



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

WRIT PETITION NO. 15555 OF 2025

... Petitioner

Versus

1. State of Maharashtra
Through the office of the Government Pleader
2. Narsee Monjee Institute of Management Studie,
School of Business Management,
V. L. Mehta Road, Vile Parle (West),
Mumbai – 400 056

... Respondents

**WITH
WRIT PETITION NO. 15565 OF 2025**

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... Respondents

.....

Mr. Aneesa Cheema a/w. Mr. Arshil Shah, Ms. Smita Durve, Ms. Bhairavi P., Ms. Yukta P., Mr. Yash K. i/b Arshil Shah for the Petitioners.

Mr. Gaurav Srivastav a/w. Ms. Manorama Mohanty, Ms. Malika Mondal, Mr. Hitanshu Jain i/b Mr. S. K. Srivastav & Co. for the Respondent No.2.

Mr. Atul Vanarse, AGP for the Respondent-State in WPL 15555/25.

Mr. Rakesh Pathak, AGP for the Respondent-State in WPL 15565/25.

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CORAM : **M. S. KARNIK AND**
N. R. BORKAR, J.

DATE : **03.09.2025**

JUDGMENT (Per M. S. Karnik, J.)

1. The petitions were last heard on 05.08.2025 and posted for Judgment. The petitions are disposed of by common Judgment and order as the issues involved are common. We refer to the facts in Writ Petition (L) No. 15555 of 2025 for convenience. The petitioner is challenging the decision dated 25.03.2025 and the impugned email dated 24.03.2025 whereby the petitioner's admission for the academic year 2024-25 has been cancelled and the petitioner is barred from appearing for the examination.

2. The main plank of the petitioner's case is that the debarment is completely contrary to the "Rules for Dealing with Malpractice/Unfair Means At Examination for Examination" ('the Rules' for short); to the principles of natural justice and fair play; the punishment awarded to the petitioner is excessive and in defiance of the said rules and that too without issuing any show cause notice; without providing any material or even informing them as regards the reason for convening an unfair committee meeting.

3. In the petition, it is stated that the petitioner is not challenging the disqualification for the examination held in March, 2025, she is aggrieved

by the cancellation of admission, since the same is excessive and in defiance of the said rules.

4. The facts of the case in brief are as follows: -

The petitioner is a student pursuing first year of Master of Business Administration programme offered by respondent No.2-Educational Institution ('the Institution' for short). The petitioner was earlier enrolled at the Venkateshwar International School in Dwarka, where she completed her schooling in the year 2016 with a CGPA at 10.00 securing equally good grades in class participation and ethical conduct. The petitioner completed her junior college with an aggregate 96.8% with a perfect score in Mathematics and Economics. During the schooling and junior college days, the petitioner participated in several competitions and events and won many accolades. The record of the petitioner is meritorious and unblemished. On account of the good results obtained in 12th standard board exams, the petitioner was admitted to the St. Stephens College, which is one of the most prestigious colleges across the entire country and according to the petitioner has an acceptance rate of only 1.33%. The petitioner continued to display excellent academic strides and maintained an average aggregate score of 8.02.7 CGPA.

5. The petitioner says that from a very young age, the importance of securing good marks to secure a good job has been impressed upon the petitioner and being a bright student, much expectations had been placed

on her. The petitioner says that because the petitioner had good academic record, the petitioner identified that a strong marketing and business administration programme would further hone her skills and advance her career prospects.

6. The petitioner met the criterion for the course offered by the Institution. The petitioner was selected. The petitioner regularly attended the classes and met the minimum attendance criteria. The petitioner appeared for and cleared her examination for Tri-Semester I and II and maintained a good score of 8.23 CGPA. The petitioner submitted all her assignments on time. The petitioner was selected as the Class Representative. The petitioner actively participated in college activities. She represented the Institution in external events. The petitioner was one of the 60 finalists out of 7000 participants to be selected at the event organized by Goldman Sachs.

