

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

WRIT PETITION (L) NO. 18476 OF 2026

[REDACTED]

... Petitioner

V/s.

University Grants Commission and Ors.

... Respondents

Mr. Abhishek Salian a/w. Mr. Mayuresh Ingale, Ms. Kinnari Raut and Ms. Ayesha Dhorajiwala i/b. Nyaaya Legal for the Petitioner

Mr. Rui Rodrigues for Respondent No.1

Mr. G.S. Godbole, Senior Advocate a/w. Ms. Manorama Mohanty and Ms. Malika Mondal i/b. S.K. Srivastav & Co. for Respondent Nos.2 to 4

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

**RESERVED ON : 11th JUNE 2026
PRONOUNCED ON : 16th JUNE 2026**

ORDER (Per Farhan P. Dubash, J) :

1. The present Writ Petition has been filed under Article 226 of the Constitution of India invoking the extraordinary writ jurisdiction of this Court. The Petitioner seeks the issuance of a writ of *certiorari* for quashing and setting aside the debarment letter dated 15th April 2026 and a writ of *mandamus* directing the Respondent no. 2 University to consider the Petitioner's exceptional medical circumstances and permit her to appear in the B.Sc. (Applied Psychology), Year III, Semester VI term-end examinations from which she has been debarred from appearing due to her low attendance.

2. The Petitioner has moved the present Writ Petition for urgent reliefs since the regular Semester VI examinations have already been conducted and the re-examinations / special examinations are scheduled to be commence from 19th June 2026. It is urged that unless the Petitioner is permitted to appear in the said re-examination / special examination, she would lose an entire semester / academic year which would cause irreparable prejudice to her educational career and mental well-being.

FACTUAL MATRIX

3. Before adverting to the merits of the challenge, a brief narration of the facts, to the extent necessary for the adjudication of the grant of interim reliefs that are sought in the present Writ Petition, is set out hereunder:

- A. The Petitioner is a student enrolled in the Bachelor of Science (B.Sc) (Applied Psychology) programme at Respondent No. 2 University for the academic year 2023–2024. Respondent No. 3 is the concerned constituent school/department of Respondent No. 2 responsible for conducting the B.Sc. (Applied Psychology) programme. Respondent No. 4 is the concerned examination authority/officer of Respondent No. 2 University responsible for processing examination eligibility and permitting students to appear for examinations.

- B. The Petitioner is stated to be a meritorious student during the first five semesters of the programme and is stated to have maintained attendance in excess of 85% throughout the said period.
- C. During Semester VI, which commenced in January 2026, the Petitioner is stated to have maintained an attendance record of 82.79% up to 16th March 2026.
- D. The Petitioner is stated to have been diagnosed with a clinically significant psychiatric condition / personality disorder in January 2026, resulting in her suffering from symptoms such as marked psychological distress, impaired emotional regulation, stress intolerance, and an inability to sustain goal-directed cognitive activity.
- E. On 9th March 2026, the Petitioner is stated to have suffered an acute medical episode involving suicidal ideation and hallucinations, including a belief that certain students and faculty members were acting against her interests. Owing to the said condition, it is stated that the Petitioner's parents took her to her hometown, Lucknow, where she remained admitted to the Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow during the period from 9th March 2026 to 20th March 2026.

- F. On 13th March 2026, the Petitioner's father is stated to have informed Respondent No. 2 University of the Petitioner's medical condition and submitted some medical records and certificates.
- G. Even after discharge, the Petitioner continued to be in Lucknow and she did not return to Mumbai. It is contended that the Petitioner's parents thought it would be in the interest of the safety of other students that she does not go back to Respondent No. 2 University owing to her prevailing medical conditions.
- H. However, it is pertinent to point out that at the relevant time, such decision was neither informed to Respondent No. 2 University nor did the Petitioner's parents take the prior consent from Respondent No. 2 University exempting her from attending University. As a result, during this entire period commencing 9th March 2026 onwards, the Petitioner was treated and marked '*absent*' from class.
- I. Accordingly, on 15th April 2026, Respondent No. 2 University issued a debarment letter, refusing to permit the Petitioner from appearing in the Semester VI examinations scheduled to be held during the period from 24th April 2026 till 5th May 2026 on the ground that she had failed to satisfy the minimum attendance requirement of 80% during

the previous semester.

