

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10278 OF 2015

Akanksha P. Ranade

.... Petitioner

V/s.

State of Maharashtra,

Through the Department of Higher Education,

Mantralaya, Mumbai & Ors.

.... Respondents

Mr. N.G. Helekar for the Petitioner.

Mrs. M.P. Thakur, A.G.P., for Respondent Nos.1
and 2 – State.

Ms. Gauri R. Raghuwanshi for Respondent No.5.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 4TH APRIL 2016.

P.C. :

1. Heard learned counsel for the respective parties.
2. By this Petition, under Article 226 of the Constitution of India, the Petitioner has challenged the letters dated 26th June 2015 and 1st July 2015 issued by Respondent Nos.5 and 6, respectively. By the said letters, the Petitioner was held “not-eligible” for admission to the Course of B.Ed.

(Special M.R.). The Petitioner was held ineligible on the basis that Petitioner has got 583 marks out of total 1200 marks and thus has got less than 50% marks at graduation level in B.A. Degree Course from the S.N.D.T. Women's University.

3. Mr. Helekar, learned counsel for the Petitioner, submits that the said decision is taken on the basis of the mark-list produced at Exhibit-A (Page No.14) to the Petition. He submits that, while totaling the marks, the marks obtained by the Petitioner in English subject were not calculated. He submits that 583 marks obtained by the Petitioner in the said B.A. Degree Course were out of 1000 marks and, therefore, Petitioner has got more than 50% marks and, therefore, she has to be admitted to the said B.Ed. Course. The Petitioner, in this regard, has placed on record letter dated 5th October 2015 received from the Controller of Examinations of S.N.D.T. Women's University. The letter shows that, as per University Rules, the marks obtained at B.A. Part II - III, subjects C.C., English Examination, are not taken into account for the purpose of awarding class. The letter also states that, therefore, English C.C. 2 (H.L.)(1201) and English C.C. 3 (H.L.)(1301) are neither taken into account for the purpose of award of class, nor included in the grand-total of the Petitioner. It was further observed that the marks obtained by the Petitioner at B.A. Part II and III

are out of 1000 marks, which are equal to 58.30%. The copy of the said letter is given to learned counsel for Respondent No.5.

4. The learned counsel for Respondent No.5 fairly accepted the above position and, having taken instructions, makes a statement that Petitioner would be given eligibility by Respondent No.5 and, accordingly, her result would be declared.

5. In the above circumstances, the impugned letters dated 26th June 2015 and 1st July 2015 issued by Respondent Nos.5 and 6, respectively, are quashed and set aside. Respondent No.5 is directed to give the Petitioner eligibility and thereafter declare the result within one week from today.

6. Petition is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]