportunity to explain the circumstances relied upon. The decisions relied upon by the Institute, including ***Ganpatbhai Mahijbhai Solanki*** (supra) and ***Dhirjo Kumar Sengar*** (supra), cannot be understood as laying down an absolute rule that whenever an institution alleges fraud, the ordinary requirements of fair procedure disappear. At the same time, natural justice is not an inflexible ritual. Where the material facts are substantially undisputed and the person concerned has had an opportunity to explain the circumstances, the Court will not invalidate an administrative decision merely because every procedural step that might have been adopted was not followed.

45. We have also considered the submission that the First Committee had already recommended cancellation and criminal proceedings before the Petitioners were heard, and that the Second Committee was consequently predisposed towards the conclusion already reached. The fact that a preliminary fact-finding exercise preceded the hearing does not, by itself, establish that the subsequent Committee abdicated its function. What is material is whether the Second Committee independently considered the Petitioners' explanations. On the record before us, we have no hesitation in finding that it did so. We therefore do not find sufficient basis to hold that the impugned communications are liable to be quashed solely on the ground of violation of natural justice. This conclusion, however, should not be understood as holding that disclosure of relevant material is unnecessary in an institutional enquiry.

Our conclusion rests upon the particular facts before us, including the nature of the allegations, the Petitioners' knowledge of their own academic records, the Application Forms relied upon by the Institute, the opportunity actually afforded before the Second Committee and the responses made by the Petitioners.

46. Mr. Desai has next contended that the Institute has not disclosed the statutory provision, University Ordinance, Regulation, Rule or Executive Resolution under which the First and Second Committees were constituted. It is submitted that their source of jurisdiction to record findings of fraud, recommend cancellation of admission or recommend criminal proceedings has not been demonstrated. It is further submitted that the anonymous complaint itself raised the possibility of involvement of persons within the Institute and that, notwithstanding this, the Director remained involved in initiating the enquiry, constituting the Committees and acting upon their reports. This, according to the Petitioners, gives rise to a reasonable apprehension of institutional bias. The submission raises an important issue. The reports themselves contain observations concerning possible negligence, dereliction of duty, deliberate overlooking of discrepancies, collusion with external agents or unofficial intermediaries, irregular approval of admissions and possible involvement of institutional personnel. It would therefore be inappropriate for us to brush aside the allegation of institutional lapses merely because the present proceedings concern the Petitioners.
47. At the same time, the allegation of bias must be founded upon a reasonable apprehension of prejudice and cannot be established merely because the enquiry was initiated by the administrative head of the Institute or because the Committees were constituted at the instance of the Director. The Second Committee comprised three professors of the Institute and was constituted

after the First Committee had completed its fact-finding exercise. There is no material before us demonstrating that any member of the Second Committee had a personal interest in the outcome, had participated in the alleged preparation or verification of the disputed documents, or had any personal stake in finding the Petitioners guilty. We are therefore not persuaded to invalidate the impugned communications on the ground of *nemo judex in causa sua*. We also take note of the submission of Mr. Anturkar that the allegation of institutional bias was neither raised before the Second Committee nor specifically pleaded in the above Writ Petitions and was advanced in its present form only during oral arguments. The decision in ***Mohammed Abdul Walid*** (supra), relied upon by the Institute, has also been cited in this context. We do not consider it necessary, however, to rest our conclusion solely upon the ground of waiver or late pleading. Even examining the contention on its merits, the material presently before us does not establish a disqualifying personal or institutional bias on the part of the Second Committee.

48. We now turn to the principal submission advanced by the Petitioners. Mr. Desai submits that the Institute has conflated three distinct questions: *first*, whether the disputed documents are false or fabricated; *second*, whether they were submitted by the Petitioners; and *third*, whether the Petitioners knowingly participated in or relied upon those documents for securing admission. According to him, the fact that a document is forged does not establish who forged it. He submits that there is no forensic evidence, handwriting evidence, metadata, portal-upload log, digital audit trail, evidence concerning provenance or chain of custody, or testimony of the officials who allegedly received the documents connecting the Petitioners with their fabrication.

