

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

WRIT PETITION NO. 4940 OF 2016

Shrikrushna s/o Vinayak Mukund

-vs-

The State of Maharashtra, thr.its Secretary, Department of Education and others

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

Court's or Judge's Orders.

Mr. D.I.Jain, counsel for the petitioner.
Mr. I.J.Damle, AGP for the respondent No.1.
Mr. R.R.Puri, counsel for the respondent No.2.
Ms Dipali Sapkal, counsel for the respondent No.4.

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

DATE : 17.11.2016.

By this writ petition, the petitioner seeks a direction to the respondent-Board to revalue/recheck the answer-sheet of the petitioner in the subject of physics so that the petitioner could be declared successful in the third year examination of Polytechnic Course.

According to the petitioner, the petitioner secured only 27 marks out of 100 in the subject of physics in the third year examination of the Polytechnic Course. It is stated that if the answer paper of the petitioner in the subject of physics is checked according to the model answer paper, the petitioner would be entitled to 10 marks more and the score of the petitioner would be enhanced to 37. It is stated that though there is no provision for revaluation of the answer-sheet, a direction may be issued against the respondent-Board to revalue the answer-sheet of the petitioner in the subject of physics so that the petitioner could be declared successful.

On hearing the learned counsel for the parties and on a perusal of the rules pertaining to the Polytechnic Course, it appears that the relief sought by the petitioner cannot be

granted. The petitioner had applied for rechecking/revaluation after he was declared to have failed in the subject of physics as the petitioner secured only 27 marks out of 100. Since there is no provision for rechecking/revaluation, the respondent-Board rightly refused to recheck or revalue the answer-sheet of the petitioner in physics. It is held by the Division Bench at the Principal Seat in the order dated 27/07/2016 in Writ Petition No.658 of 2016 (Rajshree Neelam Tukral v. Secretary, Maharashtra State Board of Technical Education & anr.) that the rules made by the academic bodies need to be complied with unless they are arbitrary or *mala fide*. It is held that when rules are not made or targeted at any particular student and when the authorities do not intend to fail the students indiscriminately, the rules need to be strictly complied with. In the absence of a rule providing for rechecking or revaluation of the answer-sheet, a direction cannot be issued against the respondent-Board to revalue the answer-sheet of the petitioner in the subject of physics. It is also held by this Court in the judgments reported in 2016 (4) Mh.L.J. 84 (Sanchita Sunil Bhadani Vs. Principal, Ramrao Adik Institute of Technology, Navi Mumbai and others) and 2016 (5) ALL MR 229 (Aishwarya V. Jain Vs. Maharashtra State Board of Technical Board Mumbai & Ors.) that normally the court would not interfere in academic matters.

Since the relief sought by the petitioner cannot be granted, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE