

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2077 OF 2014

Syed Rumana Yasmin d/o. Raaj Muhammad,
Age 20 Yrs. Occu. Student,
R/o. Khausbaugh, Beed [M.S.].

PETITIONER

VERSUS

1] The State of Maharashtra
School Education and Sports Department
Through – the Secretary
Mantralaya, Vistaar Bhawan,
Mumbai – 400032.
[Copy to be served on the Government
Pleader, High Court at Aurangabad]

2] Maharashtra Rajya Pareeksha Parishad
17, Dr. Ambedkar Road, Pune 411001
Through the Commissioner

RESPONDENTS

Mr. Chaitanya V. Dharurkar, Advocate for the Petitioner
Mr. Anup R. Nikam, Advocate for the Respondent No.2
Mr. S.K.Kadam, AGP for the Respondent – State

**CORAM: S.S.SHINDE &
P.R.BORA, JJ.**

Reserved on : 29.04.2015
Pronounced on: 08.05.2015

PER COURT: [Per S.S.Shinde, J.]:

1] This Petition is filed with following prayer:

B] By issuing a writ of Mandamus or any other Writ
of like nature it may kindly be held and

declared that the question No.09, 30, 43 and 95 from the question paper issued by the respondent No.2 for the TET held on 15.12.2013 are wrong and erroneous and accordingly respondent No.2 may kindly be directed to issue a marklist to the petitioner by awarding her full marks towards these four questions.

2] The learned counsel appearing for the Petitioner invited our attention to the question Nos. 09, 30, 43 and 95 from the question paper and submits that, the questions are wrongly framed, and options given to the said questions are also confusing. It is submitted that, though the Petitioner has addressed her objection to the Respondent No.2 about four questions i.e. serial No. 09, 30, 43 and 95, none of the objections raised by the Petitioner are considered, and the final answer keys is published. The learned counsel appearing for the Petitioner relying upon the copies of the documents placed on record, and also dictionary meaning of the words given as 'options', would contend that, the Petition deserves to be allowed.

3] On the other hand, the learned counsel appearing for the Respondent No.2 submits that, the objections raised by the Petitioner were forwarded to the

Expert in the respective subjects, and response is received from the said Experts, and as per said opinion of Expert, there is no substance in the objections raised by the Petitioner. The learned counsel appearing for the Respondent No.2 has tendered across the bar sealed envelop containing the original copies of the Expert's opinion received by the Respondent No.2.

4] We have given careful consideration to the submissions of the learned counsel appearing for the Petitioner, and the learned counsel appearing for the Respondent No.2. With their able assistance, we have perused the pleadings / grounds taken in the Petition, annexure thereof, and other material placed on record, and also opinion of the Expert received by the Respondent No.2. We are of the opinion that, since objections of the Petitioner have been examined by the Respondent No.2 through the Expert, while exercising writ jurisdiction, neither it is desirable to adjudicate the disputed questions of fact, nor substitute the opinion of the Expert in the subject.

5] In that view of the matter, we are not inclined to entertain the Petition, hence Petition stands rejected.

However, we make it clear that, rejection of this Petition shall not be construed as an impediment to seek appropriate remedy, if available in law, for redressal of the grievance of the Petitioner.

Sd/-
[P.R.BORA]
JUDGE

Sd/-
[S.S.SHINDE]
JUDGE

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DDC