J. On 17th April 2026, the Petitioner's father is stated to have addressed an email to Respondent No. 2 University requesting that the Petitioner be permitted to appear for the re-examination that was scheduled to be held in June 2026. However, according to the Petitioner, no response has been received to the said communication till date.

K. Thereafter, the Semester VI examinations were held during the period from 24th April 2026 till 5th May 2026. During this period, the Petitioner's father is stated to have had several verbal discussions with the representatives from Respondent Nos. 2 and 3 when he is stated to have been orally informed of the decision of Respondent No. 2 University not to permit the Petitioner to sit for the re-examination.

L. The present Writ Petition thereafter came to be filed on 28th May 2026.

4. It is in these circumstances that the Petitioner seeks urgent intervention of this Court to direct Respondent No. 2 University to consider the Petitioner's exceptional medical circumstances and permit her to appear in the B.Sc. (Applied Psychology), Year III, Semester VI term-end examinations.

SUBMISSIONS OF THE PETITIONER

5. Mr. Abhishek Salian, learned Counsel appearing for the Petitioner, submits that the Petitioner has maintained an exemplary academic record during the first five semesters of her course and has consistently maintained a satisfactory attendance record. He submits that it was only on account of the acute medical episode suffered by the Petitioner on 9th March 2026 that she was compelled to return to her hometown, Lucknow and was consequently unable to attend her lectures.
6. Mr. Salian further submits that, although the Petitioner was discharged from the hospital on 20th March 2026, she did not return to the University thereafter, as her parents were apprehensive that, in view of her psychiatric condition and the symptoms associated therewith, she could pose a risk to herself as well as to other students and that it was these exceptional medical circumstances that prevented the Petitioner from fulfilling the minimum attendance requirement of 80% as prescribed by the Respondent No. 2 for appearing in the Semester VI term-end examinations.
7. The thrust of the submissions advanced by Mr. Salian is that this Court possesses the jurisdiction to quash debarment orders and permit students, such as the Petitioner, to appear for examinations, despite not having fulfilled

the prescribed attendance requirements where such deficiency is attributable to rare and exceptional medical circumstances. In support of his submissions, he places reliance upon the decisions of this Court in *Anshul Vivek Kher v. University of Mumbai*¹ and *Vinayak Krishna Thorat v. University of Mumbai*². He submits that the principles laid down in the aforesaid decisions would squarely apply to the facts of the present case where, he asserts that the Petitioner has made out a special and exceptional case warranting the exercise of this Court's writ jurisdiction.

8. Mr. Salian further submits that the Petitioner is not a habitual defaulter and that there is neither any allegation of disciplinary misconduct nor any element of negligence attributable to her. He submits that the shortfall in attendance has occurred solely on account of the serious psychiatric condition suffered by the Petitioner. According to him, if the Petitioner is debarred from appearing for her final semester examinations, she would lose an entire academic year, which may have an adverse impact on her academic progression and future professional prospects. It is submitted that, in these exceptional circumstances, this Court ought to set aside the debarment letter dated 15th April 2026 issued by Respondent No. 2 University.

1 Order dated 10 April 2018 passed in Writ Petition (L) No. 1190 of 2018

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

SUBMISSIONS OF RESPONDENT NO. 2 TO 4

9. *Per contra*, Mr. Girish Godbole, learned senior advocate appearing on behalf of Respondent No. 2 University and Respondent No. 3, at the outset, submits that this Court ought not to exercise writ jurisdiction in the present case, which he contends does not disclose any exceptional circumstances warranting any interference.
10. Mr. Godbole points out that Respondent No. 2 University has prescribed strict attendance requirements which students are required to satisfy in order to be eligible to appear for examinations. He asserts, and Mr. Salian also admits, that all the students were aware of such strict attendance criterion, which inter alia, requires that a student must maintain a minimum attendance of 80% throughout the semester to be eligible to appear for the term-end examinations. He submits that, in the event a student fails to satisfy the prescribed attendance requirement, the student may either seek re-admission to the same semester or obtain re-admission to the same programme in the subsequent academic year.
11. In support, Mr. Godbole relies on the Student Resource Book (SRB) 2025-2026 which supersedes all other guidelines in respect of the matters contained therein and which are applicable to all schools and campuses under

the Narsee Monjee Institute of Management Studies (NMIMS) (Deemed to be University) located across the country. Clause 3.2 of said SRB deals with Attendance Rules for all Schools and provides that "*to ensure satisfactory attendance and engagements, 100% attendance in all subjects / courses is expected. However, exceptions can be made for medical reasons, personal reasons and participation in extra-curricular and co-curricular activities, placement activities, institutional work and other approved activities. Relaxation of up to 20% absence may be granted in such cases*".