49. The submission correctly identifies the analytical distinction which must be maintained. The mere discovery of a false document in an institutional file cannot automatically establish that the student concerned forged it or knowingly submitted it. A finding of responsibility cannot rest merely upon the proposition that the student was the beneficiary of the document. At the same time, the Institute was not required, in an institutional enquiry, to establish the allegations by the same method or to the same degree of certainty as would be necessary in a criminal prosecution. The proceedings before the Second Committee were not a criminal trial. Instead, the relevant question was whether, on the material available, the allegation was established on a preponderance of probabilities. We have therefore no hesitation in rejecting Mr. Desai's submission that absence of forensic examination, metadata, portal logs or direct evidence as to the physical alteration of each document necessarily renders the finding unsustainable. Direct evidence is not the only means by which knowledge or participation can be established. In an appropriate case, such knowledge may be inferred from surrounding circumstances which, considered cumulatively, make the alternative explanation improbable.
50. That said, the distinction between proof of falsity and proof of attribution remains fundamental. Fraud cannot be established by mere suspicion. The decision in *M/s. Chaturbhai M. Patel* (supra) relied upon by the Petitioners, underscores the seriousness with which allegations of fraud must be approached. The fact that the standard of proof in the present institutional proceedings is preponderance of probabilities does not reduce the exercise to one of conjecture. On the other hand, the Institute has relied upon *Suresh Pathrella* (supra), *Samar Bahadur Singh* (supra) and *Ram Preeti Yadav* (supra) to submit that knowledge and participation may be inferred from surrounding circumstances, particularly where the person concerned is the

direct beneficiary of the fraudulent act. We accept that proposition in principle, subject to the important qualification that the inference must arise from circumstances which, taken cumulatively, provide a rational basis for the conclusion.

51. We shall therefore examine separately the material concerning each Petitioner rather than assume that the existence of a common allegation permits an identical finding against all three of them:

Mr. Yash Gaikwad

52. In the case of Mr. Yash Gaikwad, the Institute has placed before us his genuine academic record issued by VNIT, Nagpur, reflecting a CGPA of 7.59, and the academic documents relied upon for admission which reflected a substantially higher academic performance. The First Committee noticed that the disputed grade card showed systematic alteration of marks across semesters, with the integer component being increased while the decimal component remained unchanged. The Second Committee also found that the inflated academic credentials directly affected his merit ranking. Standing alone, comparison of the two grade cards establishes that one of them does not correspond with the genuine University record. It does not, by itself, establish that Mr. Gaikwad forged that document. We therefore do not base our conclusion merely upon the discrepancy between the two records.
53. There is, however, another document which assumes considerable significance. The Application Form submitted on 29th August 2024 bears Mr. Gaikwad's handwriting and signature. Mr. Desai fairly admits this. The Form records 81.80% as the percentage obtained by Mr. Gaikwad in his B.Tech. degree. It is now also admitted that 81.80% was not his actual academic percentage. Mr. Desai's explanation is that Mr. Gaikwad entered 81.80%

because that figure had appeared in the Final Merit List and because, according to the Petitioner, clerical staff at the Institute's admission desk instructed him to mention that figure in the Application Form. We are prepared, for the purposes of the present analysis, to consider that explanation at its highest. Even so, the explanation does not account for the entire evidentiary picture. The incorrect figure in the Application Form does not stand alone. The supporting academic documents relied upon for admission also reflected materially inflated marks. The disputed documents, therefore, substantially corroborated the very academic position which Mr. Gaikwad admittedly recorded in his own Application Form.

54. It is one thing for an applicant to reproduce an incorrect percentage appearing in an institutional merit list. It is quite another for the supporting academic records to independently reflect a corresponding inflated academic performance. The latter circumstance calls for an explanation. No satisfactory explanation has been placed before us as to how the supporting academic documents came to contain the identical inflated marks. The submission that clerical staff instructed the Petitioner to write 81.80% in the Application Form does not explain the systematic alterations apparent from the comparison between the disputed and genuine academic records. We are conscious of the submission that the Petitioner has suggested, during oral arguments, that the documents could have been fabricated by persons within the Institute with a view to implicating him. We do not accept that hypothesis. Apart from the fact that this allegation was not advanced before the Second Committee in the form now urged, nor pleaded in the Writ Petition in the manner now suggested, there is no material before us supporting such an allegation. More importantly, the hypothesis does not explain why the Petitioner himself wrote and signed an Application Form containing the same inflated academic position.

