

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2982 OF 2012

Bhagwat S/o Kalidas Karad and others

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr. S.S. Thombre advocate for the petitioners

Mr. S.B. Yawalakr, AGP for Respondent No.1.

Mr. A.R. Nikam advocate for respondent No.2.

CORAM : **R. M. BORDE & VIBHA KANKANWADI, JJ**

(Date: December 11th, 2017)

PER COURT :-

1 The petitioners, on acquiring of training qualification, prescribed for the post of primary teachers, appeared for the common entrance test, with a view to secure employment as Shikshan Sevak in the State. The process of examination was initiated in 2009-2010 and pursuant thereto results were declared on 1.6.2010. The petitioners were adjudged as unsuccessful candidates. The petitioners contend that, there were certain complaints made by the unsuccessful candidates in respect of process of examination. The Division Bench at Principal seat at Mumbai, taking note of a complaint made in Writ Petition No.1829/2010 directed respondent No.2 to constitute an expert's committee, to look into the grievance of the candidates.

The petitioners contend that, the marks secured by them are liable to be revised and they ought to be declared to have qualified themselves at the examination.

2 An affidavit in reply has been presented on behalf of respondent Nos.2 and 3 by the Superintendent of Maharashtra State Council of Examinations, Pune. It is stated that in pursuance to the directions of the Bombay High Court, an expert's committee was appointed, which has conducted re-verification of the marks. The respondent authority has re-assessed the papers of the petitioners and the marks secured by petitioners Nos.1 to 6 and 8 have been upgraded. However, they fail to achieve the prescribed benchmark. The cut-off marks applicable for the respective category of the petitioners were not achieved by them. So far as one of the petitioners i.e. petitioner No.7, secured 121 marks at the examination in English Medium category; where-in the cut-off prescribed is 90 marks and as such, his name has been included in the list of successful candidates. So far as the other petitioners are concerned, they have not achieved the requisite benchmark and as such even after reassessment of the papers and the revision of marks, their names are not liable to be included in the list of successful candidates.

3 The explanation tendered by the respondents is reasonable and proper and based upon re-verification of the answer papers of the petitioners.

4 In exercise of extraordinary jurisdiction under article 226 of the Constitution of India, no interference is called for. The petition is devoid of substance and hence stands rejected.

(**VIBHA KANKANWADI, J.)**

(**R. M. BORDE, J**)

vbd