

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1741 OF 2017

Ranjeetsing s/o. Babasing Bayas,
Age : 24 years,
Occ. Nil – Student,
r/o. Chittod Niwas,
Aashirwad Nagar,
Ambad Road, Old Jalna,
Jalna

..Petitioner

Vs.

Savitribai Phule Pune University,
Ganesh Khind, Pune,
Through its Registrar (SET Section)
and anr.

..Respondent

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Mr.A.S.Deshpande, Advocate for petitioner

Mr.V.P.Golewar, Advocate i/b. Mr.A.R.Joshi,
Advocate for respondent no.1

Mr.Alok Sharma, Advocate for respondent no.2

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : MAY 03, 2017

ORDER :

Mr.Deshpande, learned Counsel for the
petitioner submits that the petitioner appeared
for State Eligibility Test for Assistant Professor

(SET) conducted by respondent nos.1 and 2. The petitioner inadvertently failed to mention test booklet code on the answer sheet by darkening/shading the same and putting it manually. The learned Counsel submits that the result was declared and the petitioner was awarded Zero marks in Paper II. The petitioner on 08.09.2016, requested to re-asses his performance, however, no cognizance was taken by the respondents in that regard.

2. The learned Counsel for the petitioner submits that the petitioner has qualified himself for the National Eligibility Test (NET), he has also passed Ph.D. Entrance Test (PET) in 2015 and also passed GATE on 23.03.2016. According to the learned Counsel, the petitioner has a meritorious academic record. He secured Gold Medal in M.Sc. (Zoology) and stood first in the order of merit in Dr.Babasaheb Ambedkar Marathwada University.

3. The learned Counsel further submits that immediately after coming out of the examination hall, the petitioner had realised the fact, that inadvertently he had not mentioned the Test Booklet Code and as such, he approached to the Invigilator. The Invigilator told the petitioner that there were number of candidates who had forgotten to mention the Test Booklet Code and sufficient care would be taken so that the candidates would not suffer. The petitioner relied on the said statement of the Invigilator.

4. According to the learned Counsel for the petitioner, subsequently, it is observed by the petitioner that there were many candidates who had not mentioned the Test Booklet Code or mentioned wrong Test Booklet Code, their answer sheets were assessed and subsequently, a list came to prepared as late as on 30.01.2017. The learned Counsel submits that the petitioner has been discriminated. The statement of the respondent,

that only 15% top candidates are qualified and if the petitioner's case is considered, then one person, who was already declared qualified, will have to be deleted, is not good and proper inasmuch as, after declaring 15% qualified candidates on 07.09.2016, again there is a list of 673 competent candidates who are held to be qualified. The learned Counsel submits that there is no impediment for the respondents to re-assess the answer sheet of the petitioner.

5. Mr.Golewar, learned Counsel for the respondent no.1 submits that the stages of assessment of answer sheets and declaration of results thereof are given. The candidates whose answer sheets are assessed though they had mentioned incorrect test booklet code, such candidate had submitted their applications before declaration of the result and only those applications were forwarded to U.G.C. and their answer sheets were assessed. He submits

that the petitioner did not apply prior to declaration of the result.

6. We have considered the submissions. Instruction no.7 on the Admit Card states that the candidates shall ensure that the Test Booklet Code is written and shaded at appropriate place on the answer sheet for Paper II and Paper III only. It is not disputed that the petitioner had not mentioned his Test Booklet Code on paper II and inter-alia, was declared as not qualified and so, he was given Zero marks. The instructions issued by U.G.C. lay down the manner in which, examination is to be conducted and the stages to be adhered to, which are as under :-

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2. The University Grants Commission has also relaxed the minimum required marks in Paper-III for the OBC (Non-creamy layer) category for being considered in preparation of result of NET for eligibility for Assistant Professor. In

other words, the OBC (Non-creamy layer) category is required to obtain 35%, 35% and 40% marks in Paper-I, Paper-II and Paper-III respectively for being considered in preparation of result.

For sake of clarity, the steps involved in preparation of result are outlined below.

Step I : Minimum marks to be obtained in NET and SET for considering a candidates for eligibility for Assistant Professor. The candidates are required to obtain following minimum marks separately in Paper-I, Paper-II and Paper-III as given below:

Category	Minimum Marks (%) to be obtained		
	Paper-I	Paper-II	Paper-III
General	40 (40%)	40 (40%)	75 (50%)
OBC (Non-creamy layer)/PWD/SC/ST	35 (35%)	35 (35%)	60 (40%)

Step II: Amongst those candidates who have cleared step I, a merit list is prepared subject-wise and category-wise using the aggregate marks of all the three papers secured by such candidates.

Step III: Top 15% candidates (for each subject and category), from the merit list mentioned under step II, are declared qualified for eligibility for Assistant Professor.

These modifications have been reflected in the notification for UGC-NET to be held in 2014. A copy of the same is enclosed.

The SET Agencies are requested to incorporate all these provisions in the future notifications for SET."

7. As the petitioner had not applied for re-assessment of his performance prior to declaration of the result, the case of the petitioner was not considered by the respondent for re-assessment of his answer sheet. As per step III, as reproduced supra, top 15% candidates for each subject and category from the merit list mentioned under step II, are declared qualified for eligibility for the

post of Assistant Professor. The same has already been determined.

8. We would have considered the case of the petitioner, had the petitioner applied for re-assessment of performance prior to declaration of the result. The contention that the supplementary list is prepared subsequently on 30.01.2017 may not be the answer, as the respondents are required to adhere to the steps laid down by the U.G.C. notification i.e. to consider only top 15% candidates from the merit list mentioned in step II. The said stage is already over long back.

9. Considering the above, no relief can be granted to the petitioner. The Writ Petition stands disposed of.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]