55. We are also unable to accept that the Petitioner can successfully rely upon the absence of forensic or digital evidence when the Institute's case is based upon a cumulative chain of circumstances. The Petitioner admittedly wrote and signed the Application Form, admittedly entered the incorrect percentage of 81.80%, the supporting documents reflected corresponding inflated academic credentials, those credentials materially improved his merit position, and he obtained an admission which, on the admitted position, he would not have obtained on the basis of his actual CGPA of 7.59.
56. Additionally, the fact that the Petitioner did not object when the Final Merit List published on 28th August 2024 reflected 81.80% against his name is not, by itself, proof of fraud. However, viewed cumulatively with the other circumstances, it assumes significance. If, as now contended, 81.80% was plainly known to him to be incorrect, the absence of any contemporaneous objection is a circumstance which the Institute was entitled to take into consideration. We therefore find that the Second Committee did not proceed merely on the basis that Mr. Yash Gaikwad was the beneficiary of a false document. It considered the disputed academic records, his genuine University records, the Application Form admittedly written and signed by him, the incorrect percentage recorded therein, the pattern of alterations in the supporting academic documents, the resulting merit advantage and the absence of any contemporaneous objection. Taken cumulatively, these circumstances provide a sufficient basis, on a preponderance of probabilities, for the inference drawn by the Second Committee. We, consequently, reject the submission that the finding against Mr. Yash Gaikwad is founded only upon conjecture or upon an impermissible presumption that the beneficiary of a fraud must necessarily be its author. We find that the inference is founded upon the totality of the circumstances proved before the Committee.

Mr. Vishad Gupta

57. The position of Mr. Vishad Gupta requires separate consideration. According to the First Committee, the genuine records issued by VJTI, including the Semester VIII grade report, Transfer Certificate, provisional passing certificate and Degree Certificate, reflected a CPI of 5.81 and not 8.90. The documents submitted for admission, however, reflected a CPI of 8.90. The Institute has also relied upon a document on VJTI letterhead dated 21st August 2024 purporting to explain conversion of CPI into percentage.
58. The material therefore establishes a substantial discrepancy between the academic record verified from VJTI and the record relied upon for admission. The discrepancy is not one of a marginal computational error. It materially affected the Petitioner's merit position, from Serial No. 6 to Serial No. 58 according to the First Committee. Mr. Anturkar further relies upon the Application Form which, according to the Institute, was filled in by Mr. Vishad Gupta in his own handwriting and contained the representation that he had secured 84.00% in his B.Tech. degree. The Petitioners have not placed before us a satisfactory explanation as to how that representation, which corresponded with the inflated academic credentials used for admission, came to be made.
59. There is an additional issue concerning the certificate issued by the Indian Embassy and relied upon by Mr. Vishad Gupta for admission under the CIWGC category. The Second Committee concluded that the certificate indicated that Mr. Vishad Gupta fell within the NRI category and was therefore not a valid certificate for admission under the CIWGC category. We note that this aspect is distinct from the allegation concerning academic documents. It is unnecessary for us, for the purpose of deciding the present Petitions, to render a definitive finding on the precise categorisation of the

certificate, particularly when the cancellation of admission is independently supported by the material concerning the academic credentials.

60. As in the case of Mr. Yash Gaikwad, the absence of direct forensic evidence identifying the person who physically altered the VJTI records does not, by itself, defeat the Institute's case. The relevant question is whether the circumstances establish that Mr. Vishad Gupta knowingly relied upon the disputed academic credentials. On the material before us, the inflated CPI directly determined his merit position and consequent admission. His Application Form, according to the Institute, records the corresponding inflated percentage in his own handwriting. The supporting academic documents reflected the same materially enhanced academic position, whereas the University's original records reflected a CPI of 5.81. The resulting benefit was direct and substantial. We are therefore satisfied that the Second Committee was entitled, on the material before it, to draw the inference that Mr. Vishad Gupta knowingly relied upon the incorrect academic credentials for securing admission. We emphasise that our conclusion does not rest upon the proposition that a beneficiary is necessarily the author of a fraudulent document. It rests upon the cumulative circumstances connecting the Petitioner's own representation, the supporting documents and the direct academic advantage obtained.

