

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION (ST) NO. 13566 OF 2026**

Rushikesh Laxman Shinde & Anr. ...Petitioners  
**Vs.**  
The State of Maharashtra & Ors. ...Respondents

**WITH  
WRIT PETITION (ST) NO. 13675 OF 2026**

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Dr. Uday P. Warunjikar a/w Aishwarya R. Tuwar and Isha Hajare for the  
Petitioners.  
Mr. N. C. Walimbe, Addl.GP a/w Deshmukh, AGP for Respondent No.1 in  
WP/13566/2026.  
Mr. N. C. Walimbe, Addl.GP a/w A. C. Bhadany, AGP for Respondent No.1  
in WP/13675/2026.  
Mr. Shailendra Kanitkar for Respondent No.4.  
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**CORAM : R. I. CHAGLA AND  
ADVAIT M. SETHNA, JJ.**

**DATED : 05TH MAY, 2026**

**P.C.:-**

1. The Petitioners in the above Writ Petitions are similarly placed as the  
Petitioner in Writ Petition Nos.6027 of 2026 and companion Writ Petitions  
which were the subject matter of order dated 4 May 2026. The Petitioners  
are having attendance between 50% to 54% and have sought further  
relaxation in view of their attendance in the Respondent No.4-College.
2. By the said order dated 4 May 2026, this Court had considered the  
issues which had arisen in those Petitions and which also arise in the above  
Writ Petitions. Having so considered, noting the decision having been

passed by the Delhi High Court in Sushant Rohilla (judgment dated 3 November 2025 in Writ Petition (CRL) No.793 of 2017) which has also been followed in *Aman Jaiswal S/o. Shyam Bihari Prasad Jaiswal Vs. Vice Chancellor, Maharashtra National Law University, Nagpur & Ors.*<sup>1</sup> as well as in *Vinayak Krishna Thorat Vs. University of Mumbai & Anr.*<sup>2</sup> passed by this Bench, a prima facie view was taken that the Petitioners should be allowed to take the semester end examinations and which shall be subject to outcome of the Petition.

3. Taking a similar prima facie view in these matters, an *ad interim* order is required to be also passed in the above Writ Petitions considering similar factual scenario as in the Petitions (supra). The Petitioners in the above Writ Petitions are also allowed to appear in the semester end examinations subject to the outcome of these Petitions. The Petitioners in the above Petitions shall not claim any equity by virtue of this order. All the rights and contentions of the parties are kept open. It is made clear that this order shall apply only to the Petitioners in the above Writ Petitions.

4. It is also noted that in one of the Writ Petitions being Writ Petition (L) No.13566 of 2026 a contention has been raised by Mr. Kanitkar, learned counsel for Respondent No.4-College that the attendance of Petitioner No.2 is less than 50% i.e. 49% in view of the Petitioner's not taking into account the fact that the term of Respondent No.4-College commenced from 11

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1 Writ Petition No.4727 of 2025 decided on 28 November 2025.

2 Writ Petition (L) No.5881 of 2026 dated 17 February 2026.

December 2025 and the Petitioner had only obtained her admission on 19 December 2025. The Petitioner had provisional admission and accordingly ought to have attended the lectures from 11 December 2025.

5. This is countered by Mr. Warunjikar, learned counsel for the Petitioners who has placed reliance upon paragraph 11 and 12 of the Petition. This issue shall be considered at the final hearing of the Petition.

6. The Respondents shall file their affidavits-in-reply to the above Writ Petitions on or before 9 June 2026. The Petitioners shall file affidavit in rejoinder on or before 16 June 2026.

7. Place these Writ Petitions along with Writ Petition No.6027 of 2026 and companion matters for further consideration on **22 June 2026**.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]