

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 15489 OF 2026**

Avishi Mahendra Tripathi

...Petitioner

Versus

Union of India Thru The Ministry
of Education And Social Welfare & Ors.

...Respondents

Mr. Ankit Lohia a/w Sanskruti Yagnik, Punit Damodar, Raveena Kinkhabwala and Vidyashree Perla i/by Kanga & Co. for the Petitioner.
Mr. Girish Godbole, Senior Advocate a/w Manorama Mohanty and Malika M. i/by S. K. Srivastav & Co. for Respondent Nos.2 & 3.
Mr. Prasad L. Gajbhiye for Respondent No.4.

**CORAM : R. I. CHAGLA AND
ADVAIT M. SETHNA, JJ.**

DATED : 30 APRIL, 2026

P.C.:-

1. By this Writ Petition, the Petitioner is seeking direction to the Respondents to allow the Petitioner to take the examination as per the schedule annexed at Exhibit-F to the Petitioner of the 6th Semester BA LLB (Hons) scheduled from 4th May 2026 onwards. This Petition has accordingly been moved on the ground of urgency particularly in view of the communication dated 27th April 2026 issued by Academic Coordinator of Respondent No.2-Kirti P. Mehta School of Law ("**School of Law**" for short). By the said impugned communication the decision has been taken by the Respondent No.2-School of Law to debar the Petitioner from appearing in the forthcoming end-term examinations in view of the attendance record which had been reviewed for the current semester January to April 2026

and upon such review the Petitioner has been found to be in substantial non-compliance with the prescribed attendance requirements as per the institutional policy.

2. We have heard the learned counsel for the parties at length as well as noted that the Petitioner had fallen below 70% attendance in some of the subjects and the reason provided in the Petition was that the Petitioner had been suffering from medical condition viz. depression and anxiety. The NMIMS (deemed to be University) to which the Respondent No.2-School of Law is affiliated provides for attendance requirements under Regulation 3.2.5. Under the said Regulation attendance of 80% and above is required for the student to be eligible to appear for Trimester/Semester End Examinations. Further, between 70% to 80% the Dean of the respective schools including Respondent No.2-School of Law may give an exception up to 10% on case to case basis by giving the student an individual hearing and such student will be eligible to appear for the regular term end examination, subject to the approval of exemption from attendance from the Dean/Director of the respective School/Campus. However, if attendance falls below 70%, the student will have to take re-admission in the same year of study in the subsequent academic year. There may be a further relaxation provided under Regulation 3.2.6 in a genuine and exceptional case and which provides that in such a case which needs special approval over and above the prescribed limits, (including Dean's approval power) such case

can be forwarded with the Dean's/Director's comments to a Committee constituted at the University level. The Committee will then make its recommendations to the Vice Chancellor whose decision will be final. The concerned student would be informed about the final decision of the University by the respective Dean/Director of the respective campus.

3. We are mindful of the fact that as per Rule 12 of the Bar Council Rules, there is a bar to a student of any degree program being allowed to take the end semester test in a subject if the student concerned has not attended minimum of 70% of the classes held in the subject concerned as also the moot court room exercises from tutorials and practical training conducted in the subject, all taken together. There is a proviso in Rule 12 that for exceptional reasons if a student fails to attend 70% of the classes in any subject, the Dean of the University or the Principal of the Centre of Legal Education, as the case may be, may allow the student to take the exam if the student concerned attended at least 65% of the classes held in the subject concerned and attended 70% of classes in all classes, taken together.

4. The said Rule 12 of the Bar Council of India Rules had fallen for consideration before the Delhi High Court in ***Re Suicide Committed by Sushant Rohilla, Law Student of I.P. University***¹. The said judgment passed by the Delhi High Court has also been followed by a decision of this Court

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(Nagpur Bench) dated 28 November 2025 in ***Aman Jaiswal S/o Sham Bihari Prasad Jaiswal Vs. Vice Chancellor Vice Chancellor, Maharashtra National Law University, Nagpur & Ors.*** (Writ Petition No.4727 of 2025). The Delhi High Court has issued directions under the operative part of its judgment in paragraph 249 (X). One of the directions being that no student enrolled in any recognized Law College, University or Institution in India shall be detained from taking examination or be prevented from further academic pursuits or career progression on the ground of lack of minimum attendance. This direction has also been followed by this Court in ***Aman Jaiswal*** (supra).

5. Further, in ***Vinayak Krishna Thorat Vs. University of Mumbai & Anr.*** (Writ Petition (L) No.5881 of 2026, order dated 17th February 2026) this Bench has also followed the aforementioned decisions and has also taken into consideration, the aforementioned directions.

6. We accordingly direct the Respondent No.3-University to forthwith constitute a Committee with the requisite approvals under Regulation 3.2.6 (supra). The Petitioner is permitted to make a representation before the Committee. The Committee, upon consideration of the case of the Petitioner forwarded with the Dean's comments will make its recommendation to the Vice Chancellor of the Respondent No.3-University on or before 6th May 2026. As provided in Regulation 3.2.6 (supra), the decision of the Vice Chancellor of the Respondent No.3-University in this regard will be final.

The Committee shall pay due regard to the orders of this Court (supra) as well as the order of the Delhi High Court (supra) where the said Rule 12 of the Bar Council of India Rules fell for consideration. The final decision shall be taken by the Vice Chancellor of the Respondent No.3-University on or before 7 May 2026 and communicated to the Petitioner. Until then the Petitioner will not be permitted to appear in the examinations and shall have to await the outcome of the final decision taken by the Vice Chancellor of Respondent No.3-University.

7. In the event the decision taken by the Vice Chancellor of Respondent No.3-University is adverse to the Petitioner, the Petitioner is at liberty to adopt appropriate proceedings in accordance with law.

8. In the event the decision taken by the Vice Chancellor of Respondent No.3-University is in favour of the Petitioner, the Respondent No.2-College is directed to allow the Petitioner to take a re-examination in the examination papers which the Petitioner has not appeared as a result of the impugned communication dated 27th April 2026.

9. We make it clear that the above observations are prima facie, considering the exigencies of the matter.

10. The impugned communication dated 27th April 2026 shall be kept in abeyance till the decision is taken by the Committee duly constituted as above.

11. Respondents are permitted to file their Affidavits-in-Reply to the

Petition which shall be filed on or before 9th June 2026.

12. The Petitioner is at liberty to file Affidavit in Rejoinder thereto on or before 16th June 2026.

13. Place the Writ Petition for further consideration on **17th June 2026**.

14. Liberty is granted to the Petitioner to apply on an earlier date once the decision is taken by the duly constituted Committee under Regulation 3.2.6 of the Respondent No.3-University.

15. The Respondent No.4-Bar Council of India is requested to take into consideration the directions of the Delhi High Court in *Re Suicide Committed by Sushant Rohilla, Law Student of I.P. University* (supra) regarding revisiting Rule 12 of the Bar Council of India Rules, expeditiously. This is in light of the clear directions of the Delhi High Court in *Re Suicide Committed by Sushant Rohilla, Law Student of I.P. University* (supra). Further, its decision may have a direct bearing on the fate of several such matters.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]