

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 2287 OF 2015.

Gaurav Vijayrao Kulkarni.

.. Petitioner

Vs.

The Savitribai Phule Pune

University Examination Section and ors.

.. Respondents

Mr.Hassnain Kaazi Sayyed, for the petitioner.

Mr.Rajendra Anbhule, for the respondent No.1.

Mr.Anup Patil, for the respondent No.2.

***CORAM: Smt. Vasanti A. Naik &
Shri C.V.Bhadang JJ.
Wednesday 4 March, 2015.***

PC.:

Not on Board. Taken on board at the request of the counsel for the petitioners.

Heard.

By this petition, the petitioner seeks a direction to the respondent No.1 University to grant one additional mark to the petitioner in the subject of Machine Tool Engineering and declare that the petitioner has passed in the sixth Semester of the Engineering examination.

The petitioner was admitted to the BE degree course and had appeared at the sixth Semester examination in Summer 2014. The

petitioner secured provisional admission to the seventh Semester in June 2014. The results of the sixth Semester were declared on 19th July 2014 and the petitioner had failed in five subjects in the sixth Semester. The petitioner asked for the copies of the answer sheet in the subject of Machine Tool Engineering and the petitioner received the same. The petitioner sought the revaluation of the answer sheet in the subject of Machine Tool Engineering. Initially, the petitioner had secured 33 marks out of 100 in the said subject and on revaluation the petitioner secured 36 marks. It is the case of the petitioner that if one additional mark is granted to the petitioner in the subject of Machine Tool Engineering, the petitioner would be entitled to 3 grace marks.

It is submitted on behalf of the petitioner by making a reference to the Ordinance of the respondent/University which deals with the amendment of results, that in the case of error, the Controller of examination has the power to amend the results. It is stated by taking this Court through the copy of the answer sheet in the subject of Machine Tool Engineering that there was an overwriting while awarding marks to one of the answers and it appears that initially the marks awarded could be four and not one. It is stated that the said error could have been corrected by the Controller of examinations.

On the other hand, it is submitted on behalf of the University that the petitioner had sought the revaluation and the answer sheet

in the subject of Machine Tool Engineering was re-assessed. It is stated that after reassessment, the petitioner secured 36 marks out of 100. It is stated that after re-assessment the examiner granted only one mark to the question for which the petitioner claimed four marks on the basis of alleged overwriting. It is stated that on revaluation also, the petitioner had secured only one mark for the said answer. It is stated that it would not be within the domain of this Court to grant one additional mark to the petitioner, for making the petitioner eligible for the final year examination.

On hearing the learned counsel for the parties and on perusal of Ordinance 7 which deals with the amendment of results, it appears that the said Ordinance would not apply to the case of the petitioner. The answer sheet of the petitioner was re-assessed after the petitioner sought the revaluation and after revaluation the petitioner secured 36 marks out of 100 in the concerned subject. Though it is the case of the petitioner that during original assessment, the petitioner appears to have secured four marks for a particular answer, it is observed that even after revaluation the petitioner has secured only one mark for the concerned answer. It is rightly submitted on behalf of the respondent / University that this Court cannot sit in appeal over the marks awarded to the petitioner by the valuers who are experts in the subjects. Merely because the petitioner requires one additional mark for securing the grace marks for clearing the sixth Semester in the subject of Machine Tool Engineering, we would not be in a position to direct

the respondent No.1 to grant the additional mark to the petitioner by taking recourse to Ordinance 7 of the University, especially when Ordinance 7 would not be applicable to the case in hand.

In the result, the Writ petition fails and is dismissed with no order as to costs.

(C.V.Bhadang J.)

(Vasanti A.Naik J.)