

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 4143 OF 2014**

ANSARI UZMA FARHEEN ABDUL RAFEEQUE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Bayas Anandsing
AGP for Respondent/State : Mr. K.S. Patil
Advocate for Respondent no.2 : Mr. A. R. Nikam

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

Dated: November 18, 2015

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PER COURT :-

Heard the learned counsel appearing for the petitioner. He submits that, the questions which were included in the question papers were beyond the syllabus. He further submits that, translation from the Marathi medium to Urdu was also not correct. He further submits that, for last three years none of the candidates has passed the TET (Teacher Eligibility Test) examination in Urdu Medium and therefore, independent agency for conducting the examination of TET may be appointed. He further invited our attention to the pleadings in the Petition, grounds taken therein, the annexures thereto and submits that, the Petition deserves to be allowed.

2. On the other hand, the learned counsel

appearing for the respondents invited our attention to the averments in the affidavit in reply and submits that, realizing the mistake of framing the wrong questions, objections/suggestions were invited, expert committee was appointed, the expert committee found that, 15 questions were either out of syllabus or wrongly printed, and therefore, the expert committee advised/recommended to delete 15 marks of those questions from total 150 marks and the assessment of all the students have been carried out. The petitioners have secured 72 marks out of 135 marks i.e. less two marks for passing the TET examination.

3. We have heard the learned counsel appearing for the petitioner, the learned counsel appearing for the Respondent No.2 and the learned A.G.P. appearing for Respondent/State. With their able assistance, we have perused the pleadings in the Petition, grounds taken therein, the annexures thereto and affidavit in reply filed on behalf of the respondents.

4. The contention of the learned counsel appearing for the petitioner to address the individual grievance cannot be accepted. In the academic matters, there should be objective assessment only to ensure that, the parameters/standards, which are laid down, have been properly followed or not. As rightly contended by the learned counsel appearing for the Respondents, realizing the mistake committed in framing the questions, suggestions/objections were invited, and expert committee

after scrutinizing the said suggestions/objections recommended to reduce 15 marks out of total 150 marks and to have assessment of all the candidates out of remaining 135 marks, and accordingly, assessment has been done, and marks are given to all the candidates out of 135 marks, who appeared for the examination.

5. In that view of the matter, we are not inclined to entertain this Petition. However, we add the word of caution to Respondent No.2, to be cautious and careful in future about framing the questions in proper manner and also proper translation of questions from one medium to another medium, as well as Answer Keys.

6. With the above observations, the Petition stands disposed of.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)

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