Mr. Gautam Satheesh Nair

61. The case of Mr. Gautam Satheesh Nair presents an even more distinctive factual circumstance. The disputed grade card submitted for admission was issued in the name of Mr. Gautam Satheesh Nair on its first page and reflected an overall CGPA of 8.24, but its second page bore the name and academic credentials of Mr. Yash Gaikwad. Mr. Nair, however, had not studied at VNIT, Nagpur. His degree was from Delhi Technological University in

Electronics and Communication Engineering, with an actual CGPA of 5.99. The document relied upon for admission was therefore not merely a record containing a disputed numerical figure. It was a document whose pages related to two different individuals and two different academic credentials. The Second Committee found that the document was used to secure admission on the strength of the higher CGPA reflected therein.

- 62.** Mr. Anturkar has also relied upon Mr. Nair's Application Form, which, according to the Institute, was filled in and signed by him and contained an inflated percentage of 82.40%. The Institute's case is therefore that the disputed grade card was not an isolated document found in its records but formed part of an application in which the Petitioner himself represented an academic performance materially higher than his actual CGPA of 5.99. We recognise that the existence of a document bearing the name of the Petitioner, particularly a document which contains an obvious mismatch between its pages, does not automatically establish that the Petitioner fabricated it. Nevertheless, the relevant circumstances here are substantial: the Petitioner did not study at VNIT, the disputed document contained academic particulars of another Petitioner, it nevertheless reflected an enhanced CGPA, the Application Form attributed a corresponding inflated percentage to Mr. Nair, and the document materially improved his merit position and resulted in admission.
- 63.** In these circumstances, and in the absence of a satisfactory explanation as to how a grade card belonging in part to another candidate came to be submitted in support of Mr. Nair's application, the Second Committee was entitled to draw the inference which it did. We are therefore unable to hold that its conclusion against Mr. Nair is based merely upon suspicion.

64. We shall now address the submission concerning the standard of proof. Mr. Desai has relied upon *M/s. Chaturbhai M. Patel* (supra) to contend that fraud cannot be presumed and must be established by cogent and reliable evidence. Mr. Anturkar, on the other hand, submits that the Petitioners incorrectly seek to import the criminal standard of proof into an institutional enquiry. There is substance in the Institute's submission to that extent. The present proceedings before the Institute were not criminal prosecutions. The Second Committee was required to determine whether the allegations stood established on a preponderance of probabilities. The absence of proof beyond reasonable doubt does not, however, mean that suspicion can substitute for proof. The proper approach is therefore to ask whether the material relied upon by the Second Committee establishes a sufficiently cogent chain of circumstances from which the knowledge and participation of the Petitioners may reasonably be inferred. In our view, in the cases of all three Petitioners, the answer is undoubtedly, in the affirmative.
65. The principle in *Ram Preeti Yadav* (supra) is relevant in this context, though it cannot be applied mechanically. Direct and exclusive benefit is not, standing alone, conclusive proof of fraud. But where the benefit is accompanied by the applicant's own representations, supporting documents reflecting the same false academic position, substantial discrepancies with the genuine University records and circumstances which make innocent explanation improbable, the benefit becomes a relevant corroborative circumstance. We accordingly reject the submission that the Institute was legally bound to establish who physically created or altered every disputed document before it could cancel an admission. We equally reject the Institute's broader submission that the beneficiary of a fraudulent document must invariably be treated as its author. The correct test lies between these two extremes and is satisfied in the present cases by the cumulative material.