12. Clause 3.2.1 of said SRB provides as under:

"3.2.1 Eligibility for Examinations:

Students who have maintained 80% or higher attendance in individual courses during a trimester/ semester are eligible to appear for the respective trimester/ semester-end examinations.

Attendance is considered from the date of commencement of each semester/trimester.

In case of any delay in the admission process of any particular student/ lateral admission case, attendance will be considered from the date of such admissions.

The decision taken by the University will be final and binding upon everyone.

Attendance requirements are summarised hereunder:

100% Attendance in each subject is expected.

<i>Attendance % (In Individual</i>	<i>Remarks</i>
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<i>Courses)</i>	
<i>80% and above In individual courses</i>	<i>Eligible to appear for Trimester / Semester End Examination</i>
<i>Below 80% in the individual courses</i>	<i>Students will be required to take re-admission. Students can opt</i> <i>i) Re-admission in the same Semester/Trimester, OR</i> <i>ii) re-admission in the full year of the program in the subsequent academic year</i>

13. Mr. Godbole further submits that Respondent No. 2 University has recently taken a decision viz. that attendance of the students on exceptional and medical grounds can be exempted from 80% to 60%. However, he submits that the University does not consider any case where the attendance is below 60%. In the present case, the attendance of the Petitioner is admittedly below 60% in 5 subjects.
14. Mr. Godbole further contends that where a student is otherwise eligible to appear for an examination but either fails to appear or fails to secure the minimum passing marks, such student would be entitled to avail of the re-examination facility conducted by the University. However, according to him, since the Petitioner was debarred from appearing in the term-end examinations on account of shortage of attendance, she is ineligible to appear for the re-examinations that are scheduled in June 2026.

15. He places reliance upon the decision of the Supreme Court in *Director (Studies), Dr. Ambedkar Institute of Hotel Management and Ors. v. Vaibhav Singh Chauhan*³ to contend that courts ought not to interfere with the functioning of educational institutions and academic authorities unless there is a clear violation of a statutory provision or a settled legal principle. He also relies upon the decision of this Court in *Anirudh Devansh v. Shri Vile Parle Kelavani Mandal, Mumbai and Ors.*⁴ to submit that this Court has consistently held that the requirement of attendance is mandatory and constitutes an essential condition for a student's eligibility to appear in an examination. He also relies on the decision of this Court in *Aishwarya Jain vs. Maharashtra State Board of Technical Board, Mumbai Sub-Region and Ors.*⁵ to submit that a Court in exercise of its writ jurisdiction would not interfere in Academic matters since the Rules in question set out Academic standards in Education and are framed by experts in the field and standards cannot be interfered and/or diluted and ought to command the highest respect from all stakeholders and students are clearly bound by these rules and standards contained in it, in pursuing such courses of high Academic values.
16. He submits that Respondent No. 2 University does not admit the correctness and/or accuracy of the medical reports of the Petitioner that are sought to be

3 (2009) 1 SCC 59

4 (2017) 4 Mah LJ 349

5 2016 (5) Mh.L.J. 176

relied upon in the present Writ Petition. Moreover, he points out that since the Petitioner had physically appeared for her Thesis Defense on 13th April 2026, the case of the Petitioner's parents being apprehensive that, in view of her psychiatric condition and the symptoms associated therewith, she could pose a risk to herself as well as to other students and on that ground, they did not permit her to attend class, which is only now now sought to be pleaded for the first time in the present Writ Petition, cannot be believed and/or accepted by this Court. He points out that the present matter involves several such and other disputed questions of fact, which ordinarily, cannot and ought not to be adjudicated upon by this Court whilst exercising writ jurisdiction under Article 226 of the Constitution of India.