7. Prior to final examinations, the internal mid term examination was conducted by the Institution on 19.01.2025. The petitioner had duly appeared for the said examination and submitted all her assignments. During the answer sheet distribution of one of the Corporate Finance Mid Term paper, the petitioner was surprised to learn that she had received 8.5 marks out of 30 in the internal paper on 10.03.2025. Being completely engulfed by the fear of not consistently performing well, and in complete lapse of judgment, the petitioner and two of her classmates (

in connected Writ Petition (L) No. 15565 of 2025 being one of them) changed the marks on their respective answer sheets to depict that they had received a higher score. The petitioner says that the action taken was an impulsive, spur of the moment decision motivated by the dwindling prospects of securing a good job and the societal pressure to perform well at all times. The petitioner says that the act being a result of bad judgment, in any event would not have affected the petitioner in the present academic year. The petitioner had already passed her internal examinations with 25.5 marks without increased marks.

8. The 3rd Semester exams of the first year were due to be conducted from 25.03.2025 and as such the petitioner was busy with studies and exam preparations. Four days prior to her examinations, the petitioner received an email dated 20.03.2025 at 10.30 a.m. calling upon her to appear before the Unfair Means Committee of the Institution in Class room No.903 at 3.00 p.m.

9. The petitioner says that the faculty of the Institution was aware that the petitioner was due to take a flight to Bangalore on that very same day at 3.35 p.m. to represent the Institution at the Goldman Sachs event. Despite this reply, the Institution proceeded with the meeting without her presence. During the course of the said meeting, the classmates of the petitioner were confronted with having indulged in unfair means to change

their grade. The petitioner was telephonically informed that the faculty of the Institution had indicated that a written apology would be considered favourably by the University. Hence, while travelling, the petitioner submitted a brief written apology.

10. The petitioner was hopeful that the Institution would adopt a lenient view and followed up with the authorities as regards the decision taken. By the email dated 24.03.2025 the Institution barred the petitioner from appearing for the examination scheduled to be held the very next day. Furthermore, by a subsequent email dated 25.03.2025, the Institution had further communicated the impugned decision thereby cancelling the admission of the petitioner for the entire year. The petitioner was further debarred from ever being considered for any scholarship or even participating in any extra-curricular activities. As a result of such decision, the petitioner was ineligible to be promoted to 2nd year of the said course and is required to restart the entire course again. The petitioner would further be required to pay a sum of over Rs.3,00,000/- as re-admission fees and further incur living expense of over Rs.10,00,000/- to cover the cost of an additional year. The petitioner's parents had informed her that they would not be in a position to pay for expenses for an additional year. Thus, the petitioner's career prospects as well as educational journey, according to the petitioner, has been brought to a standstill.

11. A detailed affidavit-in-reply has been filed on behalf of the

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respondents opposing the petition. In the affidavit, it is stated that the petitioner is guilty of material suppression. The petitioner has suppressed the decision taken in appeal which was communicated to the petitioner by email dated 17.05.2025. The petitioner has not challenged the decision of appeal and hence the same has become final. It is further stated that this is not a fit case for exercising the extraordinary jurisdiction under Article 226 of the Constitution of India. Mr. Ashish Kamat, learned Senior Counsel for respondent No.2 on the previous occasion had made elaborate submissions. Later learned counsel appearing for respondent No.2 submitted that the petitioner admitted the misconduct/malpractice of engaging into unethical and unfair means of tampering with the marks of Corporate Finance Mid Term paper and thereby interfering/interpolating/inserting marks in the answer book, resulting in increasing the marks obtained by the petitioner. It is submitted that a lesser punishment has been imposed on the petitioner than what is prescribed in Rule 7.5.2 of the Student Resource Book (2024-25). Learned counsel was at pains to point out that the petitioner had taken admission in the respondent No.2 University for the course of Masters in Business Administration which provides diverse career opportunities including finance i.e. in the investment, banking and analytical sector as well as other specialised areas relating to management. Accordingly, the students qualifying from the respondent No.2 University are future bankers, investment advisors and financial analyst, who forms a core part of the financial institutions in

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the present society and plays an important role for the country's financial stability and economy and a high degree of regulations are in place to avoid unethical and malpractices in these sectors as the consequence of such unethical and malpractices are severe.