66. We next consider the submission that the Institute itself failed in its duty to scrutinise and verify the documents at the time of admission. Mr. Desai submits that the Petitioners followed the prescribed procedure, submitted their documents to the Institute, underwent scrutiny and verification, were placed in the Final Merit List, were admitted and were thereafter permitted to study for nearly two years. He submits that the Institute cannot convert its own administrative negligence into evidence of student misconduct.
67. We accept that an educational institution entrusted with an admission process bears an institutional responsibility to examine and verify the credentials placed before it. The fact that the discrepancies in the present case remained undetected until March 2026, when the Petitioners were already in their final semester, raises legitimate questions concerning the efficacy of the Institute's verification mechanism. But institutional failure and individual responsibility are not mutually exclusive propositions. If a student knowingly secures an admission by relying upon false academic credentials, the fact that the institution failed to detect the falsity at the first instance cannot and does not validate the admission or confer upon the student a right to retain an advantage which he was not otherwise entitled to receive. The decisions relied upon by Mr. Desai, including **Rajendra Prasad Mathur** (supra) and **Shri Krishnan** (supra) must be understood in their factual context. They cannot be read as laying down a proposition that an admission procured by a student's own knowing misrepresentation becomes irrevocable merely because the institution subsequently discovers its own failure of verification.
68. At the same time, the Institute's failure cannot be ignored. The First Committee itself observed that the prescribed procedures may not have been followed by Institute staff and recommended investigation into the possible involvement of internal or external persons. The Second Committee similarly

referred to negligence, dereliction of duty, possible collusion, irregular approvals, failure to act and misuse of official position. These observations are important for another reason. They make it necessary to resist any attempt to treat the Petitioners as the only persons whose conduct requires scrutiny. If materially false documents were able to pass through an institutional admission process and remain undetected for nearly two academic years, the role of the persons who received, processed, scrutinised and verified those documents requires equally serious examination. Therefore, there appears to be some merit in the Petitioners' institutional-negligence argument that the Institute's own lapses require investigation. However, in our view, it does not exonerate the Petitioners on the material presently available.

69. We next consider the circumstance which undoubtedly weighs heavily in favour of the Petitioners: the stage at which the impugned action was taken. The Petitioners had been admitted in 2024, had completed almost the entire MMS Course, had reached Semester IV and had appeared for the final semester examinations pursuant to the ad-interim order passed by this Court on 6th April 2026. Their results are presently in a sealed cover. We have not overlooked the submission that the Petitioners had pursued the course successfully, built academic records during the MMS Course and, in the case of Mr. Gaikwad, secured placement with Boston Consulting Group. We appreciate that cancellation at this stage has consequences which would have been materially less severe had the alleged irregularity been detected immediately after admission.
70. But the Court cannot permit passage of time, by itself, to cure an illegality which goes to the very foundation of the admission. As observed in **Gurdeep Singh** (supra) and in **P.N. Bhadra** (supra), relied upon by the Institute, the mere fact that a student has progressed substantially through an academic

programme does not necessarily entitle the student to retain an advantage obtained by fraudulent means. We do not, however, understand the law to mean that passage of time is always irrelevant. It is a circumstance which the Court may take into account in an appropriate case, particularly while examining relief and proportionality. The question is whether, in the particular facts, the equities generated by the passage of time are sufficient to outweigh the public interest in maintaining the integrity of the admission process.

71. In the present case, they are not. The alleged misconduct is not subsequent misconduct during the course. It concerns the very basis upon which the Petitioners entered the course. The enhanced academic credentials directly determined their merit positions and enabled them to obtain admissions which, on their actual academic records, they would not have secured. To permit retention of such admissions solely because the Institute discovered the alleged fraud after almost two years would create a perverse incentive. It would mean that the longer an irregular admission remained undetected, the stronger would become the student's claim to retain it. Our conscience does not permit us to accept such a principle.
72. Mr. Desai nevertheless submits that the impugned action is arbitrary and disproportionate and violates Articles 14 and 21 of the Constitution. He submits that cancellation of admission at the fag-end of a postgraduate professional course, coupled with the consequent academic, professional and reputational consequences, is excessive and that the Court ought to consider the Petitioners' subsequent academic performance, placement and the fact that they were otherwise meritorious students. Whilst we accept that Article 226 jurisdiction permits the Court, in an appropriate case, to examine whether a consequence imposed by an educational institution is disproportionate, the existence of a valid ground for disciplinary or administrative action does not

render every conceivable consequence immune from judicial scrutiny.