17. He therefore submits that no reliefs, interim or otherwise, are warranted in the facts of the present case. He points out that like the Petitioner, approximately 360 students enrolled in the Respondent No. 2 University have been debarred from appearing in the term-end examinations, on account of shortage of attendance and the grant of any reliefs in the present Writ Petition would be extremely unfair to other similarly situated students who may also have had similar reasons, including medical issues, for their inability to maintain the prescribed attendance requirements.

ANALYSIS, REASONS & FINDINGS

18. We have considered the rival submissions and perused the material placed on record. At the outset, we are unable to persuade ourselves that the present case warrants interference by exercise of our extraordinary discretionary writ jurisdiction under Article 226 of the Constitution of India.
19. The challenge before us is to a decision of Respondent No. 2 University declaring the Petitioner ineligible to appear for the Semester VI term-end examinations, on account of shortage of attendance. The attendance requirements are prescribed by the applicable academic regulations. It is not the Petitioner's case that the relevant regulations are ultra vires, arbitrary or otherwise unconstitutional. Nor is it submitted or demonstrated that Respondent No. 2 University has acted contrary to any statutory provision governing attendance requirements.
20. The principal submission canvassed on behalf of the Petitioner is that, owing to a serious psychiatric condition and the circumstances arising therefrom, she ought to have been granted relaxation from the prescribed attendance requirements and permitted to appear for the re-examination that is scheduled to commence on 19th June 2026.
21. The Petitioner's case as presently canvassed, rests substantially upon the

assertion that even after her discharge from hospital on 20th March 2026, she did not return to University because her parents believed that, having regard to her psychiatric condition, her presence at the University could potentially pose a risk to herself or to others and therefore, prevented her from attending classes. Significantly, however, there is no contemporaneous material placed before us to corroborate this case. We have been shown communications addressed on behalf of the Petitioner and by her father to the University. In none of these communications has any such case been set out. There is no correspondence contemporaneous to the relevant period, informing the University that the Petitioner's parents had taken a conscious decision not to permit her to attend classes after 20th March 2026 for the reasons now pleaded before us. No case has also been made out as to why, this was not done.

22. The absence of any such contemporaneous record assumes considerable significance because the said explanation is now sought to be advanced for the first time in the present Writ Petition. Whether such a decision was in fact taken; whether the Petitioner's medical condition genuinely rendered her incapable of attending classes after discharge; whether her continued absence was medically advised; and whether the absence was attributable to circumstances beyond her control are all matters which would necessarily require an enquiry into disputed questions of fact. These are not issues that

can satisfactorily be adjudicated in proceedings under Article 226 of the Constitution of India on the basis of affidavits.

23. Equally significant is the University's contention that the Petitioner physically appeared for her Thesis Defense on 13th April 2026. Without expressing any concluded view on the correctness of either side's assertions, this circumstance itself demonstrates the existence of disputed factual issues. If the Petitioner was able to do this; whether she was wholly incapable of attending classes after her discharge from hospital is a matter that cannot be conclusively determined in writ proceedings.
24. Mr. Salian invited us to examine the medical papers and pathology reports placed on record. However, we are unable to undertake such an exercise. Courts are not medical experts. The writ court cannot be asked to read, interpret and independently assess medical records, blood reports or psychiatric evaluations so as to arrive at medical conclusions that would effectively substitute expert opinion. Such an exercise would travel far beyond the permissible contours of judicial review under Article 226.
25. The limited question before us is not whether the Petitioner suffered from a medical condition. We have no reason to doubt that she did. The question is whether the material on record is such that this Court can conclusively hold

that the Petitioner's absence from University, especially after 20th March 2026 stood sufficiently established so as to warrant judicial interference with the University's decision. On the present record, we are unable to so hold.

