

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

WRIT PETITION NO. 11079 OF 2014

Zubair Shah Akbar Shah

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Anandsing Bayas, Advocate for the Petitioner.

Shri D. B. Bhange, A.G.P. for Respondent Nos. 1 and 3.

Shri Anup R. Nikam, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 03RD MARCH, 2015.

PER COURT :

. Mr. Bayas, the learned counsel for the petitioner submits that, question Nos. 143 and 147 were absolutely wrong. The petitioner has secured 29 marks in science and 20 marks in maths. He has got one mark less to be eligible. Even the translation has been made wrong. However, no marks are given for wrong questions. The respondent No. 2 be directed to give marks to the petitioner in respect of said wrong questions. The learned counsel relies on the translation given by him and the text of the Physics book of standard 11 issued by the Maharashtra State Board of Secondary and Higher Secondary Examinations, Pune. According to the learned counsel the

petitioner should not be made to suffer for the wrong questions framed by respondents and so also the wrong options given by them. The learned counsel further submits that, the respondents are also not providing answer sheet to the petitioner to which the petitioner is entitled to.

2. Mr. Nikam, the learned counsel submits that, this Court in Writ Petition No. 3610 of 2012 vide order dated 16th August, 2012 had constituted the committee and the reassessment has been made. After the reassessment is made the marks are also corrected accordingly and seven marks in case of petitioner were increased and those are allotted to the petitioner and by allotting the increased marks the total marks of science and maths of the petitioner comes to 49.

3. We have considered the submissions canvassed by learned counsel for respective parties.

4. To assess the answers is the job of an expert in a particular subject. The Court would not sit in appeal over the assessment done by the experts. This Court had directed the respondent to constitute an expert committee to resolve the said issue. The expert committee was constituted and reassessment has been done in which marks of the petitioner have been increased. Considering the said aspect, we cannot enter into the said matrix

about the correctness of answers given. In the light of that, the grievance of the petitioner cannot be considered.

5. As far as supply of copy of answer sheet is concerned, the petitioner has right to ask for the copy of answer sheet under the Right to Information Act. In case such an application is made by the petitioner for supply of answer sheet under the Right to Information Act, the respondent No. 2 shall supply the same on payment of necessary charges expeditiously. The writ petition accordingly is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 15