



Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 1939 OF 2024(F)**

MAYUR VINOD PALYEKAR. PETITIONER.

Versus

STATE OF GOA THR.
CHIEF SECRETARY & 5 ORS. RESPONDENTS.

Mr Sagar Dhargalkar, with Ms Prachi Sawant, Advocates for the
Petitioner.

Ms Maria Correia, Additional Government Advocate for Respondents
No.1 and 2.

Mr Ashwin Bhohe, with Ms Annelise Fernandes, Advocates for
Respondent No.3.

Mr Richard Almeida with Ms Seema Rivankar, Advocates for Respondent
No.5.

Ms A. Agni, Senior Advocate with Ms A. Harihar, and Junaid Shaikh,
Advocates for
Respondent No.6.

Mr V. Pavithran, Advocate for Respondents No.7 and 9.

Mr P. Faldessai, Deputy Solicitor General of India for Respondent
No.10.

**CORAM : M. S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED : 24th SEPTEMBER 2024

P.C.:

1. Heard learned Counsel for the parties.
2. On 20/09/2024, this Court passed the following order :

"1. *Heard learned counsel for the parties.*

2. *We are of the opinion that the matter needs to be resolved as the petitioner should not suffer any injustice. We appreciate the stand of the Bar Council of India as placed on record by Mr P. Faldessai, learned Deputy Solicitor General of India. However it is stated that the petitioner be accommodated within the intake capacity. The seats are already filled in. The petitioner will suffer if he loses one year. The petitioner has a good case on merits. In the facts of the present case, we request the Bar Council of India to re-consider the matter as we are of the opinion that if the intake capacity in the peculiar facts of this case is increased by one seat, the petitioner, who otherwise has a good case on merits, will not lose one year and suffer. We are making this suggestion in the peculiar facts of this case. In order to enable Mr Faldessai to place this suggestion made by us before the Bar Council of India for reconsidering the matter and take instructions, stand over to 24.09.2024, **high on board.***

3. *Ms A. Agni, learned Senior Advocate appearing on behalf of the Goa University-respondent no.6 submitted that she would have no objection to such increase in the intake capacity for accommodating the petitioner, subject to the fulfilling the attendance norms and appearing for the examinations in terms of the rules and regulations."*

3. Mr Faldessai has placed on record a certified copy of the Resolution dated 21/09/2024 passed by the Bar Council of India. The Resolution reads thus :

“In compliance with the order dated 20th September 2024, passed by the Hon'ble High Court of Bombay at Goa in Writ Petition No.1939/2024, filed by Mr. Mayur Vinod Palyekar (the ‘Petitioner’), the Bar Council of India, vide its resolution by way of circulation, having considered the peculiar facts and circumstances of the case, hereby resolves as follows:

The BCI, in view of the observations and directions made by the Hon'ble High Court, agrees to reconsider the intake capacity of the concerned institution for the current academic year solely for the purpose of accommodating the Petitioner. The BCI notes that the Hon'ble Court has suggested an increase in the intake capacity by one additional seat to ensure that the Petitioner, who has a strong case on merits, does not suffer any irreparable harm by losing an academic year.

This resolution is not intended, and shall not be construed, as creating any binding precedent for future cases or admissions beyond the intake capacity of any institution. It is hereby clarified that no other petition or request for increasing intake

capacities or granting admissions beyond authorized capacity shall be entertained by the BCI solely on the basis of this resolution.

The increase in the intake capacity either in V. M. Salgaocar College of Law or in Vidhya Vikas Mandal's Govind Ramnath Kare College of Law, both of which are affiliated with Goa University, and the resultant admission of the Petitioner therein in the Three-Year LL.B. Degree Course for the academic year 2024-25, is approved subject to the fulfilment of all academic requirements. These include, but are not limited to, attendance, internal assessments, and the completion of examinations in accordance with the rules and regulations of the concerned Institution, Goa University, and the Bar Council of India. Goa University having affiliated both of these institutions, is granted the liberty to admit the Petitioner in either V. M. Salgaocar College of Law or Vidhya Vikas Mandal's Govind Ramnath Karo College of Law, as deemed appropriate, and to communicate the same to the Bar Council of India.

This resolution may be communicated to the Hon'ble High Court, to the candidate, to the concerned institution/s, Goa University, and all relevant authorities to ensure the expeditious completion of the admission process for the Petitioner”.

4. We appreciate the fair approach that has been adopted by the Bar Council of India and the efforts of the learned Deputy Solicitor General of India Shri Faldessai in resolving the issue. Accordingly, the Petitioner be admitted in V.M. Salgaocar College of Law-Respondent No.3 in terms of the Resolution of the Bar Council of India and be permitted to attend classes after complying with necessary formalities and subject to the following :

(a) In terms of Ordinance 81.11, the student has to undergo intra-semester assessment and semester end assessment. The intra-semester assessment is at the level of the college and therefore, the college is directed to take steps for remedial teaching for the Petitioner.

(b) Since the Petitioner would not be in a position to answer intra-semester assessment examination which was fixed on 19th September 2024, the Respondent No.3-College is directed to ensure the requisite 70% attendance on the part of the Petitioner and conduct intra-semester assessment.

5. The Petition is disposed of. No costs. This order is passed in the peculiar facts and circumstances of the case and not to be treated as precedent.

VALMIKI MENEZES, J.

M. S. KARNIK, J.