

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3000/2014.

Saib Nadeem Abdul Naim and others.

VERSUS

The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
AND A.P. BHANGALE, JJ.

DATED : FEBRUARY 13, 2015.

Heard Shri Tushar Tathod, learned Counsel
for the petitioners, Shri N.R. Rode, learned A.G.P. for
respondent nos. 1 and 2 and Shri P.B. Patil, learned
Counsel for respondent no.3.

Three petitioners before us claim 12
additional marks for 12 questions of which answers
were wrongly given in the question papers.

It is not in dispute that total 200 questions

were to be solved and in order to succeed, a candidate has to secure minimum 110 marks. In addition, from Science category he has to secure 50%.

Effort of Shri Tathod, learned counsel for petitioners is to demonstrate that the petitioners have secured more than 110 marks. As 5 questions out of 12 pertaining to Science carry 5 marks, if those 5 marks are added to their tally, they also clear second hurdle of securing 50% marks in Science subject.

Learned Counsel appearing on behalf of respondent no.3 is disputing this. He has today produced before the Court a Pursis with a copy of letter dated 01.12.2014, sent by the respondent no.3 to its Counsel at Nagpur. He submits that petitioners had solved 7 questions correctly and therefore, were already given 7 marks, as such there was no question of adding 12 marks to their tally.

During hearing Shri Tathod, learned counsel states that petitioner has attempted to obtain copy of answer sheets, but, the same were not made available.

Some disputed questions arise. First one is, whether petitioners have attempted all 200 questions ? Second is, whether they have attempt the wrong questions? And third one is, Whether they have answered some of the wrong questions correctly and were already given marks for those questions ?

In Writ Petition as filed, there is no pleading in this respect.

Respondents have also not filed any clear reply on this point. The material placed with pursis cannot be looked into, as it is not supported by affidavit.

In this situation, we find that interest of justice can be met with by directing the petitioners to appear before the respondent no.3 on 09.03.2015. On that date, respondent no.3 shall show to petitioners their answer papers and thereafter, verify whether the petitioners have been given necessary marks, whether originally or then additional marks against so called wrong questions or answers. Final result of petitioners shall accordingly be modified after this

exercise, if any.

With these directions and keeping all rival contentions open, we partly allow the Writ Petition and dispose of the same. No costs.

JUDGE

JUDGE

Rgd