12. According to the learned counsel, respondent No.2 is one of the top ranked university in India and has a strict policy of zero tolerance in cases of such a nature, as in the present case pertaining to tampering with the marks obtained in examinations. It is submitted that the student using unfair means has to be strictly dealt with to maintain high academic standard, academic discipline and academic rigor for the progress of the students themselves as well as the society at large. It is submitted that the petitioner did not express any remorse at the earliest possible opportunity. Learned counsel invited our attention to the Students Resoure Book (2024-25) which provides zero tolerance policy towards indulgence into unethical practices. It is further submitted that considering the nature of Unfair Means adopted, the quantum of punishment prescribed is 'rustication' from the University whereas in the present case, the management has taken a much lenient view.

13. It is further submitted that by an email dated 15.01.2025, the Course Coordinator, Ms. Ashwini Dighe, sent a reminder to all students appearing in the upcoming Corporate Finance Mid Terms examination regarding the guidelines for Corporate Finance Mid Term examination.

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The students were reminded to offer the highest standard of integrity during the upcoming Corporate Finance midterm examination including the consequence of unfair practices during examination and requested the students to approach the examination with integrity and seriousness and to treat the email as a fair warning to avoid any action that could compromise their academic record.

14. It is submitted that the petitioner appeared for midterm examination for 'Corporate Finance' which was held on 19.01.2025. On 10.03.2025, the college faculty conducted a paper review session of the subject Corporate Finance, which is a process to help the students to review their performance and receive feedbacks so that they can improve and learn from their wrongs and mistakes and also clarify any doubts and issues they have. For this purpose, answer sheet of the examination are circulated to the students. During the said paper review process, the petitioner along with two other classmates unethically updated/increased their marks obtained by them by interpolating the answer sheet.

15. The petitioner along with her two classmates indulged in unethical and unfair means and updated/increased their marks by 10 marks by writing number "1" in red colour pen before the actual marks gained by them thereby increasing their marks from single digit to double digit on their answer sheet of the Corporate Finance examination. The petitioner had obtained "8.5" marks, which was updated/increased to "18.5" by

indulging in unethical and unfair means during the paper review session on 10.03.2025. The marks of the petitioner and her two classmates (including the petitioner in connected petition) which were updated/increased during the paper review session is demonstrated in the table below: -

Name of the student	Marks Gained (updated marks by misconduct)
(Petitioner)	Original marks awarded 8.5 (updated marks by misconduct 18.5)
	Original marks awarded 8.5 (updated marks by misconduct 18.5)
	Original marks awarded 5 (updated marks by misconduct 15)

16. Though the malpractice and unethical conduct was done on 10.03.2025 during the paper review session, none of the above mentioned students including the petitioner approached the college faculty in respect of the said misconduct by them during the paper review session to express their remorse and/or apologize for their conduct.

17. It is submitted that the college faculty maintains a record of respondent No.2 and the marks obtained by them. The malpractice and misconduct of the petitioner and her two classmates was discovered by the college faculty, Mr. Professor Milind Kotak, when he was reviewing the answer sheets on 17.03.2025. Professor Milind Kotak noticed the discrepancies in the marks obtained by them and as reflected on their answer sheet. The students were called for explanation. The petitioner

and other two did not admit to making the unauthorized changes. According to the learned counsel, the petitioner's approach and that of the other students was dishonest, for even at this stage they did not admit to the malpractice. It was then the Unfair Means Committee/Student's Disciplinary Committee was scheduled on 20.03.2025 at 3.00 p.m. The CCTV footage/videography of the concerned classroom of 10.03.2025 was procured in which the three students are seen sitting together.

18. Learned counsel for the Institution, therefore, submitted that this is a case where no interference is warranted as a lenient view has been taken by the Institution. It is submitted that the petitioner has admitted the misconduct and in fact the rules provided for the punishment of rustication, despite which a lesser punishment has been awarded. It is submitted that having regard to the nature of the misconduct, proper discretion exercised by the Institution in awarding punishment which is commensurate to the misconduct ought not to be interfered with.

19. The respondents relied upon the decision in **Indian Oil Corporation Ltd Vs. Rajendra D. Harmalkar** (2022) 17 SCC 361 to contend that it is the domain of the management to impose the appropriate punishment in a particular case and the Courts cannot usurp that function of disciplinary authority and to decide the quantum of punishment and nature of penalty to be awarded as this function is exclusively within the jurisdiction of the competent authority. Reliance is then placed on the decision in **Director**

(Studies), Dr. Ambedkar Institute of Hotel Management, Nutrition & Catering Technology, Chandigarh & Ors. Vs. Vaibhav Singh Chauhan (2009) 1 SCC 59 to submit that merely because the student has expressed remorse or admitted to the punishment is no ground to interfere with the punishment imposed by the Educational Institution unless the punishment imposed was disproportionate.

20. Heard learned counsel at length. From the materials, it is seen that respondent No.2 is a premier institute in management studies. The Students Resource Book (2024) provides that Education Institution has zero tolerance policy toward indulgence in unethical practices. Further Clause 7.5.2 thereunder provides for the broad categories of Unfair Means resorted to by students of the University Examinations and the Quantum of Punishment for each category thereof. The table below provides for the quantum of punishment for the nature of Unfair Means: -

Sr. No.	Nature of Unfair Means adopted	Quantum of punishment
9.	Interfering with or counterfeiting of University seal or answer books or office stationery used in the examination with the intention of misleading the authorities	Student concerned to be rusticated from University
10.	Answer book or supplementary sheet written outside the examination hall or any other insertion in the answer book	Student concerned to be rusticated from University

21. The petitioner appeared for the Mid Term examination for the Corporate Finance which was held on 19.01.2025. The petitioner along with her two classmates updated/increased their marks by 10 marks by

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writing number “1” in red colour pen before the actual marks gained by them thereby increasing their marks from single digit to double digit on their answer sheet of the Corporate Finance examination. The petitioner-

; as well as the petitioner

in the connected petition have obtained 8.5 marks which was updated/increased to 18.5 during the paper review session on 10.03.2025.

22. Though we are of the opinion that a proper opportunity ought to have been given to the petitioners before any decision was taken, since the petitioners have admitted to the misconduct in so many words as can be seen from the averments made in the petition, we see no reason to remit the matter to the Educational Institution to afford an opportunity of hearing to the petitioner. The only question is of disproportionate nature of the punishment. In any case, it is the firm stand of learned counsel for the Institution that the approach of the management is zero tolerance towards such unethical practice adopted by the petitioner and that a lenient view has been taken in the matter. In our opinion, therefore, no purpose will be served by remitting the matter back to the management for rehearing. In appeal the order of punishment is confirmed. The petition cannot be dismissed on a technical consideration that the order in appeal is not challenged as the substantive order of punishment is under challenge.

23. Undoubtedly, the respondent management has to be very strict in maintaining high academic standard and maintaining academic discipline and academic rigors for the country to progress. There is no point in showing sympathy to students using unfair means. According to the Educational Institution, the petitioner has been given a lesser punishment in the present case, as according to the Rules, rustication would have been the appropriate punishment. The petitioners have admitted that they have written number '1' before the actual marks gained by them thereby increasing marks from single digit to double digit in the answer sheet of Corporate Finance paper.

24. Respondent No.2 has awarded punishment of cancelling of admission for the academic year 2024-25 and the petitioner is barred from appearing in examination. The question is whether the punishment is excessive. What should be the appropriate punishment in the facts and circumstances of a particular case is entirely the discretion of the Educational Institution. The scope of interference is very limited unless this Court finds the punishment to be excessive or disproportionate.

25. Learned counsel for the Educational Institution was at pains to point out that the petitioners did not express remorse at the first available opportunity and in fact only when the Education Institution confronted the petitioners with the materials revealing the misconduct that the petitioners admitted of having committed the misconduct.

