

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**WRIT PETITION NO. 525 OF 2016.**

(Shri Rohit Parasram Bagde .vs. Rashtrasant Tukdoji Maharaj Nagpur University
& another)

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

Mr. U.P. Dable, Advocate for petitioner,
Mr. S.P. Bhandarkar, Advocate for respondent no.1,
Mr. W. Mathews, Advocate for respondent no.2.

CORAM : B.R. GAVAI & P.N. DESHMUKH, JJ.

DATED : FEBRUARY 25, 2016.

Taking into consideration the unusual circumstances in the present matter, we were required to pass an unusual order on 16.2.2016. We are of the view that on account of callous and casual attitude on the part of the examiners as well as the persons who had done revaluation, the petitioner was unnecessarily required to approach this Court. Taking into consideration the fact that for question no. 10 six marks were shown and for question no. 6 no marks were shown and as a matter of fact there was no valuation of question no. 10, we had called the Controller of Examinations in the Court. We had requested him to get the paper revaluated by two independent valuers. We had also directed that six marks should be shifted to question no. 4.

Dr. Neeraj Khati, the Controller of Examinations is personally present in the Court. He has brought the valuation

report in the sealed cover. Upon perusal of the valuation, it could be seen that the petitioner has been granted ten marks for question no. 10. The total is, therefore, 33.

It is not in dispute that the petitioner has passed in all other papers. It is also not in dispute that the petitioner would be at least entitled to two marks as grace marks. In that view of the matter, the petitioner would have to be declared as passed in the paper of "Quantitative Techniques".

Dr. Neeraj Khati, the Controller of Examinations, who is personally present in the Court, states that corrected mark-list would be issued to the petitioner within a period of one week from today.

Taking into consideration that on account of a cavalier attitude of the respondents, the petitioner was deprived of appearing in the third semester, we direct the University to allow the petitioner to simultaneously appear for third and fourth semester. We further direct the respondent no.2 college to complete the necessary formalities as required by the University so as to enable the petitioner to appear for ensuing third and fourth semester examinations together.

We also impose costs of Rs.15,000/- to be payable to the petitioner. The said costs be paid by the University to the petitioner within a period of one week from today. We further clarify that in addition to the action that the University proposes to take against the examiner and the re-valuer, the University shall recover Rs.7,500/- each from the examiner and the re-valuer on account of whose callousness and casualness, the petitioner has suffered.

With the above observations and directions, the writ petition stands disposed of.

J. Judge

Judge