73. The difficulty for the Petitioners, however, is that the consequence imposed here is directly connected with the misconduct found. The alleged fraud is not collateral to the admission. The inflated marks were central to the Petitioners' merit positions and were material to their eligibility for admission under the relevant quota. There is a fundamental distinction between an innocent candidate who receives an admission because the institution itself erroneously determines his eligibility and a candidate who secures admission by knowingly relying upon materially false academic credentials. In the former case, considerations of equity may carry substantial weight. In the latter, subsequent academic performance cannot retrospectively validate the original admission. Nor can the Court overlook the position of candidates who were genuinely eligible at the relevant time. According to the Institute, none of the three Petitioners would have secured admissions on the basis of their actual academic credentials. Retaining those admissions would therefore affect not merely the Petitioners but the fairness of the selection process itself.
74. We have also considered the decisions relied upon by Mr. Desai in ***Simran Inderjeet Singh Kaur*** (supra), ***Rohan Ravindra Thatte*** (supra), ***Sai Sessa Abhinay Kallepalli*** (supra) and ***Akash Bhawra*** (supra). In our view, none of the aforesaid decisions advances the case of the Petitioners. The said decisions must necessarily be understood in the factual and legal context in which they were rendered. In those cases, the Courts were concerned with circumstances where the student's position was materially distinguishable from the present case, particularly in relation to the nature of the discrepancy, the circumstances in which the admission had been granted, the degree of culpability attributable to the student, and/or the manner in which the institutional authorities had proceeded against the student. Those decisions do

not lay down an inflexible proposition that, irrespective of the nature of the misconduct established or the stage at which the fraud is detected, a student who has substantially completed a course must necessarily be permitted to retain an admission which was secured on the basis of false or fabricated academic credentials.

75. We accordingly do not find that cancellation of the Petitioners' admissions is so disproportionate to the misconduct established as to warrant interference under Article 226. The fact that the Petitioners have reached the final semester, appeared for examinations or secured placements cannot convert an admission which was obtained on materially false academic credentials into a lawful admission.
76. We are also conscious that, in matters concerning students and their academic careers, Courts are naturally inclined to take a humane and sympathetic view, particularly where the impugned action is visited upon a student at an advanced stage of the course. Such considerations are undoubtedly relevant to the exercise of equitable and discretionary jurisdiction. At the same time, judicial discretion cannot be exercised in a manner which has the effect of permitting a person to retain an advantage obtained by dishonest or deceitful means. An unduly lenient approach in such matters is liable not only to undermine the purity and fairness of the admission process, but also to cause serious prejudice to candidates who were genuinely eligible and competed for the limited seats available. It may, moreover, create an impression that an advantage secured by wrongful means can ultimately be preserved by invoking the sympathy of the Court after sufficient time has elapsed. The exercise of jurisdiction under Article 226 cannot be permitted to become a source of such unintended advantage. As emphasized by the Hon'ble Supreme Court in **Gurdeep Singh** (supra), considerations of judicial policy require that

such a tendency be firmly discouraged. In the present case, having regard to the material discussed hereinabove, we are satisfied that the admissions of all three Petitioners could not have been granted on the basis of their genuine academic credentials. They would not have secured admission to the MMS Course on the basis of their actual marks. The fact that they, thereafter, pursued the course for a substantial period cannot, therefore, furnish a basis for permitting them to retain an admission which was secured on a materially false academic foundation. In order to uphold the integrity and fairness of the academic admission process, we, accordingly, decline to interfere with the impugned communications.

77. The aforesaid principle was subsequently noticed and applied by the Karnataka High Court in **P.N. Bharda** (supra) wherein M. L. Pendse, C.J. (as he then was), underscored that students cannot claim the protection of equitable considerations merely because they have continued in a course for some period after securing admission by wrongful means. The observations made therein, which have been extracted hereinbelow, underline the larger institutional concern that permitting an ineligible candidate to retain an admission obtained by deceit would operate to the prejudice of those candidates who were genuinely eligible and had competed for admission on the basis of their actual academic merit. The principle is particularly apposite where the wrongful conduct has a direct nexus with the candidate's merit position and eligibility for admission.