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26. The Institution has viewed the matter only from the angle that the petitioner increased their marks by writing number '1' against the actual marks obtained by them in the answer-sheet without considering the past record and conduct of the petitioner. The admission on the part of the petitioner of the misconduct and the reading of the rules at first blush did impress us that there is no scope for interference with the punishment awarded. The question, however, is should the petitioner suffer such punishment without even considering the past academic record which has been very good. The petitioners were virtually at the end of their educational career and on the threshold of entering the job market. There is otherwise no dispute about the excellent academic career of the petitioners. The petitioners on the basis of their academic excellence could secure admission in such a prestigious management institution as the respondent No.2. No doubt, the petitioners ought to have been careful and cautious not to have let their years of hard work in achieving this academic excellence go a waste by such misdemeanour on their part, at the fag end of their educational journey.

27. We must mention that during the course of hearing, the petitioners filed an affidavit dated 31.07.2025 stating that the petitioners shall accept that the following terms of punishment unconditionally: -

- “A) The petitioner shall not be considered for any Scholastic Accolades of the University.
- B) The petitioner shall be debarred from clubs/committees, cultural and sports events.
- C) The petitioner shall withdraw from the placement committee, a position held prior to the impugned order being passed.
- D) The petitioner shall be excluded from Dean’s list and Student awards.
- E) The petitioner shall not hold any official position in Student Body/Cell.”

28. It is well settled that merely because the petitioners show remorse or seek forgiveness is no ground for being sympathetic to students using Unfair Means if the punishment imposed is proportionate to the alleged misconduct.

29. We approach the present case in the following manner. The petitioner has a good academic record as indicated in the earlier part of this judgment. The petitioner appeared in the entrance exam of the course offered by the respondent No.2 management and secured admission in the first attempt itself on merits. The petitioner has been regular in attendance and has met the minimum attendance prescribed. The petitioner appeared and cleared the examination for third Semester I and II maintaining a good score. The petitioner submitted all the assignments on time. The petitioner has participated in extra curricular activities. We are inclined to accept the submission of the petitioner that during the answer sheet distribution of the Corporate Finance Mid Term paper on 10.03.2025, the petitioners were completely engulfed for the fear

of not consistently performing well. The petitioners admit to have changed the marks to depict receiving higher score. For the petitioners who have consistently performed well all throughout their educational career and having secured admission in such a prestigious management studies on merits, we are inclined to agree with the stand taken by the petitioners that they were completely engulfed by the fear of not consistently performing well and in complete lack of judgment, the petitioners changed the marks of their answer sheet to depict that they have received a higher score. We would have otherwise agreed with the punishment imposed by the Institution but for the fact that even without the increased marks the petitioners had already passed in the internal examination and in any event would not have affected the petitioners from passing in the present academic year. It is for this reason that we are persuaded to take a view in the facts and circumstances of this case that the action on the part of the petitioners was impulsive, on the spur of the moment decision motivated by the dwindling prospects of securing a good job and the societal pressure to perform at all times.

30. The fact that in any event the increased marks would not have affected the petitioners from passing in the present academic year has weighed with us in considering the petitioner's case differently and hence we think this to be a fit case where the past academic record of the petitioner ought to be a factor in considering the proportionality of the

punishment. We are inclined to hold that the act on the part of the petitioners was a result of bad judgment and something that the petitioners would have well avoided, as there was no need for them to have indulged in such an act. In our humble opinion, the petitioners should be given one chance. The petitioners unconditionally accept the punishment which we have adverted to hereinabove. Though we should be very slow in interfering with the punishment imposed by the Educational Institution which by its nature appears proportionate, but on an overall conspectus of the academic record of the petitioners and in the facts and circumstances of this case which we have discussed hereinbefore, we feel constrained to interfere with the punishment in the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

31. This Court at Goa in **Vuribindi Mokshith Reddy Vs. Birla Instituted of Technology & Sciene & Ors.** (Writ Petition Nos. 12 and 13 of 2024) MANU/MH/0275/2024 from the stand point of reformative measures has made some significant observations which reads thus : -

