

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2258/2016

(Ku.Pallavi D/o Bhojraj Amle vs. Union of India and others)

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

Court's or Judge's order

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Mr. S.R.Charpe, Advocate for petitioner
Mr.Ambarish Joshi, counsel for Respondent nos. 1 to 3
Mr. N.R.Rode, Assistant Government Pleader for Res. Nos. 4 to 7

CORAM : **SMT. VASANTI A NAIK &**
MRS. SWAPNA JOSHI, JJ.

DATED : **5th August, 2016**

Heard.

By this Writ Petition, the petitioner challenges the action on the part of the respondents to declare the petitioner as failed in the second semester examination of All-India Trade Test, held in July 2015.

It is the case of the petitioner that the result of the second semester of All-India Trade Test held in July 2015, was declared and the petitioner was declared to have passed the said examination. In the mark-sheet that was prepared on 13.10.2015, the petitioner has secured 14 marks in the subject of Employability Skills. However, according to the petitioner, on the same day, the mark-sheet was amended and the petitioner was stated to have failed in the subject of Employability Skills, as according to the second mark-sheet the petitioner had secured only five marks. It is stated that that it is necessary for a student to secure at least 12.5 marks for passing the subject of Employability Skills. It is stated that if the answer sheet of the

petitioner is re-assessed, it could be seen that the petitioner has correctly answered the questions that would fetch 7.5 marks. It is stated that if the petitioner is granted 7.5 marks by correctly checking the answer paper of the petitioner in the subject of Employability Skills and if the petitioner is then granted grace marks, the petitioner would be able to secure 12.5 marks, that are the minimum marks for passing the subject of Employability Skills.

We are afraid, the relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction. It would not be for this Court to consider whether the petitioner has answered some of the questions correctly or not. There is no illegality in the action on the part of the respondents in correcting the mark-sheet on 3.10.2015 as, admittedly in the paper of Employability Skills, the petitioner had secured only five marks in the examination conducted in July 2015. By filing this Writ Petition, the petitioner is first seeking a direction against the respondents to increase the marks of the petitioner to 7.5 by reassessing her answer paper and then granting additional marks as grace marks, so that she could pass the examination. It would not be for this Court to consider whether the petitioner has answered the questions for 2.5 marks correctly and still the respondents had granted her less marks. Since the relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction, the Writ Petition is liable to be dismissed.

The Writ Petition is dismissed as such, with no order as to costs.

JUDGE

JUDGE

C E R T I F I C A T E

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