26. The scope of judicial review in academic matters is well settled. Courts have repeatedly held that educational institutions and academic bodies are best suited to regulate academic standards and attendance requirements. Unless there is a clear case of manifest arbitrariness, perversity, mala fides or violation of statutory provisions, judicial interference is neither warranted nor desirable.
27. In *Director (Studies), Dr. Ambedkar Institute of Hotel Management* (supra), the Supreme Court reiterated the principle that courts ought to exercise restraint in matters concerning academic administration and educational standards.
28. We are also in agreement with the observations in *Anirudh Devansh* (supra) and *Aishwarya Jain* (supra) that attendance regulations are not mere procedural formalities. They constitute part of the academic framework devised by experts for maintaining educational standards and ordinarily deserve judicial deference.
29. We are unable to accept the Petitioner's submission that the decisions in

Anshul Vivek Kher (supra) and *Vinayak Krishna Thorat* (supra) compel the grant of relief in the present case. Those decisions turned on their own peculiar facts and the material available before the Court in those cases. The present matter stands on a fundamentally different footing. Here, the central factual foundation on which relief is sought is itself disputed and unsupported by contemporaneous material.

30. The First and most fundamental distinction is that in those cases, the factual basis on which relief was sought was either undisputed or capable of being established from contemporaneous material placed before the Court. In the present case, however, the very foundation of the Petitioner's case is disputed. The explanation that the Petitioner's parents consciously prevented her from returning to the University after 20th March 2026 because they perceived her condition to be a threat to herself, fellow students or faculty members is not borne out from any contemporaneous correspondence addressed to the University. This explanation surfaces for the first time in the present proceedings. Secondly, in the present matter, the University has specifically disputed the conclusions sought to be drawn by the Petitioner from the medical material produced on record. Acceptance of the Petitioner's case would therefore necessarily require this Court to enter into a factual enquiry regarding the nature, severity and continuing impact of the Petitioner's medical condition after her discharge from hospital. Such an

exercise is wholly foreign to the limited scope of judicial review under Article 226. Thirdly, the record before us discloses that the Petitioner is stated to have physically appeared for her Thesis Defense on 13th April 2026. Whether such attendance is consistent with the explanation now advanced by the Petitioner is itself a matter requiring factual examination. No such disputed factual controversy arose for determination in the decisions relied upon by the Petitioner. And Fourthly, the relief granted in those decisions was founded upon the peculiar facts and circumstances obtaining therein.

31. The judgments relied upon by the Petitioner cannot be read as laying down any general proposition that whenever a student relies upon medical difficulties, the attendance regulations of a University must necessarily yield or that the Court is bound to direct relaxation of attendance requirements. A precedent is not a license to disregard factual distinctions. Mr. Salian's attempt is not to apply the ratio of these decisions but to transplant their result onto an entirely different factual foundation. This is impermissible. It is trite that a precedent is an authority for what it actually decides and not for what may logically follow from it. The decisions in the above cases turned upon their own factual matrices. The present case raises serious disputed questions regarding the cause of the Petitioner's continued absence after 20th March 2026; questions which cannot be satisfactorily resolved in writ proceedings. Those decisions are therefore clearly distinguishable and afford

no assistance to the Petitioner.

32. We must also bear in mind that the attendance regulations apply uniformly to all students. Respondent No. 2 University has stated that more than 350 other students have also been rendered ineligible on account of shortage of attendance. Any judicial direction relaxing attendance requirements in an individual case, absent a clear legal or factual basis, would necessarily have implications extending beyond the present dispute.
33. We wish to clarify that we are not insensitive to the Petitioner's circumstances. The material placed before us indicates that she underwent a period of considerable medical difficulty. We extend our deepest sympathies to the Petitioner and her family. Sympathy, however, cannot be a substitute for legal entitlement. A writ court is concerned with legality of decision-making and not with re-writing academic regulations or creating exemptions that the governing framework itself does not contemplate.
34. Since we are not inclined to interfere with the impugned decision on the aforesaid grounds, we do not consider it necessary to express any opinion upon, the further contention urged on behalf of Respondent No. 2 University that a student who has been debarred from appearing in the regular term-end examination on account of shortage of attendance is, for that reason alone,

ineligible to appear in the re-examination. All contentions in that regard are expressly kept open.

35. For all the aforesaid reasons, we find no ground made out for interference in exercise of our writ jurisdiction under Article 226 of the Constitution of India. The Writ Petition is accordingly dismissed. There shall be no order as to costs. In view of the disposal of the Writ Petition, all interim applications, if any, shall also stand disposed of.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)

Jyoti Pawar

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by JYOTI
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