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

WRIT PETITION NO. 6404 OF 2015

1. Suraj Arjun Kashid,
Age: 19 years, Residing at 101, Sector 29,
Agroligaon, CBD Belapur,
Navi Mumbai.

2. Shweta Jitendra Ruke,
Age : 21 years, Residing at Flat No. 301,
Godawari Apartment,
Plot No. D/10, Sector 29,
Agroligaon, CBD Belapur,
Navi Mumbai.

Petitioners...

Versus

1. The State of Maharashtra,
Through the Secretary,
Department of Education,
Mantralaya, Mumbai 400032.

2. The Commissioner,
Maharashtra State Council of Examination,
17, Dr. Ambedkar Marg,
Pune 411 001.

3. The Director of Education,
Maharashtra State, Pune.

4. The Divisional Deputy Director of Education,
Mumbai Division, Jawahar Balbhawan,
Churni Road, Mumbai 400004.

5. M/s. Scholar Typing Institute,
Through its Proprietor,
Dhammaratna Maruti Shinde
Age : 36 years, Having address as Shop No. 30,
Vighnagar Complex, Sector 12,
Kharghar, Navi-Mumbai 410 210.

...Respondents..

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Mr S. S. Punde, Advocate for the petitioners
Mr N. P. Deshpande, Advocate for respondent No. 2
Ms S. S. Bhende, AGP for respondent/State
Mr S. J. Parud, Advocate for respondent No. 5.

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CORAM : **ANOOP V. MOHTA &
V. L. ACHLIYA, JJ.**
DATE : 23rd July, 2015.

ORAL JUDGMENT : (Per Anoop V. Mohta, J.)

. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.

2. By this petition, the petitioners who have appeared for 30 Words Per Minute (W.P.M.) Marathi and English Typing examinations conducted by GCCE/respondent No. 2 in the month of November, 2014, prayed that the result of their examination be declared and accordingly mark-sheets be issued.

3. On 8.12.2010, respondent No. 3 has conferred Government Recognition upon respondent No. 5 – Typing Institute, which was initially for a limited period upto October/November 2011 but same was renewed thereafter. On 22.02.2011, respondent No. 2 considered the proposal of respondent No. 5 and by letter dated 22.02.2011, has allotted Institute registration No. 15441 and typing examination center number 1514 to respondent No. 5 so as to enable it to provide coaching and register students who are appearing for the

Government Commercial Certificate Examinations. On 03.01.2012, respondent No. 3 has extended the Government recognition to the respondent No. 5 – Typing Institute by order dt 03.01.2012 for a period upto April / May 2014, which came to be renewed thereafter. On 23.05.2014, respondent No. 3 conducted an inquiry pursuance of some show-cause notice and by its order dated 23.05.2014, further extended the Government recognition of the respondent No. 5 -typing institute for a period of six months i.e. upto 23.11.2014. In May-2014, the petitioners were taking coaching in the respondent No. 5 – Typing Institute i.e. during May 2014 to November – 2014, when the Government recognition of the respondent No. 5 was very much in force. The typing examination for various speed limits is held twice in a year i.e. in May and November of every year. The candidates who desire to appear for the above examinations are required to fill-up and submit the Forms upto the month of April and October every year to Maharashtra State Council of Examinations. The petitioners have submitted their forms of the said examination through respondent No. 5 which was a Government Recognized Institute. The Maharashtra State council of examinations has accepted and acknowledged the candidature of each of the petitioners for said examinations and allotted separate seat numbers. The Maharashtra State Council of Examinations has accepted the requisite examination fees towards said examination from the petitioners.

4. Respondent No. 3 by its order dt. 26.11.2014, cancelled the recognition of respondent No. 5 – Typing Institute because of non-compliance of prescribed eligibility condition. The submission is made that the management has filed a Writ Petition No. 2810 of 2015, which

is pending in this Court. We are not deciding the said issue as it will be decided by the appropriate Bench. However, the fact is not in dispute that the petitioner completed their training and later on they appeared for the examination in question during the period when the institute was not de-recognized i.e. the Government recognition was in force. The non-compliance of eligibility condition, if any, by respondent No. 5, ought not to have been the reason for non-declaration of the result of the petitioners. All the petitioners have acted bonafidely to join respondent No. 5 and appear in examination conducted by respondent No. 2. The endeavour was also made by management to make compliance as required. In view of that fact that respondent No. 3 conferred recognition upon respondent No. 5 which was in force since 8.12.2010 and extended from time to time till 26.11.2014 i.e. upto the date of passing impugned order of de-recognition, the result of examination can not be withheld by respondent No. 3.

5. Therefore, taking over all view of the matter and that the petitioners have not committed any deliberate act and/or mistakes and the petitioners have acted bonafidely to join the Institute and appear for examination conducted by respondent No. 2, we are of the view that the relief so claimed by the petitioners should be granted. Accordingly, the petition is allowed in terms of prayer clause B, which reads thus:

“B) This Honourable High Court be pleased to issue Writ of Mandamus and or any other appropriate Writ Order and/or direction in the nature of Writ

directing Respondents to forthwith declare and release the Results of the Petitioners who have appeared for the 30 Wrds Per Minute (30 W.P.M.) Marathi and English Typing Examination held in November 2014 thereby further issuing appropriate Mark Sheets and Certificate towards results of the Said Examination.”

6. Respondent No. 2 is directed to publish/declare the on-line result of the petitioners latest by tomorrow i.e. 24th July, 2015.
7. Rule made absolute in above terms with no order as to costs.

[V. L. ACHLIYA, J.]

[ANOOP V. MOHTA, J.]