

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8658 OF 2016

Rajshree Neelam Tukral

.... Petitioner

Vs.

Secretary,
Maharashtra State Board of
Technical Education & Anr.

.... Respondents

Mr. A.A. Garge i/by Mr. Jitendra H. Oak for the
Petitioner.

Mr. R.V. Govilkar for Respondent No.1.

Ms Sushma Bhende, AGP, for Respondent No.2.

CORAM: S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : JULY 27, 2016

P.C:

1. We have heard Mr. Garge, appearing for the
petitioner.

2. With his assistance we have perused the entire
petition carefully and together with the annexures. We cannot
grant any relief only on sympathy. Sympathy does not displace
law and particularly the rules in academic cases.

3. The petitioner's result/statement of marks at page 16, admittedly, reveals that in one subject - Mobile Computing - she obtained 28 marks, which is much below the minimum mark out of 100 required for passing in the subject.

4. As a result of this, she was declared failed. The petitioner may have attempted re-assessment or revaluation, but in that as well there has to be a difference of 10% and more. Meaning thereby, 10% of the marks earlier granted have to be obtained in the revaluation. Admittedly, the petitioner does not get that 10%. Further admittedly, the petitioner cannot be given any grace mark so long as, on her own showing, she fails to obtain 30 marks. If the minimum marks for passing in the subject are 40 and on revaluation the petitioner had obtained 30 marks, there is no change in her result. These are the rules made by the academic bodies and we do not find anything arbitrary or *mala fide* about them. They are not made or targeted at any particular student nor there is an intention to go on failing students indiscriminately. In the circumstances, we do not find

that this is a fit case for interference in writ jurisdiction. The writ petition is dismissed.

(DR. SHALINI PHANSALKAR-JOSHI, J.)

(S.C. DHARMADHIKARI, J.)