

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.11616 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr.S.R.Choukidar, advocate for the petitioner.
Mrs.S.A.Dhumal, Asstt. Govt. Pleader for the State.

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

Date : 12.02.2015.

PER COURT :

1. Heard.
2. Mr.Choukidar, learned counsel submits that the assessment of answer sheet of Micro Processor subject has not been properly done and the said assessment be done by the third party and appropriate marks be awarded to the petitioner under the head Class Test in Micro Processor subject. According to the learned counsel, the paper has not been properly assessed. The petitioner is shown to have been secured 35 marks out of 80 marks, whereas no marks are awarded for Class Test which is of 20 marks. The representation was given to the University. No action was taken. The petitioner has got his answer sheet, wherein the petitioner is entitled for two additional marks for the questions namely question

No.1(e), question No.2(a), question No.3(a) and (b) and question No.7(a). Mr.Thombre, learned counsel for the University submits that twice the answer sheets of the petitioner has been assessed and reassessed and there is no change in marks. According to the learned counsel, twice the assessment has been done by other teachers than one who had done the assessment initially.

3. The Rules for change in marks is that if the marks awarded by the subsequent examiner in reassessment vary positive by 10% or more of the original marks secured by the examinee, the marks awarded by the subsequent examiner in reassessment shall be awarded, otherwise the examinee will be communicated as no change in marks. It is submitted that the said answer sheet of the petitioner has been reassessed and there is no change in marks. This Court can not sit as an appellate authority over the assessment done by the independent examiner nor can look with suspicion to the same. The University does not have any malice against the petitioner.

4. If the petitioner wants copy of answer sheet, he may apply to the University, which application may be considered by the University as per Rules.

5. As far as Class Test is concerned, the petitioner may apply to the College and the University which application will be dealt by them in accordance with Rules expeditiously.

6. The Writ Petition is disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..12.02.2015.
asp/office/wp11616.14