“16. In Anant Narayan Mishra V/s. The Union of India and 4 Ors. (WRIT — C No.13214 of 2019, decided by learned Single Judge of the Allahabad High Court on 02.12.2019), several directions were issued to the Universities in Uttar Pradesh on the aspect of emphasis upon reformation and self-development of students alleged to be involved in indiscipline. This was after noticing that the statutes of Universities like NT, BHU and AMU focused mainly on penal action without sufficient emphasis on reformation and rehabilitation. The Court held that the

statutory monopoly of a punitive approach to deviant behaviour and the exclusion of all other responses often creates a lack of balance in the actions of the concerned University. In such cases, the punishment becomes disproportionate, not because the decision maker was incapable of measured action, but because the ordinances/statutes preclude a proportional response.

17. The Court, after discussing the concept of “life” and “human dignity”, both in the Indian and international context, held that if punishment is to be effective and serve its purpose, it cannot be purblind to human dignity if it is to retain its constitutionality. The degree of injuries to self-esteem, the extent of degradation of human worth, and the depth of humiliation caused by the punishment are relevant facts to be probed in an enquiry into the validity of the punishment to be imposed upon the students.

18. The Court observed that experience teaches the fact of human fallibility, but knowledge holds the hope of human redemption. If error is part of human nature, reform is an element of the human spirit. The capacity of human beings to introspect on erring ways and the power of human will to reform deviant conduct are building blocks of the concept of human dignity. The Court observed that while every saint has a past, every sinner has a future. Therefore, punishment for deviant conduct cannot be so severe as to degrade human life. Failure to consider susceptibility to reform while denying the right to access privileges and activities of the university negates the possibility of rehabilitation.

19. The Court held that the termination of dialogue with the delinquent student, without offering an opportunity to reform, makes him an outcaste, and the loss of human self-worth is total. The statutory monopoly of a punitive approach to deviant behaviour and the exclusion of all other responses often creates a lack of balance in the actions of the concerned University. In such cases, the punishment becomes disproportionate, not because the decision maker was incapable of measured action, but because the ordinances/statutes preclude a

proportional response. The Court held that this system of punishment is destructive of fundamental elements of human dignity and violative of Article 21 of the Constitution of India.

20. The Court also held that education is the most credible and effective mode of restoring self-esteem and enhancing self-worth. By denying opportunities of education to a delinquent student without looking at the possibility of reform, the power to redeem one's errors and enhance self-worth is taken away from an individual. In these cases, the closure of avenues of education extinguishes the hope for a better tomorrow. Loss of hope and its sequitur perpetual condemnation are fatal blows to the human spirit and self-esteem.

21. The Court held that Universities are quasi-parental institutions. By the act of suspension or debarment of a delinquent student, the university abandons its ward. If the Universities think that they have solved their problem, but society has one at its hands. The downstream effects of the punishments should, therefore, be considered by the Universities. The role of the University should not end with punishing the perpetrators of indiscipline. The role of Universities begins with the identification of the causes and taking steps to reduce such causes.

32. We draw support from the aforesaid observations which is also one of the factors for holding the punishment to be disproportionate.

33. Hence the following order :-

- (i) The impugned decision dated 25.03.2025 and the impugned e-mail dated 24.03.2025 of the respondent No.2- Narsee Monjee Institute is quashed and set aside.
- (ii) The respondent No.2 is directed to permit the petitioners to appear for the re-examination to be conducted for the student, who

are otherwise unable to appear or otherwise failed in the exams held from 25.03.2025 onwards and pursue further studies by permitting the petitioners to attend the classes subject to the results of the examination.

(iii) The petitioners to abide by the statements made in the affidavit filed on behalf of the petitioners on 31.07.2025.

(iv) Both the writ petitions stand disposed of in the aforesaid terms.

(v) No costs.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)

After the order was pronounced, learned counsel for respondent No.2 requested for stay of the operation of the order as the admission process for the next academic session is over in July, 2025.

Request is rejected.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)