"10. ... A time has come to make it clear to the students community that, it is not permissible to secure admission by hook or crook. The students must realise that employment of wrongful means to secure admission is not tolerated by Courts. The impression is gaining ground that whatever may be the means employed by the students, still an appeal can be made, to the conscience of the Court by claiming that to protect the interest of the students, their wrongs should be overlooked. Acceding to such submission sends a wrong signal to the students community in particular and to the society in general that the Courts will tolerate any mischief which is done to secure admissions. The admissions to the Courses have become very difficult and if the students, who are not

eligible, secure admissions by deceitful means, that causes serious prejudice to the genuine students who burn mid-night oil to gain marks at the examination. A feeling of depression comes to the genuine students when it is noticed that ineligible students or the students who have secured admission by deceitful means, continue to undertake their course by appealing to the Court that whatever may be the wrongs done, their career should not be affected because they have undertaken the course for some period. To allow such considerations to weigh with the Court would amount to giving a charter to the students to indulge in such activities. In our judgment, it is high time that everyone concerned with the education must realise that false claim based on false documents will not entitle to claim any benefit merely because the litigation remains pending in the Court for some time. ..."

78. We have no hesitation in holding that the aforesaid principle applies with full force to the facts of the present case. This is not a case where the Petitioners were otherwise eligible and their admissions were subsequently rendered vulnerable by an error attributable exclusively to the Institute. The material before us establishes that the academic credentials relied upon for determining their merit were materially higher than their genuine academic records and that, on the basis of their actual marks, they would not have secured admission. The consideration that the Petitioners have since completed substantially the entire course, appeared for the final examinations and, in at least one case, secured placement, cannot therefore outweigh the overriding requirement that the admission process must remain fair and that an advantage obtained on the basis of materially false academic credentials cannot be permitted to crystallize into an enforceable equitable right merely by the passage of time.
79. Before parting with the matter, we consider it necessary to reiterate that the findings recorded in these proceedings are confined to the question whether the Institute was justified in cancelling the Petitioners' admissions. This Court has expressed no final opinion regarding the commission of any criminal offence, the identity of the person or persons who may have physically fabricated or altered any document, or the culpability of any officer,

employee, intermediary or other person associated with the admission process. Those matters must be dealt with independently and in accordance with law.

- 80.** There is, however, one last aspect which we consider necessary to emphasise. Both Committee Reports raise concerns extending well beyond the conduct of the three Petitioners. The First Committee referred to the possibility that outside elements may have facilitated admission of ineligible candidates and recommended investigation into the role of external or internal officers or staff and the possibility of criminal conspiracy. The Second Committee similarly referred to possible negligence and dereliction of duty by admission officials, deliberate overlooking of discrepancies, possible collusion with external agents or unofficial intermediaries, irregular approvals, failure to initiate corrective action and misuse of official position. It recommended investigation into admissions made under the Supernumerary Quota and appropriate action against persons found responsible.
- 81.** We make it clear that we are not recording any final finding of culpability against any officer, employee, intermediary or other person. Those questions are not before us for final adjudication and must be determined in an appropriate enquiry and in accordance with law. Nevertheless, the Institute cannot, consistently with the concerns recorded in its own Committee Reports, limit its response to cancellation of the Petitioners' admissions. If there were deficiencies in the admission process, if documents were deliberately overlooked, if unauthorised persons or intermediaries facilitated admissions, or if any officer or employee participated in or enabled irregularities, those matters require a fair, independent and meaningful investigation. We are of the view that the purity of an admission process is not protected merely by acting against the person who is alleged to have benefited from an irregularity. The institutional mechanism through which the

irregularity occurred must also be examined and if responsibility is ultimately established against any person connected with the admission process, appropriate action must follow in accordance with law.

- 82.** Considering the statement made by Mr. Anturkar which is recorded in paragraph 35 above, we expect the Institute, in view of the serious observations contained in the reports of both Committees, to ensure that the manner in which admissions under the Supernumerary Quota were processed during the relevant period is independently examined fairly, impartially and with due expedition and if such examination discloses the involvement, negligence, collusion, dereliction of duty or other misconduct of any officer, employee, intermediary or third party, appropriate action must follow in accordance with law. It can hardly be emphasized that the integrity of the admission process requires accountability, not merely of the alleged beneficiary of an irregular admission but of every person whose conduct may have facilitated or enabled it.
- 83.** For all the aforesaid reasons, we find no ground to interfere with the impugned communications dated 27th March 2026 in exercise of our extra-ordinary jurisdiction under Article 226 of the Constitution of India. Both the above Writ Petitions are accordingly dismissed with no order as to costs.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA, J.)

Jyoti Pawar

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